JANUARY 8, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 8, 2001 with Chairman John Martin and Commissioner Stowe and Commissioner McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
No citizens came forward.

ADMINISTRATOR'S UPDATE
Ed Green gave his update that included the following:

a. Employee of the month - Sandra Barnett
This month we recognize a 15 year employee who is an integral part of Public Health Nursing. Sandra Barnett supervises the Glenwood Public Health Office and is responsible for delivering a comprehensive set of Public Health Services to the eastern part of the County, including immunizations, communicable disease education, tracking and control, well child health care, special child health care needs, and WIC. Sandy is driven to provide high quality services to her clients, and she imparts those standards to all of her staff. She is a dedicated County Public Health Nurse, and Mary Meisner says she counts it a privilege to have a person with such strength of character and conviction on her staff. Because of her tireless dedication to the County Health Program and her conviction, it's my pleasure to present Sandra Barnett as this month's Employee of the Month.

b. Maintenance Contract for Computers
Ed said that our first award of a maintenance contract for computers was on a noncompetitive basis. This year we had the opportunity to bid the requirement. A selection committee consisting of six users throughout the County was assembled to evaluate the bids that were received. Tim's here to present the committee's recommendations and obtain your approval. Tim introduced Mike Wynn and Robert McNutt from Desk Top Consulting. We have been through the bids sent out to all the local people and we had three people who showed interest. They are also the ones who have already been setting up our server and everything, so we'll have Internet and e-mail. This is set up on an as needed basis for an amount not to exceed the $30,000. Tim said yes. Commissioner McCown asked if the existing service been satisfactory? Tim said some people aren't satisfied. We're just getting into some new stuff now that's going to require knowledge to set all this stuff up, and these guys have set a lot of this stuff up at the hospital. They seem to be able to help the sheriff more when he has problems. Commissioner Stowe asked if we anticipate the $30,000 carrying us through the year unless we have a major snafu? Tim said we didn't even use that much last year. Chairman Martin asked if the Court system uses this system or are they separate? They have WordPerfect Eagle. Mike Wynn said we've had several telephone conversations with Eagle concerning the mail server, the rewiring of the building, and the Internet access. I'll be speaking with them more this week as we start to implement the mail server and start cutting over Eagle's equipment to the new wiring in the next few weeks. Commissioner McCown asked if this would be involved in setting up the new computer system in the jail? Mike said that's mostly being handled by the sheriff's office.
Motion
Commissioner McCown made a motion that we approve the contract with Desk Top Consulting, Inc. in an amount not to exceed $30,000 for the year 2001; Commissioner Stowe seconded the motion; motion carried.

c. Public Health Nursing Service Immunization Contract

The State has forwarded to us for execution its annual contract for immunization services to be performed by the Public Health Department. The contract is for $6,570 which is meted out in 12 equal payments of $548. In exchange, we agree to provide immunization education, client reminder activities, expand our clinic hours so that they can have one evening a month and one weekend a month as well. I've looked at the contract and it looks fine.

Motion

Ed stated it's standard boiler plate contract and I recommend the Chairman be allowed to sign. Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

d. 2001 Ambulance Agency Licensing

We have an annual requirement to renew the Agency Ambulance Licenses throughout the County, and we have such licenses for your consideration today. Dale said he is presenting for signature multiple licenses for each agency. It represents the licensing for Carbondale, Glenwood Springs, Grand Valley Fire Protection District, Silt, and Rifle. I would ask that the Chair be authorized to sign the licenses providing each agency with the authority to operate emergency medical services in Garfield County for the year 2001. Commissioner Stowe so moved; Commissioner McCown seconded; Chairman Martin asked for discussion. Commissioner Stowe asked what about New Castle? Chairman Martin said except for New Castle, for which we'll get an explanation, all those in favor?; motion carried. Dale said there is a new ambulance board in the Town of New Castle that was not able to contact the ambulance inspector in a timely fashion. Dale talked to them this weekend. We should have it inspected this week and he asked the Board provide them with a provisional license to operate for the first 7 to 10 days in the year 2001 under the 2000 license so we can take care of the inspection of the rigs. Commissioner Stowe said what about the first three weeks. Dale said the first thirty days would cover us; go to January 31st.

Motion

Commissioner McCown suggested that while we're doing that let's authorize the Chair to sign; Commissioner McCown so moved; Commissioner Stowe seconded; motion carried. New Castle came in later and was signed by the Chairman.

e. Request by a Private Citizen to Close a Portion of County Road 298

Tom, Marvin and Kenny here to discuss a request by a private citizen to close a portion of County Road 298, Smith Bellio Road. The road leads up to some BLM property. It's been a County Road and it's on the County Road HUR. We'd like to request that the road remains open. There were some concerns about some trash dumping by the citizen that would like to close it. I think what we need to do is go up there and take that trash to the landfill and clean it up and post no dumping signs and take care of the problem. Marvin - Craig and I toured it with Mr. Bellio. There is another access into the BLM, but this time of the year you would have to chain up and you'd probably slide off of the road. It's not a real good access. It does access a lot of BLM land. In the past the County and BLM and several organizations around the community have cleaned it up. Commissioner Stowe said it would be a good work project for the sheriff's Workenders, etc. Ed Green said we budgeted $12,000 in the landfill for specific cleanups during the year to go around and attack areas like that. Commissioner McCown said isn't that just the fees; it's not to physically to the cleanup is it? Ed said his understanding was to do the cleanup. Ed said it's just money we'd set aside in the budget in order to accomplish that cleanup. Marvin said there are three or four tandem loads right there that we can get a loader to it's already piled up; we can go in there when we have time and clean up pretty easy. Chairman Martin said he thought he was talking about the first quarter mile that needs to be graded and cleaned up road wise and put something on there because it's so muddy. It's a party spot for a lot of the kids. Tom - we also got a letter from the BLM supporting leaving that road open.

Motion

Commissioner McCown made a motion that County Road 298 remains open and cleanup proceed as time prevails; Commissioner Stowe seconded; Commissioner McCown continued with, contacting the Weekenders, getting all volunteer entities that we can. Marvin said he would advise Mr. Bellio of the action and get in there and do some road improvements. Mr. Martin said he thought Mr. Bellio would be happy with the road improvements and the cleanup. We might have to request the sheriff's office after we get that done to make a trip up there every now and then. Motion carried.

f. Request to Vacate a Right-of-way at Main Elk

Chairman Martin said we've had a request to vacate a right-of-way at Main Elk. There's some deeded right-of-way along the roadway but it's elevated and the owner is now asking to vacate. We need to have a review if it's feasible to keep it or to let it go back. Tom - can you get that information to us? Chairman Martin said he had a map.

g. Proposed Gate for the Pier in Rifle

Ed Green said we wanted to include pictures of the proposed gate that we have for the pier in Rifle and you can see that in your packet. Marvin thought that came off of the old jail in Silt. Ed thought we needed to throw some paint on it. Tom - we'd had an idea on this gate; one of our foreman had suggested that maybe we could turn that pier into a fishing dock of sorts if we could get some funding through the DOW. Commissioner McCown said proceed cautiously with that along with establishing those kind of things often goes the liability. The overall liability of someone falling off of your dock and drowning.

h. Janitorial Service Contract

We currently have a very good evening janitorial staff, however, in recent years, it's been difficult to retain good staff and to train them and to supervise them. At times in the past the work has been inconsistent. Certainly not now though. We had an opportunity to complete this requirement and see how the numbers from an outside contractor would mesh with ours. It's basically a push. Richard and Tim are here to discuss the issue and make a recommendation to you. Tim - we did go out to bid on it. We received two bids back after we had a walk-through. Ballinger Cleaning Service has been doing quite a few in the area and it seems like he's very capable of doing this job for us. What it will entail is the same things they're doing right now except it will have people hired to do our cleaning. The $50,000 is a little high because we left a little money in there in case they had to come back and do special cleaning. For example, if you have a special meeting in here and they have to come back and clean it. He will have a fidelity bond on his employees, and they will do a background check for the sheriff and all of the stuff before they get started in February. Commissioner McCown asked if the current employees would go to work for this company? Commissioner Stowe said, if they choose. The option is theirs. We're going to have to monitor them for awhile and make sure that they do what they are supposed to do. It's just like a regular employee; you have to make sure you monitor them. Commissioner stowe- the good news was that Rich doesn't have to train them. Commissioner McCown asked if this whole thing was a push cost wise? Yes. Commissioner Stowe- what you're saying is we currently have three and we're eliminating two positions in exchange for this. Yes.

Motion

Commissioner Stowe motioned to approve the service agreement with Ballinger Cleaning Services in the amount of $50,000 for the year 2001, and that we review this at the beginning of next year and see how happy we are with it; Commissioner McCown seconded; discussion? Commissioner McCown asked when will this become effective? Tim said February 1st. The $50,000 is for the whole year. Commissioner McCown said, it's an amount not to exceed? Commissioner Stowe said he amended his motion to so reflect; Commissioner McCown seconded; motion carried.

i. Adjustments to the Site Plan by Riley Johnson

Ed Green said he had a few recommendations from the Board to make adjustments to the site plan by Riley Johnson, and Mark is here to present those changes to you. Mark Bean said per our last discussion, Bob Johnson made the adjustments here. The building 5, the Road and Bridge Office/Shop, the one thing he did do there at our request was adjust the size of the building based on our last discussion, previously it had been a 250' long building. At the last discussion we had, we decided on a 275' building. Other than that, he did what we asked him to do. He wanted Mark to note that the area on the south side is going to be the more difficult area to work on where the Courts are because of the steepness of the slope. Mr. Johnson feels a lot of dirt is going to have to be moved there in order to flatten it out. Mark told him we were aware of that. Commissioner McCown said the terrain there is definitely not any worse or not as bad as the area where the Road and Bridge Shop will be. Mark said he's wondering about their topo. These were approximated topo lines. One of the next steps we need to take, assuming this is acceptable to you, would be to actually have someone go out and do a site specific map so that we can do all of the drainage work and everything else. Bob's last requirement here is to come up with the cost estimates for some of the construction. That was part of his agreement, assuming you wanted him to go forward with that. He was

waiting here to make sure you were in agreement on the site plan. Mark said his next step, if the Board is in agreement here, is to take this to the City of Rifle. That's part of our agreement with them to present it to the City of Rifle and also we would need to rezone the property. Presently it's a part of the Rifle Airport PUD and is zoned slightly differently in terms of the uses there. We want to make sure that we have a public services or something community services zone for that area. We'll need to do that in the ensuing months. Commissioner Stowe asked if Riley Johnson was working on a month by month basis? How are we paying them? Mark said they had a fixed price contract. Commissioner Stowe asked if it would include the future? Is he still within that? He hasn't exceeded that? Mr. Johnson knows he has this last step to do in terms of getting us the numbers. Mark said he would ask Mr. Johnson to submit a bill, and if this is agreeable, he'll ask for additional copies of the site plan, so that we can present it to the City of Rifle. Commissioner McCown said this probably serves the future needs better than the other plan did. Chairman Martin agreed. Commissioner McCown said it's what he had in mind. Commissioner Stowe agreed. Mark said, so we're in agreement and he'll ask Mr. Johnson to finalize this and go from here.

j. Update on the Henry Building

Ed - before we take on the last objective, Randy and Jeff are here to talk about an update on the Henry Building. Ed put a schematic in your file which talked about the resolution of the second stairway. Randy - at the last meeting we had in regards to talking about these stairways from the second floor to the main floor, the Board had raised a few questions in regards to where we located the stairs. We looked at several other options as was suggested. One was to take it down to that northeast corner office and go through there. What happens when we do that, that will take the stairs and basically pushes it down to those other two offices in the back. It also adds another door, so we'd end up having at least three doors on that side. The other option was to go through that hallway, come down through the middle, and that took more room off of the main floor. We had Chuck look at this, but the other thing was we got with Mildred and we looked at leaving where the stairs is now, keeps that one door in there, but we had, if you can see on the drawings where the columns are, we initially had the counter at those columns. What we did was move that over towards the west, decrease the service area and increased her work area by another four feet, so basically she keeps the same square footage in her work area. That appears to be what works out best for all parties, and she gains a little bit of storage under the stairs. If we did the some of the other options, we would have had more structural work we'd have to do to support the stairs. Jeff said he'd been in constant contact with Chuck Brenner and we're looking at a February 8th bid opening. Then end of construction by June 1st, is the schedule. Chuck's response to this is he doesn't see any problems whatsoever, getting plans ready, he says we're real close right now with the mechanical and electrical. He's finished as far as the architectural designs go. At this time, these dates seem very secure. Chairman Martin asked if there were any concerns from the Commissioners.

k. Update on the Waterline at the Fairgrounds

Ed Green asked Jeff to give an update on the waterline at the fairgrounds. Jeff said, in reference to the water line at the riding arena, we do have some sand in there. The rest of the sand is ready to be picked up today. Chairman Martin asked when it would be open. He said he had ten phone calls this last weekend; people are lining up. Jeff said right now they're trying to satisfy the Rifle Fire District. To do that we need to get this 8" out there for the fire system to meet fire flow standards. As of this time, I've been in contact with Integra Engineering out on the front range. They're doing the detail work for the connections of this water main improvement. Once we have that, I've got Gould waiting in the wings. As far as he knows at this date, unless something changes which we know how construction goes, he has time this month to go out there and construct this line. As soon as I get these details which I'm hoping today or tomorrow, I can get with Gould Construction. I want to get with the City of Rifle and let them know what we're going to do. Commissioner McCown asked where this line was coming off of? Jeff said it's 12th street on the north side there. We're going to come straight back towards the riding arena. Commissioner Stowe asked if they've redone that street. They were going to repave that. Commissioner Stowe asked if we've put our stub in before they did that. Yes. Chairman Martin asked Jeff if it would be operational within thirty days? (answer was not clear)

l. 2000 Objectives

Ed provided the Board a copy of the final report on the their progress on the 2000 objectives. Overall we did pretty well. We completed 17 of the 24 projects and finished over half of the work on three others:

those being the Web site and e-mail, fixed asset inventory, and the agreement in principal with DOE to fund the waterline above the aquifer. Two projects, the code book and disciplinary training, were deferred until the next year. One other one involving an outside consultant on 1041 regulations, that work product has not yet been delivered. It's my experience with other organizations is that generally you get about 3/4 of them done and that's about what happened here. The leadership team is meeting right now to determine our 2001 objectives. It's our intent to focus on fewer this year. I think a couple other lessons learned is we need to limit the outside involvement on these objectives because it's sometimes difficult to get outside entities to comply with your time schedule. Commissioner Stowe asked when is your leadership team meeting? Ed said tomorrow afternoon at 1:30 p.m.

m. Update on Tobacco Settlement Money

Ed said he just got an update from Mary Meisner. There is tobacco settlement money, and we are asked to be the pass-through agency for this. And if we're not, then we could risk losing up to $120,000 of these funds. Mary needs your authorization to act as the pass-through agent for this agreement. It's to the Substance Abuse Valley Partnership, through the grant that Jesse and Mary can charge off their time. It pays for our time to be this pass-through agency. It's for substance abuse planning and awareness from Pitkin down to Parachute. Ed said he would presume there would be. Chairman Martin said there has to be some kind of agreement to become the pass-through, so we'll have to see that one. We'll go ahead and give Mary preliminary approval to go ahead and proceed. Don DeFord said one note on the contracts, and you will see this later in your agenda today, if it is truly a pass-through, it usually requires two contracts. One with the state to receive and one with the agency receiving the money, to properly shift the responsibility. Commissioner McCown said he was looking through a contract and it said if it involved Federal money, then your Bacon/Davis kind of things come in. Is this considered Federal money since it's a grant coming from a settlement from the Federal government? Don said he didn't know how this tobacco settlement, how it was structured, whether it remains Federal funds or if it is not in the hands of the state and therefore free of all strings. He said he won't know until he sees the grant agreement. Commissioner McCown asked if it could create some restructuring in pay schedules? Don said it could. One reason that we require the second contract so those compliance issues become the responsibility of the actual spending agency. Ed Green said the Davis/Bacon threshold is $2,000 so almost anything applies. Chairman Martin said we gave a motion to go ahead and allow Mary to proceed with that and to follow up the contract back to us for finalization. It was just instructions, not a motion.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update which included:

Intersection at Buffalo Valley Where County Road 154 Intersects With Highway 82

Several weeks ago a question came to the County about the maintenance condition of the intersection at Buffalo Valley where the County Road 154 intersects with Highway 82 and there's a railroad crossing at that point. I just wanted to let you know that I have discussed this with Bob Noone about three weeks ago and he was going to get with his Board of Directors. I have not heard back from RFHA on that issue, so I did try to get a hold of him, so I don't have a current update on that. Chairman Martin said he'd like to see over the next few years to pave over that so it's a nice smooth crossing; maybe you could suggest that to RFHA in a letter. Don said that verbally that exactly what he told Bob the Board was interested in doing at this point, pending a final decision as to what would be needed for the corridor. That's what he was going to relay to his board. Chairman Martin said he thinks it's very dangerous for the maintenance County road crew going across that with a blade. They won't even drop their blade anymore. Right, Ken? Ken said we haven't dropped a blade at all on that crossing. Chairman Martin said there are some spikes sticking up through that and we need to address that.

Battlement Mesa area resident concerns re: Consolidated Metro District/Recreation Center

John brought to me a series of questions from citizens who reside in the Battlement Mesa area, concerning recent action that's been undertaken by the Consolidated Metropolitan District to acquire and operate the Recreation Center. You may recall some time ago this issue came to you informally in a letter from Matt Dalton who was the attorney for the Recreation District inquiring about whether or not this Board thought there would be the need for any formal action concerning amendments to the service plan. Formal action

would have required that the matter be set for public hearings. This was in their efforts to acquire the Recreation Center and to operate it. At that time after discussion, the Board took the position that we did not think it was such an alteration. Now we have seen some of the questions from the citizens, and one of the very first questions is an inquiry about whether or not you would provide this group of citizens with legal counsel. Don said, I've given you the introduction to this, there are a series of questions, most of which are legal in nature. He didn't know whether the Board wanted to conduct further discussion about this in executive session or if you want it done in public, or how you want to handle this. Don asked how the Board wants his office to handle these inquiries. Chairman Martin said he did not give the series of questions to the other Commissioners; have you referred them? Don said no he has not because first he wants to find out how the Board wants to handle these procedurally with his office. That's why he also doesn't know if you want to do this publicly, but most of the questions concern the legal status of the Consolidated Metropolitan District, and some legal issues about its service plan and its ability to operate. Don is concerned that what we're really being asked to do is take a legal position relative to another governmental entity. Chairman Martin said he'd like to go ahead and get those questions to the other Commissioners before we make a decision; give them some groundwork on what's going on. They can refer to the service plan itself and then ask some questions back to us. We can make a better decision that way. Don said O.K. we'll discuss it next week.

Don said that's all he has for public discussion other than Four Mile Ranch. He does have a number of items for executive session including discussion of a recent claim filed against the County by Mr. Fiero. On that particular claim, representatives of the sheriff's office as well as our contract medical provider are present today to discuss some of the basis of that claim with you. Chairman Martin said let's go ahead and have a discussion on Four Mile and then we can move to executive session.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS
AMENDMENTS TO SUBDIVISION IMPROVEMENTS AGREEMENT: 4 MILE RANCH SUBDIVISION

Joe Hope, from High County Engineering, said he was primarily here to discuss the new cost estimate. During December he had submitted a cost estimate. He met with Randy to discuss the cost estimate and he had concerns with it. We took his concerns back to the office. We did some additional research in some areas of cost and we've adjusted the cost estimate per his markup. Joe asked Randy quickly if it looked O.K. to him, and he said it seemed fine at this point. You may want to verify that with him, but we now have submitted a new cost estimate which says the total left to do on the job is $634,685.16. That does not take out the $58,000 that the County has contributed to the job. I didn't take that out; I thought it was better to let that all be handled administratively. I'm just providing the cost estimate to what is left to be completed. Our cost estimate does assume all the asphalt and base that was placed last year will be removed next Spring. There will be some sub graded work done underneath that base to get everything back up to speed. Lee Leavenworth said for the record, I guess we should ask Randy if the estimate's now acceptable. Randy said yes. Lee asked Don, on the 3rd Amendment to the SIA, has that been approved by the County? Don said in principal it's been approved; it has not been signed. We discussed this at the last meeting and there were still some issues on when they would release the funds. Lee said, we are not asking for the release of any funds. The way the SIA amendment reads, is that if you approve this cost estimate, we will by our calculations we need to deposit additional funds, approximately $110,000 to bring the deposit account up to the amount necessary. The 3rd Amendment, if you approve it, gives us 30 days to do that, and we will comply with that. I'll let Peter Burgess, who is the president of Four Mile Ranch Development Company, talk to that issue. Lee Leavenworth, with the firm of Leavenworth & Carp, representing the Four Mile Ranch Development Company. Don said he needed to ask Lee a question; I thought we had a pending draw request. Lee said we withdrew that. Peter Burgess identified himself. Essentially, if we can get an agreed figure this morning, I hear the engineers agreeing, and obviously it needs to be approved by the Board, that would give us 30 days to bring the deposit. I think what we're going to do is provide a letter of credit for the total amount that will allow funds to be released you are currently holding to pay the outstanding obligations that we have. I think that's the cleanest and quickest way of handling this. Lee said that he assumed Don would have no objection to transferring this to a letter of credit from the cash deposit. Don said as long as it's a standard Colorado bank, that's fine. Mr. Burgess said, at which point, we would probably ask to resubmit the draw. Don said the reason he asked about the draw, just so we're clear on that, if you deposit enough to bring it up to the cost estimate and then you take

a draw from it, that will put us below it. Lee said we need to meet this number we need to deposit about $110,000. I can work with Don on the exact number. Mr. Burgess said we weren't sure if the County had taken note of the administration fee in last year and some of the interest. Lee said it's either 103 or 110 depending on how you took your administrative fee. Don said he needed to ask Georgia about that. Commissioner Stowe said that basically you'll be submitting a letter of credit in the amount of $580,000 or something and we'll be releasing the funds, correct? Lee said yes, or we'll increase the cash deposit up to this figure. Lee said we would ask that #1 the County approve the cost estimate that Joe has prepared in the amount of $634,685.16 and #2 approve the 3rd Amendment to the Subdivision Improvements Agreement.
Motion
Commissioner Stowe made a motion that we approve the revised cost estimate in a net amount of $634,685.16 which includes a County contingency of $57,693.65 and allows for credited materials stored on site, $65,751.99; Commissioner McCown seconded; motion carried. Commissioner Stowe made a second motion that once it is drawn, we approve the 3rd Amendment to the construction agreement and have the Chair authorized to sign such amendment; Commissioner McCown seconded; Don DeFord said he thinks Lee has represented where we are in terms of costs, I just wanted to make sure that on the 3rd Amendment, the Board understands the date of completion of all improvements is now the 1st of July, 2001. I want to put that on the table and make sure that's still O.K. with everybody for a completion date. Lee said we hope to be done before that. Chairman Martin said there's some neighborhood discussion going on up there; they'd like to know what's happening. They requested a neighborhood meeting so that they can be good neighbors as well as you guys. Lee said O.K. Don said we have the agreement in hand and it's the same format that was previously presented to the Board. Chairman Martin said we have a motion and a second; motion carried.

EXECUTIVE SESSION

Don DeFord said he has an executive session he would like to conduct with the Board concerning the claim of Mr. Fiero.

A motion was made by Commissioner McCown to discuss the items previously mentioned by the County Attorney and seconded by Commissioner Stowe to go into an Executive Session; carried.

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

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS
Don DeFord asked Ed, given the discussion tomorrow on the logging trucks, are you going to have Tom there tomorrow? Ed said he thought he better. Commissioner McCown asked if we need to have Dave Silvas there? Commissioner McCown wondered if we could schedule it at this late date. He suggested Dave's assistant, Gary Osier. Ed said he would call. Chairman Martin asked if the other Commissioners had read the Baylor Park blow down study by the Forest Service, about what they plan to do?
Motion
Don said, I say we need to take action on that notice one way or another. Commissioner McCown said, if I can get a second here, I'll make the motion. Chairman Martin said there is a motion on the floor to go ahead and authorize the County Attorney to send notice of claim that has been prepared; Commissioner Stowe seconded; motion carried.

COMMISSIONER REPORT

Chairman Martin asked if there were any reports on items that have taken place or are going to take place. Commissioner McCown mentioned the swearing-in ceremony in the morning at 10:00 a.m. Meeting with Glenwood Springs at 7:00 in the morning. Comm. Board meeting the 17th. Associated Governments he thinks is this Thursday, the 11th in Rifle. Commissioner Stowe said the Leadership Team Meeting tomorrow afternoon at 1:30 p.m. Rural Resort, Friday the 19th we'll be meeting at Summit County, electing officers for the coming year. Chairman Martin said if you want to sit in on giving away some money from KN Industries for kids, it will be at 1:30 p.m. here at the Courthouse on Wednesday, the 10th. Thursday and Friday, Mr. Martin said he would be in Denver for all of the subcommittees for CCI; they

start at 9:00 a.m. on Thursday and go through 5:00 p.m. Friday. We'll also have an idea of what is being proposed, new legislation, and I'll bring that back for us as well. Don't forget about the Stock Show. Also, we're going to have a Rotarians meeting 7:00 a.m. at Buckaroo in Rifle on the 16th. Ed Green said he made some slides if you want to use them. John said he thought one of the subject matters was going to be bus service. Commissioner Stowe asked if all of those meetings are going to be at CCI Headquarters this Thursday and Friday? John said yes, at the Mile High Center. Commissioner Stowe said he has one other potential change request of a meeting in March on the 19th. We normally meet on that Monday; I will be out-of-town. Whether we want to have it on the 26th or if you want to hold down the fort that day. Commissioner McCown said let's leave it tentatively scheduled. Chairman Martin said we'll answer it tomorrow on our reorganization. Mildred said the Board would be meeting on the 5th of February, the 20th and the 26th.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution of Approval: Leo Preliminiary Plan
c. Sign Final Plat & Subdivision Improvements Agreement for St. Finnbar Subdivision
d. Sign Subdivision Exemption Plat: Tim Neislanik
e. Approve Liquor License Renewal: Tolkien Tavern

Commissioner McCown said Item "b" on the Consent Agenda was incorrectly written; Commissioner McCown had Mark pull up the minutes and it does not reflect ..... the conditions of approval correctly, so I would put "b" from the Consent Agenda and address it later in the day if they get it rewritten. Chairman Martin said, so we have items except for "b" considered for approval. Commissioner McCown asked if there was anything on the liquor license? Mildred said no because that's the one that's down at Battlement Mesa and they are not very active. You have one other thing that need to go on the Consent; it was posted but not published, when you signed the resolution for approval on mill levies, down on the very last sentence it said "levy year 21000" instead of "levy year 2000." It's a scrivener's error; we need to just change it. Chairman Martin said we need clarification.
Commissioner McCown made a motion to approve the Consent Agenda excluding Item "b"; Commissioner Stowe seconded; motion carried.

REGULAR AGENDA

1. Garfield County Housing Authority Needs Assessment Contract

Sheila Smith said several months ago the Garfield County Housing Authority determined the need for a Housing Needs Assessment for all of Garfield County. As much money as has been spent on Needs Assessments in many other places, all of them stopped at Glenwood. There's absolutely no data from Glenwood to Mesa County line. There's nothing. We could not do some comprehensive planning without a Needs Assessment. We did an RFP and the Housing Collaborative already have an extensive data base on Garfield County from Glenwood to Basalt, and they also have Eagle and Pitkin, but they didn't have anything for the rest of the County. In fact they were the only ones that bid. We pledged $15,000 from our own general fund for the study and did an RFP to Colorado Division of Housing and they made the award for the balance of $15,000. Initially it was to come directly to the Housing Authority, but that pot of money ran out, so they needed to shift it to CDVG and at that point they said, we need to come through the County as a pass through. I am here to ask you to help us out with that. I believe Don has all of the agreements. Don DeFord said there are two agreements the Board needs to sign. The first is the agreement with the state which is a standard form grant agreement. As I indicated in a memo to the Board, there are the usual state contract problems, but this did not seem the contract to get into a battle over those on. There's a second agreement with the Housing Authority that essentially passes through all of the responsibility along with the funds to the Housing Authority, and that's what they anticipated anyway. It does require that the Housing Authority indemnify us and maintain an insurance policy to protect that indemnification, and again that's pretty standard stuff. You need to authorize the Chair to sign the agreement with the State of Colorado and the Agreement with the Housing Authority to accomplish a pass-through of funds for the Housing Needs Assessment. Discussion? Commissioner McCown asked Sheila, once this is approved, how long do you anticipate it taking on the study? Sheila said we have started developing instruments. We want to do a mailing in January. They hope it will be done by spring. In fact, the contract with the state says it will be done, unless it's extended. Commissioner McCown motioned that the Chair be authorized to sign the contract with the state authorizing the transfer of funds in the amount of $15,000 to Garfield

County; Commissioner Stowe seconded; motion carried. Chairman Martin said with this information gathered we're going to share this with the other communities that are surrounding us?

Motion

Commissioner McCown also made a motion that the Chair be authorized to sign the agreement with the Garfield County Housing Authority as the receiver of said grant and all of the condition and terms applied to it; Commissioner Stowe seconded; motion carried.

2. RETAC - Discussion on Confirmation of the Representative

Chairman Martin - I understand we have a letter and some recommendations. Nancy Frizell is here from Valley View Hospital and Cleo Castle from Clagett Memorial Hospital. Nancy Frizell said through work with RETAC and ATNC has attended the RETAC meetings, we've decided to go with three representatives per county and three alternates. Garfield County EMS Council met in December and elected these proposed members as well as alternates to the RETAC which meets on a monthly basis in Meeker. We meet later today and wanted to take your advisement about where to proceed from here with these members. Chairman Martin asked if anybody had had a chance to look at the nominations and the recommendations? Commissioner McCown said he didn't have any problem with any of the nominees attending these meetings. There are some fairly drastic reorganizational things taking place with this. He said he would like to see a monthly update in the form of a one page "where we're at" on this. He currently chairs Associated Governments, so he's kind of familiar with the overall scheme of things, but he would like to see how it's relating back to Garfield County. There's been a lot of discussion on the possible doling out of the funds once this is reorganized, and he wants to make sure that this money is still going to where it was originally intended to go. Nancy said you'll be getting regular meeting reports on ATNC as well. Nancy asked if Commissioner McCown needed a report from the EMS Council as well as the RETAC, or just from RETAC. Commissioner McCown said just from the RETAC at this point since it's going to be the all-seeing. Nancy said it's been a slow reorganization process. Commissioner McCown said he'd be very candid; the thing that concerned the members of Associated Government, which as you know controls all the five county area that this would affect and all the cities and towns, is the sheer size of this board that's going to be controlling this RETAC. It almost appeared like it was going to crowd control rather than a board. It's a very large representation of people to try and get a consensus and get anything done. That's why he's asking. If you could make sure that Garfield County is getting what Garfield County needs on that. Nancy said that is their purpose. The reason that we've been going to the ATACs for the last three years, and the size of this is almost comparable to what the ATACs have been for the last three years, there may be four or five more people who come to the RETAC table, but we get a lot done. We're all focused on the same goal. It does seem that it works together even though it seems like a large group of people. Commissioner McCown said that was one of the concerns voiced at Associated Government. Nancy said the Bylaws are still in formation, but they are trying to make is so it's a functional thing. One county not showing up won't mean that we can't accomplish things. With all our representatives we ought to have at least one voice if not the three attending each time so that we get Garfield County input in. Commissioner McCown said, you would ask us today to approve the three regulars and the three alternatives that you've recommended?

Motion

Commissioner McCown said he would make a motion to the effect that James Legg, Cleo Castle and Nancy Frizell be the regular members attending; the alternates would be Rob Goodwin, Rod Bullock and Dale Hancock; Commissioner Stowe seconded the motion; discussion? Nancy asked how the Board would like the feedback to come to them, just in a written form? Commissioner McCown said just one copy to the Commissioners and it gets passed through our basket and we'll all get to see it. Motion carried.

PUBLIC HEARING

THE DILLON COMPANIES INC. CITY MARKET #28 TRANSFER OF OWNERSHIP: A 3.2 LIQUOR LICENSE

Mildred Alsdorf told the Board that she had instructed the manager from Battlement Mesa they didn't have to be here because when we issued the temporary permit - we talked to them about what was going to happen. It's just primarily a company name change. But, we have to go through the public hearing. As I said before, there would be no changes it's still going to be under City Market's name and everything will be the same way. It's been posted and we published the notice and there have not been any adverse reports come back on any of the managers or the board members of Dillon Company. Chairman Martin said the background checks are all positive? Mildred said everything was positive; it's happening all over the state.

Commissioner McCown asked if there were any operational changes or anything like that? Mildred said there will be nothing like that at all. Commissioner McCown asked if they needed to open a public hearing even though... Mildred said we just open it and close it. Chairman Martin we've had notification and posting as certified by Clerk & Recorder Mildred Alsdorf therefore if there's any public input we'll be taking it at this time. Chairman Martin said we've had no negative reports, a recommendation has been made by the Clerk & Recorder to approve, do we have any concerns that need to go on public record on this item? There are none. Do I have a motion to close public hearing?
Commissioner Stowe so moved; Commissioner McCown seconded; motion carried. Commissioner Stowe moved to approve the transfer of ownership for the Dillon Companies Inc. City Market #28 and their 3.2 liquor license; Commissioner McCown seconded; motion carried.

The Guzzler Liquor License - State Approval - Delivery to Senior Housing and Others
Mildred said she had one other liquor license, just notification to you. A liquor store can deliver product, but they don't go through the County. Primarily it just goes through the state, so the Guzzler down at Battlement Mesa asked that Mildred forward their request on to the state so they could deliver to Senior Housing and other individuals down there. It was approved by the state, so they can deliver, if anybody mentions anything to you about it. When their license comes for renewal, you'll notice on the bottom of it that they need that approval each year. Mildred said if you hear of anything that would be a problem because they were told very definitely that they had to watch that nobody under 21 could even sign or accept liquor deliveries. Chairman Martin said he had a question on that on delivery. The person has to be 21. Mildred said the delivery person should be 21. Mildred said if they're 18, 19 or 20, they have to be supervised in a controlled area by someone 21. Mildred said the ski resorts could not get the people to serve, so they asked for the age to be lowered to 18 with supervision. Commissioner McCown said you also have that on golf courses.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Chairman Martin invited comments from Michael Erion representing *Colorado Quarter Horse Association*, Pam Saday representing the *Grand Valley Dressage Society Association*, Dale Robinson, *CQHSA*.
Chairman Martin said today we had an update from Jeff Nelson, who is our new assistant engineer, who is in charge of the riding arena down at the fairgrounds in Rifle. John said we have to complete our 8" waterline to the satisfaction of the Rifle Fire Protection Group which is underway. They figure that they can have that done in about 30 days. The base is inside and there were 120 tons hauled in there and 120 remaining and that should be delivered today. We cannot open it up until we meet the Fire Department's regulations. Pam asked how did that happen that they weren't met when it was built? John said because they changed from a 6" mainline to an 8" mainline because of the square footage and because of livestock being within the facility. Commissioner McCown said it was based on the fire flow, and we were able to open it up during the fair, and during the warmer weather because as long as the system stayed charged, it had adequate fire flow. But, in the winter, we had to go to a dry type system which is a valve that shuts off below the frost line and should there be a fire, then it would fill the system with water and put out the fire. In order to meet the fire flow requirements, we had to have an 8" main coming to it as opposed to a 6" main. Pam asked if it's another 30 days before it's ready? Chairman Martin said at least, and until the fire chief signs off on that. Then we can apply for a CO. Pam asked why do we keep being told another 30 days? I know how these things work because I'm married to a contractor. She said they were most concerned about is even once it is open on an ongoing basis, they don't feel like they're able to get good communication with the management, and there's some concerns even going forward about the ongoing maintenance of the footing and the facility. I know the Quarter Horse Association had 40 people pull out of the show once they got there last summer, and the footing was so bad at the outdoor arena. With all of the investment of time and money that's going into a beautiful County facility, we are here to know what we can look forward to. We don't want to be part of the problem. We're here as a squeaky wheel. We'd rather be part of the solution, and we have some real concerns that even once the fire main waterline gets in, we still can't ride on this. Commissioner McCown asked if she's seen the new base. She said no. She said she wasn't as concerned about the indoor arena as the outdoor arena. Chairman Martin said we can't do anything about the outdoor arena until spring because it's frozen. That soil is worn out and it's just dust and hardened. We don't know if we can afford to put the same type of footing in the big arena that we put in the indoor arena. It's a very costly process. The old arena would have to be sub excavated down and then the new footing placed on top of it. Pam said we almost need something different for outdoor footing

than indoor anyway. Chairman Martin said because it takes a lot more water because of the air and wind. We have to look at that as well, and we have to revitalize that soil because it's just worn out for rodeo and different events. John said they were looking at using leftovers and work it into that to rejuvenate it until we can afford to go ahead. What happens with the soil at the fairgrounds is that it just compacts so easily; it is a lot of clay. You have to put something in the soil to keep it loose and pliable. We were looking at the possibility of old ground up tires, it will serve as a compost to keep that ground loose and pliable so it's easier to maintain. We're looking at the cost; it's very expensive. John said Toni is in charge of the day-to-day operations there. Pam asked if Jeff/Toni was in charge of the maintenance of the footing and what not? Commissioner McCown said yes, once it's in place, that will be the responsibility of the fairgrounds manager, which is Toni at this time. Dale asked how to get in touch with Jeff if they need to. Chairman Martin said they should call the Engineer's office here in the Courthouse. Michael Erion asked what decision process or timeline are you looking at as far as making a decision on short term and long term solutions for the outdoor footing? Commissioner McCown said he didn't think anything was in the budget this year to address the outside. Chairman Martin said that's why we're using the dregs. Commissioner McCown said he didn't think anything was in there this year. Commissioner Stowe said the cost overrun on the building itself was significant, and we used a lot of the County funds to fund the riding arena. Commissioner McCown said we used a lot of 2001s. Commissioner Stowe said we have to pay back that before we have those funds available... Chairman Martin said the project started out to be a 3 to 5 year project on the indoor riding arena. We had $500,000 we were going to spend $300,000 for the building and then the next few years to go ahead and increase it. Right now we're close to a million dollars that we've spent, or $900,000 in a year. We're way over budget on everything else. That's why we have the problem because of all the engineering, the changes, and everything else. Commissioner McCown said the only thing as far as upgrading the quality of the soil, I'm not going to even attempt to promise you anything this year, as far as the maintenance of the existing soil I will promise that will change. There's a Fair Board, there's not a fairgrounds committee as far as he's aware. Pam said, the Fair Board operates the Fair? Commissioner McCown said Jeff is strictly the engineer who's working on getting the waterlines and everything into compliance with the Fire District. Once that's done, his affiliation with the Fairgrounds will be severed. She asked if the Board was budgeting income on the Fairgrounds based on the use of the indoor and the outdoor? Yes. She said that might not be there. Commissioner McCown said it's not there now to an adequate amount to maintain and improve the use of the Fairgrounds. It is very heavily subsidized. It never has sustained it. It's not an enterprise fund by any means. Pam said she is suggesting that it may get even worse because everyone is talking about moving their shows. Commissioner McCown said that is the chance we have to take. We can only do so much. We hope that people will bear with us and like I say, the maintenance will be improved. I will not assure that the quality of the material will be improved this year. Commissioner Stowe said this is about the outdoor arena. Commissioner McCown said the indoor arena will come on line once we get the waterline problem corrected. Pam said what is the plan for the use of the indoor? Chairman Martin said everything under the sun as he sees it. Commissioner McCown said it was designed and planned to be a multi-use facility. Trying to get everything done so that we can get that schedule rolling. What's happened is we've had cancellations because of lack of completion of project. Commissioner McCown said he thought Toni's been reluctant as far as the opening date. I think she's been reluctant for the same reason we have because of this water problem. We can't get a perfect date on when that's going to happen, so she can't make reservations. Pam asked if there was an ongoing plan in place for how, when it does open, we make reservations, what the fee structure is going to be, can a group reserve..that kind of thing..is that in place yet? Commissioner McCown said he hasn't seen it. Commissioner Stowe said maybe what they need to do is have a work session with Toni and start identifying that. Chairman Martin said he'd had some inquiries and also Toni has some comparisons from the different indoor facilities throughout the region from Grand Junction, Craig and a few other places, to try and get a comparative cost. John said he knew that has been done. Commissioner McCown said he didn't think there was a fee structure in place at this time. Chairman Martin said the Board would have to approve the fee structure anyway. Pam thanked the Board for listening. The only thing I'm telling you that will happen is the maintenance of it will be better. Commissioner McCown said we had some scheduling problems last year that I don't think will happen this year. Pam said it's a wonderful fairgrounds, it's a wonderful County amenity and we love living here. If we can do anything from our end to help. Commissioner Stowe said one thing we can do, I'm sure one if not all of you have e-mail, we can have Barbara our administrative secretary put you on this list, so that as far as the agenda of the County Commissioners, you will get it three or four days before Monday, so you won't have to come down here

wondering. If there's something addressing the fair board, you would know it's coming up in time and you could meet and come down. She's right next door and it's easy to add your name to the list. Mike asked is we were able to get a source of adding some sand to the arena, would you be able to provide trucking? Commissioner McCown said he thought so. Chairman Martin said that was another issue in that the maintenance people were trying to do all that hauling. He said he thought the Road and Bridge people have taken over to do that, to making sure that that's being hauled and being addressed. Commissioner McCown said he thought they could arrange it. Mike said we've talked to people and they may be able to come up with money to bring in some sand. Commissioner McCown said in the rodeo arena, if we add much to that arena, we're going to have to take some material out of that arena first because the bucking chute gates will hardly open now. Just from the nature of how the arena has worked, the dirt tends to work to the outside of the arena and you get a pond in the middle. All of your dirt is on the outside and your gates won't open. If it's dragged regularly and correctly, doesn't that redistribute? Commissioner McCown said if you're up against a fence, with the tools that they have to work the arena, the tendency is to go around the outside of arena to work that last area. And when you do that, you tend to keep crowding the dirt out to the fence, and you have no way of pulling that back in. You end up with an inverted arena. All of that will have to be brought back level and the good material mixed in with. Probably some of that will have to be taken out. Pam said maybe some of it could be put on the track. Commissioner McCown said the track is in fairly good condition; it's not a racetrack anymore. During the fair they'll have a couple days stock horse races. It just doesn't make sense to dump it on the track and make it not useable too. Pam said Mike came up with a good suggestion; if we want to be part of the solution, maybe we can come up with funds between a lot of equestrian organizations. There's a lot of people out there who might be willing. Commissioner Stowe said we might be able to use some Road and Bridge time to not only scoop it out, but also level and mix it to a degree. Commissioner McCown said we have to utilize Road and Bridge during the times of year when their schedule isn't as intense and it worked real good on the indoor arena because they could work in that building and out of the weather. It would be almost impossible to work in the rodeo arena outside now or the track because of the weather conditions. When the weather gets nice, then the impact on the Road and Bridge people is heavier and they can't pull off to do it. From a legal and liability standpoint, if someone donated their services and equipment, can they work on County property? Commissioner McCown said he thought they could as volunteers. Pam said they wouldn't have to be subcontracted or anything? Commissioner McCown said no. Pam said they'd need to go through the ropes to make sure you say it's O.K. Commissioner McCown said he wasn't sure he was the one. It would have to be someone in authority.

Chairman Martin asked if there were any other citizens who wanted to speak to the Board about items that weren't on the agenda. Eunice Kiss, 60120 1st Street, Sunnyside Retirement Center. Chairman Martin said he understood that we have some changes in Sunnyside, and he asked Eunice to tell the Board about them. Eunice said we are all 65 and older; it gets very lonely for us if we just stay there in these 2 1/2 room apartments. Somebody knocks on the door and says here's your meal you ordered, and it's a little tray with some food on it. Here, eat. For a long time we had a kitchen and a dining room and we had a lot of people and we ate. We were happy. We had a wonderful cook, Shirley Bachman. We don't want to close down; we were like a family there. We came to eat and we paid our money on the dues. We'd come back and buy loaves of bread or we'd come back to buy eggs, milk, whatever. We were like a big family. All at once when we have a building meeting, the manager, Bob Murr and his wife, Ruth Murr, they announced that we're going to close this down. They said they can't make it; it's too much work. We had people working there and some worked under Green Thumb. Then they didn't get along too well together so one of them quit. We went back and helped in the kitchen and we were just like a big family. I have a neighbor who is 96 years old; she can't go out around here and roll up to the hospital for a meal or go to the nursing home and get a meal and come back. She used to be able to take the walker and go down the elevator and go to the dining room. We want that back. They said that's too much work. One woman spoke up and said I can sit and peel potatoes, but she meant that she would try to help with what she could. I was a waitress for 45-50 years; I started out when I was hungry. A lot of us in that building went through the dust storms and the depression and all that stuff. We've had all that and we had this little system going there at Sunnyside and we want it back. We have a Board of Directors and they are very nice. They said well it looks like we're going in the hole. We spoke up; we said regardless of what we're paying you now, we'll pay you more money if you'll just let us be together. Chairman Martin asked who the chairperson of the board was? Eunice couldn't remember for sure who they were. She said it's not so much them; they know what we're

doing. We're going in debt, but we're offering to pay more money. We're getting some food from the County, but we have a poor county. The county next to us gets all kinds of food and welfare food and shipments. But it doesn't seem to come our way over into Garfield County. If there's anything you could do to bring it back, we'd sure appreciate it. We're just like a bunch of happy little bees there. We've got wonderful laundry rooms, the building is very clean, when I complained about that, the yard, everything, they have people over there today vacuuming and scrubbing and cleaning. I'd say we're among the top ten in the state for being clean. Commissioner Stowe asked if it was one meal a day that they served there? Eunice said when she first went there about ten years ago, they even ate on Sundays. Then it got down to less food coming in to us, canned goods and so forth. We got down to where we were having one meal. They had early eaters and late ones. We asked to all come in and eat at one time and we'll come back and help and see what we can do. I'd help fold the laundry. We have a big dish washing machine and somebody has to run all the dishes, pots and pans through there, keep it sanitized. We just need somebody to get in there and shake it up some way. Commissioner Stowe asked how many people would normally eat at one of the meals? Eunice said there were quite a few for awhile. There was a bridge club that came, 12-20 women. They would buy their lunch there and sit in the other room and play bridge. They came once a week. I belonged to a lunch group that came once or twice a week. She'd say liver and onions certain date, of course they'd flock right in there because that was more like home. We had quite a few there for that. Sometimes we'd have a low day and we'd have 15 come in and eat. We have older people there and it's very difficult for them. We can get meals maybe from the hospital, they're right next to us and it's handy. We can walk over the hill and go in there. That's what the trouble is. A man moved into the apartment next to me and he's been there a month. He told Eunice he was mad because he wouldn't have rented the apartment but they told me there were meals. He said he sold his home across the river and now here I am over here and I have to go out and find someplace to eat because he gave all of his stuff up and moved into two rooms. There's people walking around on the streets looking for jobs. Commissioner Stowe asked if they were doing one evening meal a day or two? Eunice said we just did one meal a day, but it was a big meal like you have in your home. It wasn't sandwiches. Commissioner Stowe asked if it was served midday or afternoon. Eunice said there was an early group. We'd eat at 11:00 or 11:30. The second group would be standing at the door to come in about 12:00-12:15. Then they would come in and eat. As soon as we're done eating, they get right up and start wiping the tables off and getting the dishes to the kitchen. Chairman Martin said they'd need to make inquiries and talk to a few people who are on the board. Eunice said the board came at Christmas to see what's going on. We know their faces but maybe not their names. When they have a board meeting, they'd come and eat lunch with us. They feel like it's quite a bit of work and too much financial trouble. We said we'd pay more money. Commissioner Stowe said the BOCC was meeting with the City of Glenwood in the morning. He said let us talk with them and their council. Let us talk to a few other people in the community. I'm not sure what the resolution's going to be right now, and I can't promise you anything right now, but I can promise that we'll follow up and see if there's a way to be involved. Eunice said they'd really appreciate it. Commissioner Stowe asked how much they were paying for the meals they were receiving? Eunice said she paid $79 a month for one meal a day, 4-5 days a week, or something like that. It varied because that's just the way it turned out. Some would come down and eat one meal a day twice a month. Commissioner McCown asked if Eunice was charged every time she ate? Eunice paid so much a month and we had a little red card and on Tuesdays and Fridays we'd come down and if you didn't have the card, you had to give them $2.00. We also bought food to take upstairs for later that evening. The cook used to bake bread and we'd buy loaves of bread for a dollar. I bought two boxes of milk a week. Some bought buttermilk to take back up to their apartment. We were willing to do things and share what they had. Chairman Martin said they'd talk to the City and see what we can come up with. He'll also talk to some of the board members. Commissioner Stowe said this is kind of out of our County's area, but as elderly citizens of Garfield County we do owe you, and we don't know exactly where we're going to go with this, but maybe we can enlist the help of the churches and service groups as well as the City and County. Chairman Martin asked if there were any other citizens. Nobody came forward.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST FOR APPROVAL OF AN AMENDED PLAT LOCATION: TWO MILES EAST OF NEW CASTLE. APPLICANT: MILES AND HARLEY RIPPY.
Don DeFord, Mark Bean and Miles and Harley Rippy were present.

Mark Bean said the request is to move the boundary lines on the exemption plat basically add another 4.99 acres to the 5 acres to make it 9.99 acres and reduce the present 15 acre parcel down to ... 10 acres. Staff has no problem with it and would recommend that the Board authorize the Rippys. Commissioner McCown asked if a survey and a plat were needed? Yes. Harley Rippy said we've got a survey and mylar. Mark Bean said Sam Phelps was reviewing the mylar. Miles Rippy said we had it surveyed in September. Mark said assuming there was no problem with the mylar, all we'll have to do next is present it.
Motion
Commissioner McCown made a motion we approve the amended plat changing the lot lines, applicants Miles and Harley Rippy, and the Chair be authorized to sign the plat once it's complete; Commissioner Stowe seconded; motion carried.

REQUEST FOR APPROVAL OF A LOT LINE ADJUSTMENT. LOCATION: 0193 COUNTY ROAD 154, GLENWOOD SPRINGS. APPLICANT: MECK FAMILY
Don DeFord and Mark Bean were present.
Mark said it is a request for a lot line adjustment - no new lots will be created by this. This is zoned for R/L/50 and minimum lot size is 20,000 square feet and neither of the lots will be under that if this is approved basically increasing the lot side in the one that was smaller and making it a more buildable lot. It makes it a better situation than it was previously. This is the Midland Grade Subdivision which is down by the Cardiff Bridge. Chairman Martin said that would be across the river; it would be old Highway 82. Mark said you come across the Cardiff bridge to get to it, so it really is on 156 Road. Commissioner McCown said the dotted line on the map is the existing line on the plat, and you're merely shifting it to where the dark solid line is? Correct. Commissioner McCown said, you're giving up a little frontage, but that would still be adequate for access, I assume? Mark said a minimum 25 feet is all that is required. He said staff has made a recommendation for the lot line changes which are shown on the map.
Motion
Commissioner Stowe made a motion to approve the lot line adjustments as presented on the plat for Lots 2 and 3, Midland Grade Subdivision; Commissioner McCown seconded; motion carried.

Ricky Santarelli - 1041 Regulation
Don DeFord said this morning he got a message from Ricky Santarelli's office. Ricky would like to meet with the Board of Commissioners to discuss where he is with the 1041 Regulation so he can get some direction on a couple of issues, particularly the highway interchange issue. Don didn't know, but he thought there was a joint meeting coming up soon with the Planning Commission. Mark Bean said it was on the 24th. Don asked if that would be an appropriate time. Mark said it was an evening meeting. Chairman Martin said we can get something resolved or wrapped up. Don asked if there was time on the 24th. Mark said it was a fairly open agenda for discussion, so we can make this a discussion item. Commissioner Stowe said it's scheduled for 7:00; we don't have anything else until the next day. Commissioner McCown said he thought one thing they were going to discuss was incorporating the comprehensive plans of the two mile sphere of the cities, wasn't it? Don said yes.

Criminal Justice Subcommittee Pre-Trial Program
Guy Meyer, Jan Kaufman, Lynn Shore, and Al Maggard will present. Also, Doug Britten, and Boyd Canterbury were present.
Al Maggard - the last time we appeared before you, you authorized advertising for a company to run to program, or a device to run the program. We did the advertising and got no response. We'd like to request now a full or part-time employee to design the program and operate it. We have four inmates in the program assigned by Judge Zerbi, before we really know what we're doing. At the moment the Court seems to be assigning people to the program and Guy's people are taking the extra burden to supervise them, without really analyzing any of their needs, which is what we need to do. Guy is at the point where his people can't handle any more, and if we don't get something designed, we're just going to have to drop the program. Judge Zerbi is very encouraged and he wants to proceed. Lynn Shore has gathered some information. Lynn said there wasn't anything new; it's information that you were previously given on a memo from Al on November 29th. I thought we could pull out some of the pertinent information; some of it's factual and some of it's assumptions that we've made in trying to put this program together. If you would like, I could go through these item by item, or if you have some questions on them, I can do that. Commissioner Stowe said there's not that many of them, it might be nice for the press and for the audience

for you to go through them. Lynn said the cost to maintain a prisoner in the County jail according to the sheriff's information is about $50 a day to house them in the Garfield Count jail. If we need to send them outside to Clear Creek County or some other county, then it's about $64 a day, not including the cost to transport them to and from that jail. The information that Al was able to put together with regards to the average daily jail population, January through November of 2000, was 134 inmates. If you looked at the chart that Al originally gave you it was approaching 180 as we got towards the end of the year. That's the population average for the period of time. Those that were pretrial made up 52% of that population, and those pretrial prisoners stay an average of 16 days before they either bond out or are sentenced, or whatever the process may be to get them out of the jail. Those inmates who would voluntarily become a part of this program that's being proposed, would pay a fee of $8 a day to be in the program to assist in paying for it as well as paying for their urinalysis, breathalyzer, whatever other services that may be mandated that they go through as a part of this program. We have a cost reduction on one side because they're not in the jail, and then we have a small increment of income from the individuals involved. Judge Ossola has indicated a strong support for this; he's given us letters to that effect. He has been a participant in a number of the committee meetings that we've had and Judge Zerbi is a strong supporter because he's already putting people in this program and the program isn't really fully implemented. Last week when we met we had five people in the program, apparently somebody is now sentenced, so we're back to four. We feel we've got strong support from the judiciary. Moving on to some assumptions, of those that are pretrial, about half of them are INS and we're just not in a position to deal with those at this point. Maybe some day in the future, they are not part of what we're looking at. That leaves about 50% or from time to time an average of maybe 35 that could be eligible. A large number of those are just going to bond out. They're not going to want to get involved in a program where they have to report on a daily basis, they have to go through the testing, and they have to go into some sort of analysis. There are some folks who are not going to be able to bond out for whatever reason, and who are going to be participants in this kind of program. The cost of a case manager, if anything I've overestimated the cost, $50,000 will very easily cover this. I think the proposed salary is in the $30,000 dollar range and if you add in some support for office telephone line, I don't think you can get to the $50,000, but it's a round number that is very conservative. We're told that one supervisor could handle a maximum of twenty inmates; I don't know that we'll ever hit that high a number. We're told that's the maximum that somebody could handle and do a good job of it. Cost reduction from housing fewer inmates, in not only our jail but they wouldn't have to be in other counties, and the cost reduction from decreasing the necessity of transporting prisoners to and from other county jails and the sheriff has pointed out to us that there are also medical costs to having these people in jail. If they need any kind of medical care, the County ends up paying. We could potentially see some cost reduction there. If we take those facts and some of the assumptions that we've drawn, the way I calculate, if we can average 2 1/2 prisoners per day in this program, we break even with it at the $50,000 number. If we do more than that, in the terms of cost reduction versus outlay of cash, we begin to show a positive effect on the cost of running the jail program. We're pretty convinced given that Judge Zerbi has supported this and that Judge Ossola has indicated his support of it, that we can succeed with the program. That it can be a very positive program for the County to help with the jail population program. The sheriff's afraid we're going to open a brand new jail full, and if there is some alternative that we can find to reduce that jail population, to keep people out of jail, working during the pretrial phase of their brush with the law, it seems like something we should do. We'd like to talk about hiring a person who can be the case manager, either part-time or full-time, to get this program under way and see if it will be as fruitful as we hope. Commissioner Stowe said to clarify, the average stay is 16 days for pretrial? Lynn said that is the information he's been given. Commissioner Stowe said if you have 2 1/2 people a day you get out on that, times the 16 day stay, that's about 40 cases, to be handled on the average which would already require two people to be in that position. Is there something wrong with my logic there? If you move that up to 5 people then it would be 80 cases being handled at a given time on the average. Al said that's an average stay. Commissioner Stowe said it's an average stay times the two people you get out a day would give us the number of cases you're handling at a given time, would it not? Al said not necessarily. It would depend on how many the Courts would assign to us. We have four now, the judge has assigned those four, so that's four that are not in jail. Commissioner Stowe said but then we're not pulling 2 1/2 out to recoup that $50,000. Al said we already have because these four would be in jail if they hadn't been assigned to the program. As was pointed out in that last letter, one of the original two had a delay in his presentence investigation report and the judge was going to send him back to jail, but because he was participating in the program and had met all of the qualifications, he was kept out of jail. He was not returned to jail for that, and then he was to be returned to

Court in early December for his arraignment or sentencing. Commissioner Stowe said 2 1/2 a day isn't 2 1/2 new ones, that's just the average of how many would be out. Lynn said that's correct; he didn't mean to indicate that we'd have 2 1/2 new people coming into the program every day. Chairman Martin asked what if it was? Both Lynn and Al said we'd be in trouble. Commissioner McCown said his math doesn't correspond with your math either. He's looking at inmates participating in the program will pay $8 a day. One supervisor can handle up to 20. If you do the math on that, that's $160 a day times 365 days a year, it brings you to a grand total of $58,400. So this program has got to have 20 in order to make it pay, or are we talking soft money on what's being saved, not having them in the jail? Al said it probably won't pay for itself. Commissioner McCown wanted to know if the funding was coming out of the jail budget for the savings that's going to accrued? Al said you're not going to see a reduction in the jail budget. What you will see is a reduction in the increase in the jail budget for housing prisoners, overall. Al said it will slow the increase in the budget. I don't see a reduction in any budget. Commissioner McCown said other than the food and the clothing, unless I was sold a bill of goods, this jail will run efficiently full as it will half full? It's going to take the same number of people to supervise those positions. Dan, you can correct me if I'm wrong. But if it's running at 60% capacity, it's going to cost the same thing to run as if it's running at 100% capacity. The consumptive items that the prisoner is going to take in, the food, the clothing, the laundry expense, are going to be additional. It's a voluntary program certainly, in other words, a prisoner is never forced into taking any self-help or behavior modification programming that is made available to him. There's always option, you can always go back to the bar. Commissioner McCown said, and bond out and go on your merry way until your Court date? There's not going to be anything mandatory about it. In matter fact, it's probably going to be rougher and more vigorous than just bonding out through a bonds person. Commissioner McCown said, what's the incentive for an individual to participate in this? Lynn said he thought the incentive would be, if I were in those shoes, and I couldn't come up with the bond premium, and I really felt like I wanted to change my life, or I felt like I could change my life, I think that would be the incentive. In other words, there's going to personnel around here that can make a difference in behavioral modification with these people. They can maybe teach them how to get these jobs, they can give them some encouragement, they can give them some programs on how to change their ways. As we're doing it, we're changing nothing, as the bondsmen do it they change very little unless they self-impose those conditions, and I suppose they can, on the bonds. I would say that's rarely done. Commissioner McCown said that's up to the judge to put those conditions, not the bondsman. Boyd - the bondsmen can have a pretty good thumb over them because they can put them back in jail. They have a better handle on it than the judge does. We're not saying this program is going to be a success. If it doesn't work, then that's all there is to it. We quit it. Commissioner McCown asked, what is going to be the determining factor on whether it works or not? By the amount of participation, the ability to fund it, the success ratio, the number of prisoners who don't show back up to Court and warrants are issued? What's going to be the model for saying this is a successful program? Al said probably the number of people who participate and how the Court feels whether it's been a success or not. If the Court determines that that they don't think it's operating and doing what it was meant to be, then they will quit sending people to it. Then it's not a viable program. At that point, or at some specific point, we need to review it and see how it's working. If it doesn't work, then it's something we tried and we'll discontinue it. That's all that we can do. Commissioner McCown said it seems like again a program the Court is evaluating and not paying for. Al said that's right. Commissioner McCown said the success of whether or not it's a good program is going to hinge on how the Courts evaluate it, and they don't put a penny in it. Al said that's right, but we see a cost avoidance for the County over a period of time. Commissioner Stowe asked about all the warrants that people don't show up for. Mesa County has that problem. They've had a large increase of warrants since they initiated this sort of program there. There's always outstanding warrants, people don't come back, there's no bondsmen to chase them down and make sure they're back where they're supposed to be. That becomes a problem for our law enforcement and an added hidden expense that we don't see because when we arrest somebody for a traffic violation and they have to be transported back in because there's outstanding warrants, and that becomes an accumulative thing too. When do we decide if this is a viable program or not, if we have a certain increase in the number of warrants we're having to spend a lot of manpower out in the field doing that. Is it truly a viable program and are we really saving money? Al said that the thing that we have to do to get the program organized is set up a system to evaluate the inmate who is referred to the program as a risk assessment. The same thing that the bondsmen do. They do a risk assessment evaluation of one kind or another. We'll have to do that. The way I see the program working, and it's all subject to revision, the Court will refer an individual to this program, whether the Court doesn't want to set a high bond or has set a

high bond, doesn't want to give a PR bond, but feels that there's not much of a possibility that it's going to be a no-show, so refers to the program. The case manager will then evaluate the individual and work out the program as far as the daily reporting or what the actual supervision is going to be. With the agreement of the inmate, take that back to the Court for approval, and then the Court will make the release based on those conditions. If he violates those conditions, then he's picked up and taken back. He'll be supervised rather closely, more closely than he would be on a regular bond. Chairman Martin asked, what happens in the conflict if the case manager says he just can't make it and the Court says he has to be out on this program? Al said the case manager is going to have to have the final say as to whether he's in the program or not. Guy said he doesn't see that as any different than what goes on in the Workender program. We get referrals sometimes and we tell them no. Chairman Martin said, you have that flexibility to say no. Al said he thought that had to be part of the program. Commissioner McCown asked, Boyd or whoever would like to answer this, when the judge set a bond amount for an individual and you make his bond, and this individual is back out in the public, unsupervised, should this individual commit another crime or wreak havoc, are you in any way liable for his actions while he's out? Boyd said we're not liable for his actions, but what happens is if he commits another violation which is another crime and he's picked up on a bond violation which also carries a mandatory sentencing, what happens is the Courts actually use that as a plea bargaining factor against the original crime and they'll dismiss that ..... Commissioner McCown said the actual conduct and the behavior of this individual while he's out on bond, you are not responsible? Boyd said we're not responsible for that aspect of it. We are responsible enough that we have to pick them up under the bond violation under bond revocation, so we go get them. Commissioner McCown asked Al, under the scenario we're looking at, if an individual is in this program under our supervision, let's say a DUI, and while he's under this program he gets in his car and runs into the back of a school bus. Whose liable? The Court for putting him under this program? Or this program supervising this individual? Al said he doesn't see that the County or the supervisor has any liability because he is out. Commissioner McCown said, he's released under our supervision under this program. He is out on bond unsupervised under Boyd's program. Boyd said it was a conditional bond. Commissioner McCown said conditional bond, but not under a reporting daily basis, ankle bracelet, BA, whatever. Doug said the program would be a conditional bond basis. The judge would still order that bond; it would still be a court ordered bond. Commissioner McCown asked if there would be a bond in addition to the program. Al said no. The program, you'd be out contingent on attending this program. Commissioner McCown said, when Boyd or whoever, bonds them out of jail, they are not supervised on a daily basis. Under this program, if they're placed under it, they're going to be supervised, they're going to be monitored, they're going to be given therapy, they're going to be given whatever. This is pretrial. They've not been convicted of anything. Al said, you're afraid the County may end up with some liability. Al said the condition of a bond is that he report or do these certain things at those particular times. What he does otherwise, is not responsibility of the County or the case manager. I don't see any difference between whether he's bonded to a bondsman or bonded to the case manager. I don't see any difference there other than there are more conditions that the Court has imposed. Commissioner Stowe asked Don, not for a legal opinion right now, but what's your initial take on this. Don said yes he could do that. What he'd like to see is a bit of more certainty on how the program is structured to see what we are looking at in terms of supervision. For instance, is the Court going to order, as it would with most bonds, certain conditions of the bond, or is it going to order something that they report to .... Al said that's part of the detail that has to be worked out. We anticipate that the court order releasing the individual from jail would include the details of the program that supervision that had been worked out, with the inmate and his agreement. He may be reporting daily, he may be reporting weekly, every other day. He may or may not have UAs or breathalyzers. Depending on the risk assessment that the case manager presents to the Court. The Court is the one that is going to determine the details of the supervision, subject to the agreement of the individual. If the individual doesn't agree, he doesn't get out. That's why we need to hire someone to work those details out and work with the Courts to see what the Courts want to do. Don said he thought a lot would depend on the type of supervision that the Court anticipates and also the certainty of the order, the more detailed and certain the order, the better the protection you have for both liability. Commissioner McCown asked if it would be the same for each prisoner? Al said no. Commissioner McCown said there would be no uniformity? Al said it would be similar, but each individual would have to be analyzed to what his needs are. The minimum probably would be a daily reporting. Come down to the supervisor's office and report to him and let him know what he's going to be doing that day, and then go about his business. The maximum would be a daily supervision with giving detailed report on what he's going to be doing and maybe an ankle bracelet or

something like that. That would be the maximum. Commissioner McCown asked if we have all of this equipment available? The ankle bracelets and the monitoring? So that's not going to be a part of this program? That's going to be something we're going to take out of Guy's existing program? Al said the ankle bracelets are available, he would pay the fee for using that bracelet. That's another fee that he's paying. Commissioner McCown said he was hearing that there was a possibility that there will be seven day a week monitoring, and we're looking at one part-time FTE. Al said it could be, or it could be just by telephone too. Don asked if Al anticipated a program responsibility to assure appearances? Al said he didn't know what the Court would say on that. The individual is going to have to agree to appear, that's part of the agreement. Commissioner McCown said assume they don't, worst case. Then they would be entered as failure to appear and you're right back in the system and they get picked up in Utah and we go through extradition and the sheriff sends somebody after them and brings them back and we eat that expense. Commissioner Stowe said we're taking people who couldn't get on a PR, but these are probably your best risk candidates for the bondsmen, but maybe they are going to get out on a $1,000 bond and the bondsman would get $100. So what we're doing is taking the cream of the crop, the top ones, so you're going to lose that, so your exposure is greater here therefore your costs are going to go up. We're taking the cream of the crop off of the top of the prisoners who might have to provide a bond, then are we not interfering with private enterprise to a degree there. Saying, O.K. now you get the 90% that are a little bit higher risk, but we won't take the low risk people off for you? Al said he didn't think so. He thinks we'll get the people who have a high bond and can't afford it. If they can afford the bond, like Commissioner McCown says, they're going to pay it. The judge isn't going to assign anyone to this program who can afford to pay the bond. A lot of these people can't afford a bond. If they have a low risk, they're residents in the County, they have property, they have a job, they just don't have the money to pay a high bond. Those are the one that we'll probably get on this program. As I understand, one of the first ones we got had a fairly high bond, had a job, but didn't have any money to pay the bond or the bond commission, so he was going to sit in jail by himself, lose his job, until the judge put him on the program. He kept his job, he maintained the reporting that was required, and went on through to trial. Commissioner Stowe said it seems like we have a lot of voids or openings or answers we need to explore, and before I would be inclined to put someone on for a year's salary or $50,000, I almost would like to see the program come together. If that means investing $5,000 or $10,000 to get the program and answer some of these holes and voids and some of the legal questions that were posed today, I'd be more inclined to do that and then proceed. I understand the need for it as a potential relief valve to the jail. Do we need to invest a little money to do a little more definitive study and to find out from the Court system what are the ramifications and the liabilities to the County. I'm not necessarily opposed to the program; I'm just not comfortable with where it's at right now. Al said he didn't see how we could go any further without putting someone on board to do it. We need an individual to design the program and work with the Courts and work with the inmates to get it under way. There's an avenue of exploration the Board may want to take into consideration and that's the National Institute of Corrections. You could get a technical consultant to come in on the Fed's nickel to look at the system specific to Colorado. Then you are accomplishing what Commissioner Stowe is talking about, but you aren't putting County dollars into it; you can get a grant for this. Commissioner McCown said, it sounds like we're being asked to fund a person to run a program that hasn't been developed. Al said yes, because we need to develop the program. How are we going to develop a program we don't have enough time as volunteers to do the detail work to develop this program and adapt it to what it's going to do. It's going to take working with the Courts, with the jail, with the inmates. We're going to have to have people assigned to the program to see how it works. We've got to have an individual who's responsible to do that. We've got to take a chance that something's going to work and spend some money to get it going. Is there any other city or county that has a pretrial program? Al said there are a bunch of them, Mesa County, Boulder County. A lot of counties are running this type of program. Al said Mesa County has volunteered a lot of their forms and a lot of their expertise to help us, but we need someone who is responsible to do it. Guy and I have a lot of information, but we can't put the program together because neither one of us has the time. I don't think that if we go to NIC that we can afford the time it's going to take, and I don't know what they can come up with. We do have at least maybe three people interested in this job on a part-time or full-time basis. Commissioner McCown said, we have the information, his program, that he is working under. Al said it has to be adopted or adapted..... Commissioner McCown said, it sounds like the Court is the one that has to approve it. Al asked who is going to work with it? We've got to have an individual to work with the Courts and be responsible for the program. Someone has to set it up and operate it. We've got the information, it's a matter of putting down

in black and white and adopting it to our County and our specific people and our Courts. We probably have more information than we need. We need someone to put it together. I can't put it together because it has to be someone who is working with the Court and who is going to be working with the individuals in the program. Boyd said we bonded over a 1,000-1,500 people last year; we do that every day. I've got four agents and we still can't keep up with all of them. I can tell you that if this thing kicks off, twenty people is nothing. You're going to end up with 30-40. You better get prepared to have more than a part-time agent to do this because it isn't going to work. We do programs with ours. We put them on Antibuse, we do AA with them, random UAs at detox, they have to check in with us, and it keeps us hopping, and there's four of us. It won't work with a part-time person. Sixty to ninety days from now, you'll have over your 20. They better look for someone who has some experience. These guys when they come out of jail, they'll do anything in the world and abide by anything you want them to do to get out of jail. They don't care if they have money or no money. We've bonded people out of jail with no money and never got the money because we felt sorry for them. It's a different ball game than just a pretrial release. We do bonds that are contempt of court bonds for probation violations, they go back in and while they are going through that system, we wind up being their probation officers because they have none so we have to keep tabs on them for the Court. We have four agents and a 1,000 people out, it's a job. Doug Britten, was asked by John Martin to be on the pretrial release committee because I've been a bondsman here for 18 years. In the last two years I've slowed down quite a bit in Garfield County. I'm here to address you today as a taxpayer and as someone who's been in the trench of the Criminal Justice system and has seen a lot of good things happen in the last 18 years. I've also seen a lot of waste. What these good people are proposing is absolute waste. The time we met, about 10 days ago, at the pretrial release meeting here in this building, Mr. Maggard was saying we're on a goal and we need to get this going as soon as possible. I told him I'd read in the newspaper that the program was on hold until we get a grant. All the commissioners have done is given them to right to advertise for somebody who might want this position. You have not allocated any money. No budget has been established, and this program is rather in chaos. We have an overzealous group here that wants a cause. The cause is the overcrowded jail and we're not focusing on that cause because they just lightly brushed over the 50%-60% of the population had immigration holds. That's the problem, not the United States people who can bond out. With all the bonds people here, and there's ten I think, who camp out in front of the jail. Anybody who can get out, gets out. Being destitute is not a problem. They work out payment plans, jewelry, anyway to get them out. We don't need a bureaucratic scheme for free bail. This does not focus on the problem. Last July this group did a four week survey on the jail and over 200 people were booked in. They've got how many hours they were in and how much it cost per hour and how much it cost the taxpayers, but they don't say how many people have immigration holds and have to be there. Those hours aren't counted. They don't talk about the alcohol that if somebody is very drunk in Garfield County jail you must be clean to get out. That takes hours, sometimes over a day. They don't mention domestic violence. Those people have to stay until they see a judge sometimes. If it's Friday night, they wait until Tuesday over a holiday. Those hours and days aren't factored. This is very unreliable statistics. They are inaccurate and they are trying to sell you this. They've already started this with no authorization. We've got three people. I think we should have told the judge we're not in place to do this, but they went ahead and did it. I think it was overzealous again. This is a snake oil plan, and let me tell you why. The District Attorney, the people of the State of Colorado, and I've talked to Mac many times about this, he would be here but he's preparing for a murder trial in Georgetown. Mac said he was not for it. If it doesn't address the immigration holds, he's not for it. That's the people of the state. The defense bar did say they have a solution to this problem. Give more PR bonds, or let the cop on the beat who is in the trench, don't put them in jail, just give them a summons. Finally, the sheriff, Tom and I have met many times. He's lukewarm; he's not all for this program. He'll go along with it, but he's not gung-ho because it doesn't address the problem. In conclusion, it will not help reduce the population, you're creating exposure as you said for the County. Nobody mentioned who will pay the bond if they run away. It's a lose/lose proposition, it's pure bureaucracy at its peak. Whether it's contract employee or a real employee, it's still real money. Please just say no; it's a waste. Commissioner McCown said Doug made the comment that if they were in this program and committed a crime it would be different than if they were on bond and committed a crime - it would really be no different. Doug Britten said no difference. He said he has a letter from Peter Mayer who is a lifelong criminal defense attorney who would advise his clients not to participate, and also Fred Gannet from Basalt who is a County Judge and says the same thing. His reason is that you are creating a class system. The people who can't bond out or get a PR bond they can go through these hoops voluntarily but if they break they could file new charges against them, so you're

creating a class system. I think we need to continue as is and focus on the real problem. Chairman Martin asked if anybody else had an opinion. Jan _____ asked Doug Britten what he thought the real problem was? Doug Britten said the real problem is the immigration holds in the jail; it's 50%. Jan said she understood that it was 25% immigration holds. Jan said that doesn't sound like the whole problem to me. Commissioner McCown said Hal's information says 50. Jan said, of the pretrial holds. Doug Britten said once you go into the jail they call immigration and there's a hold put on you. If they go on through, and they're sentenced, that hold is still there. So yes, it's 50%. Initially, the first day they walk in, there's a hold on them. That addresses this program. Al Maggard said this program is not at the moment looking at the INS holds at all. Doug Britten said that's right. Al said if the program is successful, then there's a possibility of contacting INS and seeing what can be worked out. The District Attorney is concerned with the INS program, but we have no intention of even looking at INS people until sometime in the future. We're talking about 50% of the pretrial people; that still leaves about 40 that would qualify for this program that have not and do not bond out. The information, the statistical report that we did, an average of sixteen days was spent in jail as a pretrial person, before they bonded out or before they went to trial. Most of them that were booked in were bonded out right away. There's always a group that will not bond out for various reasons, that may or may not qualify for this program. That's the population that we're looking at. The average population for pretrial during the year of 2000 was 70.8 persons per day, that's the average. For December it was 80.1. It's increasing all the time. Commissioner McCown said, not including any municipal prisoners. Al said not including any municipal prisoners at all. Jan said she was concerned that the fact that pretrial services across the country are working is not being taken into consideration. She contacted pretrial services division in Washington and they sent a number of papers on it. It's working across the country. It's reducing jail population; it's working in at least four counties that we've contacted here in Colorado. Why is there a question about it working? Commissioner Stowe asked how much Mesa County is spending? He understands they have a whole separate building to house pretrial people. Chairman Martin said he thought we need to see those to find some comfort level in reference to the cost of this program. He didn't think it was the program itself; it's the cost of the program, the recovery, the success rate, etc., that we look at here, and also competition of bureaucracy and private enterprise trying to make a living as well. We'll be bail bondsmen in a way, and yet we have a real problem with the jail population. Jan said the programs are working across the country and they are reducing jail population; this is what you as commissioners have asked us to look at. How do we do this? How do we reduce jail population? This is one thing that has been advocated to us from many sources to reduce jail population. Commissioner Stowe asked at what cost though? Jan said the programs, that they've talked to, are paying for themselves. Commissioner McCown said an $8 a day person? Jan said, you're talking about numbers here. Last Friday we had 1/4 of the program already there, 5 people. Those people are paying their way. I don't know why it's so difficult to understand that this is going to work. Commissioner McCown said, Jan, theoretically we could empty the jail and everybody who's been convicted of a crime let out and it wouldn't cost us anything to run the jail. There are certain people who belong in jail and they should stay in jail. It's been a long time since I've been involved in law enforcement, but theoretically and historically, the person with the higher bond, that was set by the judge, had created a more heinous crime or was an habitual offender and it's a higher risk to enter into a program like this than the person with the $100 bond. Jan said she understood that. Commissioner McCown said that maybe law enforcement has changed; he's been out of it quite awhile. Jan said most of the people who Jan has seen so far have bonded out immediately. They don't want to be responsible to a program. Commissioner McCown said, so we are accepting the higher risk people. Jan said we are accepting people who can't, for whatever reason, bond out. But, we're not talking about people who are already sentenced. Jan agreed with Commissioner McCown that there are people who belong in jail. Commissioner McCown, said there are people who belong there, pretrial too. Jan said, O.K., but there are also people that it's not necessary to keep there. Commissioner McCown said the responsibility is going to be borne by Garfield County: child molestation, sexual abuse. Jan said those people aren't going to be on this program. Chairman Martin said that's why you have to have the criteria, and I think that's why we asked Doug and Boyd to be there because they come in contact with that. We also asked the jail, the advisory board, the sheriff's representative, the bar association, and District Attorney to come up with a kind of guideline that shows only a certain type of person, again which are in that field that can't get a PR bond or can't afford a bond, be reviewed. It doesn't mean they automatically get out through the program. We don't have that written down yet, do we? I think we need that. If we can't write it down and we can't agree on it with private enterprise, the Court system, the prosecution, the defense attorneys, we're not going to make this program work anyway. We have to write it down. Al said, then

you're asking your volunteers to do all the work. Chairman Martin said we need to spend some money if we're going to do that. If we're not going to spend some money, let's end the discussion because it's not going to work. Chairman Martin said, either we commit to spend some money for this program now, or we let it die, and we'll come up with a different system. We need to stop spinning our wheels here. Al said he'd like to address one of the comments made by one of the attorneys about advising his clients not to accept it. This program originally was designed that the supervisor would interview inmates as soon as they were arrested. That was set aside and decided to wait until after the bondsmen had a chance to provide bond. What it has boiled down to now, we won't contact the people at the moment until they appear in Court for first appearance. At that point, we anticipate that the judge would evaluate the bond alternatives and maybe set a PR bond or maybe refer the individual to this program. At that point the supervisor, as I mentioned before, would interview the individual, work out the supervision programs, write it out, have the inmate sign it, take it to the Court and the Court would then order the conditional release. That is as far as we can go right now. It may be changed as we get into it, and it probably will be. I see no indication that we would take anything away from bondsmen because they would already have had an opportunity to contact them. They have first crack at them in jail anyway. They would have the opportunity to speak up in Court, and if the bond is set and the individual can meet the bond, then that's all there is to it. Jan said she thought the Board might be concerned about Workenders program, when that was brought up, and whether or not that would be a viable program as well. That has turned into a phenomenal success. It has saved the County untold dollars and provided a service that did not involve jail time. She said it was important that we look at other programs with an open mind as well. Commissioner McCown asked, what kind of authority would the case manager have and where would he/she get his/her authority? Al said the authority would come from the Court. The case manager would be following orders from the Court. Al said it would come back to the Court if anything is violated. Commissioner McCown said the case manager goes back to the Court and the Court issues a warrant, goes into the system, the sheriff's department goes out and looks for him, if they can't find him, he just stays in the system until he's picked up somewhere. Al said, assuming there's a problem. Commissioner McCown said, the individual has no authority, per se, other than a kind of reporting system back and forth to the Court. Al said the case manager would not be certified in any way. Al said he wasn't sure if he would even act as an office of the Court. Commissioner McCown said he would just be operating as an individual with no authority or power, kind of a tattletale? Al said, to some extent, but he's directed by the Court to do certain things. Commissioner McCown said, with a lot of legwork involved, but the case manager would be a reporting entity to the Court. Again, we're back in the system, we're doing all of this work for the Court. Al said we're also doing it to keep our people from sending someone out to Park County for $50 a day. Chairman Martin asked Guy what it's costing a day to have someone to do the four people we've got in the program? Guy said existing staff ..... Chairman Martin said, you're at saturation point? Guy said, yes ..... Chairman Martin asked, if you told the judge no more? Guy said that's what he's going to tell him. Commissioner McCown said he would recommend that. Chairman Martin with the people in the program right now, he'd like to look at the overall collection rate, the success rate, the supervision problems and working along with the guidelines that we have and then report back to us until they're out of the program. Ask the judge not to put anymore in the program until we have time to evaluate it. He said we can evaluate if the program is going to work or not with those folks in there. We won't know if it's going to make money or not or it's going to be paid for, but we'll see if the program actually works. Commissioner McCown asked, will this pretrial program have any method of collection? If an individual gets in this program and doesn't pay? What recourse would we have? Guy said there are a number of ways we can do it. Commissioner McCown asked if this entity will have that authority? Guy said sure; it won't be any different from what we're doing now. Al said it would be a Court-ordered pay. Guy said .... philosophy ... it's just the same way with people who are sentenced who can't pay right now. We work with the guys and get your money, you may not get it that day, but you get it down the line. Guy said he doesn't see any difference with these guys; we had one who just gave us a check for $336 for services that were finished up Friday. He had been out the three weeks or month ... if you work with them ... the thing with him was .... he started out ... he got a job ... Chairman Martin said that could be a success. Al said it was a success because he paid his bill and he stayed out of jail until he was sentenced. Commissioner McCown said, we were reluctant because of time to go to the Federal level, Al, is that normally a bureaucratic boondoggle? Does it take forever to get somebody out here, or what? Al said it takes time because they have to schedule it. Chairman Martin said let's have Dale go ahead and contact them to see if there is a timeline. Let's try every possibility if we're going to invest our time and our volunteers. They have fulfilled what we've asked

them to do; I think we need to help them out. If it's going to work, it's going to work. If not, let's go ahead and scrap it and get on to something else. Commissioner Stowe said even if it takes six months. Granted, we open the jail near or at capacity, this program could be put in place nine months from now and would still have a relieving effect on the jail. Commissioner Stowe said more delay, but maybe a little better research and Federal funds to do that part. We've shown that it's working before it's even in place. It's almost discouraging when we do this work and show that it's going to work and we can't get any response. Guy asked, what should I do if we get approved for this grant - it's for .25% of the rest of the programming money.... Chairman Martin said, in other words we would have a percentage to pay for that as well? Commissioner McCown said, I think we could take action in March if it were approved. We're going to see how much it's really going to take to supervise some of these folks, and we have our criteria in writing, then we're all right. Commissioner Stowe asked, Guy, can we get from Mesa County their average cost of supervising someone through this program and a comparative of how many people they really feel it has relieved from the jail population? From the time someone goes into this pretrial program until they're out, what they pay back in, so it costs the county "x" number of dollars. Say it winds up costing up $10 -$15 a day to put someone in this program as opposed to the $50 we might pay at the jail level. Then how many people, and I know it's hard to do, but we need to get a handle on some of the untouchable costs too. How much have their warrants gone up, and things like that. What has been the overall burden to the County ultimately by putting this program in place versus how many prisoners have actually been released and have they kept out of the jail by having this in place? Commissioner Stowe said, see if they've really accounted for some of the intangibles that we've identified today. Commissioner Stowe said he doesn't have a problem with it; he just wants to make sure we're not buying something that appears to be saving but really isn't in the end. Al said, the only way we can find out is to do it. Chairman Martin said, that's what I'm doing with these four right here that we've got. We had five and we've got one success. Making sure that we've got everything together. Jan said we should know that fairly soon. He said we're trying to gather that so he can be comfortable with the program or it's not going to work and we find something else that's going to work better. Commissioner McCown said, if the maximum an individual can supervise, Jan, did you consider cutting the program off at 20 people? Jan said, I think that's something you have to work out when that happens. Commissioner McCown said he knew Mesa County's grew like a cancer. They have got another complete level of bureaucracy around their pretrial program. We look at this, the judge says it's not working, Al says it's not working, we say it's not working. We say "you're out of here and these guys go back to jail." Jan said, haven't we down sized in other areas? Commissioner McCown said, not since he's been on board. Jan said it's not impossible to stop the program if it's not working. Al said one of the conditions of an employee of this nature is that it's an unknown, and the employee has to realize that if the program doesn't work, he's out of a job. Somebody asked, who do you have in mind? Commissioner McCown asked, could you hire somebody and apply .25 FTE to this program? Guy said probably so... Commissioner McCown asked, and still stay within your budget? Guy said if I know that from here to March we're on the same track. Commissioner McCown said he wouldn't have a problem with that. Commissioner Stowe said March is only seven weeks away. Commissioner Stowe said we'll have had a little bit of track record by then, perhaps some information from Mesa County by then, Guy will be more comfortable with his budget by then. I'd be willing at that point to step up for the next nine months and see what we can do with the program.

Chairman Martin asked if there were any other items to be discussed today?
Leo Preliminiary Plan
Commissioner McCown said the Leo Item that was on our consent agenda. Mark was unable to find the disk to make the correction.
Motion
Commissioner McCown moved that the Chair be authorized to sign that with the correction, 500 gallon tank for storage be made, and submitted back to the Chair for signature; Commissioner Stowe seconded; motion carried.

Recess

Motion was made by Commissioner Stowe to recess until 7:00 a.m. tomorrow morning for City/County meeting; Commissioner McCown seconded; motion carried.

Attest

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Chairman of the Board

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JANUARY 9, 2001
SWEARING IN OF NEWLY ELECTED OFFICIALS
AND
GARFIELD COUNTY COMMISSIONERS
RE-ORGANIZATIONAL MEETING

GARFIELD COUNTY, COLORADO

The newly elected County Officials, Commissioner John Martin, Commissioner Larry McCown, District Attorney Mark 'Mac' Meyers were sworn into office at 10:00 A.M. in a ceremony conducted by Chief Justice of the 9th Judicial District. The Event was held in Room 301 Courthouse; refreshments were served.

The Continued meeting of the Board of County Commissioners began at 11:30 A.M. on Monday, January 8, 2001 with Chairman John Martin and Commissioner Stowe and Commissioner McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 11:30 a.m.

Election of Chair and Chair Pro Tem
Chairman Martin - as the beginning of the year 2001, we need to do a re-organizational meeting - need to declare Chair, Chair Pro Tem.
Chairman of the Board
Commissioner Stowe motioned that John Martin be established as the Chairperson for the Garfield County Board of County Commissioners for the year 2001; Commissioner McCown seconded the motion; carried.
Chair Pro Tem
Commissioner McCown motioned that Commissioner Stowe be appointed Chair Pro Tem for the Garfield County Board of County Commissioners for the year 2001; John Martin stepped down and seconded motion; motion carried.

Commissioner McCown said he would like to make one suggestion - would like to see the Chair moved back to the center of the three commissioners - from a visual standpoint when people come in there's often confusion on who the Chair is - if Chair is in the center, it would clarify - from a protocol standpoint looks better if Chair is seated in the center.

Schedule of Meetings
The third meeting in March, Commissioner McCown can make it.

Commissioner Stowe said there are five Mondays in July - do we want to do meetings on 9, 16 and 23?
Commissioner McCown - that would be my preference - taking the week of July 4th off, the 18th of June would be our last scheduled meeting - if people are planning vacations, that would allow for that to happen.
Chairman Martin - we'll post that, July 9, 16 & 23 will be our meetings.
Commissioner McCown - what was decided on the 12th of February - that is President's Day.
Mildred - President's Day is the 19th - not meeting the 12th, meet the 20th and 26th.
Commissioner McCown - We're meeting the 5th, 20th & 26th of February.

Commissioners - Screen - Moved
Commissioner McCown - direction was given to Ed Green to move screen - pursue cork board with pins.

Equipment
Chairman Martin - look at the presentation equipment that we may need - overhead projector - for presentations of land use using Power Point.

Meeting Presentations
Chairman Martin - would like to look at going higher tech on presentations of staff reports - video, i.e. stream banks, layout of streets, where the access is coming, where the height difference might be, etc.
Ed Green - start doing pictures - Road & Bridge pictures have been helpful
Chairman Martin - make it better for the planning department
Commissioner McCown - one camera amongst the departments, it could be moved around.
Ms. Gaber - could we take your table and center it in this room - it was originally put here to utilize this small meeting room - but we never take the table apart
Mildred Alsdorf - there are times especially during an election year when we need to use smaller rooms and it is simple to take apart.

Adjourn
Commissioner McCown motioned for the board to adjourn; Commissioner Stowe seconded; motion carried.

Attest

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Chairman of the Board

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JANUARY 15, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:00 A.M. on Monday, January 15, 2001 with Chairman John Martin and Commissioners Stowe and McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER
Chairman Martin called the meeting to order at 10:00 A.M.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

a. Prehm Ranch Driveway Permit
Don DeFord, Attorney Rick Neiley represents the owner of the Prehm Ranch; Peter Belau is their engineer; Tom Russell, Garfield County Road & Bridge; Mark Bean, Garfield County Planning Dept.
Peter Belau - the application requests permission and authority from the BOCC to construct a 12' wide driveway approach on the right-of-way of Oak Lane, adjacent to Applicant's property located on the north side of road from the Prehm Ranch into the West Bank subdivision for the purpose of obtaining access to property.
Tom Russell - 1st, reviewed application for Northern driveway - need better turn around at entrance to the ranch property - 2nd, reviewed entrance on Westbank Subdivision Road, Oak Lane - it appears to meet all of the standards at Road & Bridge.
County Attorney Don DeFord - primary legal issue to resolve is access from Oak Lane to the Prehm property - reviewed Subdivision Plat for Filing No. 1 of the Westbank Ranch Subdivision - it indicates a road easement purportedly dedicated to the public (that runs from the cul-de-sac to the boundary of the property) and accepted by the Commissioners - has a letter from Mr. Neiley with the legal opinion that he believes that to be adequate public access - BOCC has letter from Mr. Beattie indicating that he does not think that provides sufficient legal right for use by the applicant - this is issue to be resolved.
Don - map of Westbank Filing No. 1 - would be valuable for BOCC to review document - far upper left side of plat, Oak Way right-of-way, something called a "road easement" that runs from that cul-de-sac to the property boundaries - there's a commissioner's certificate signed by the Chair, Mr. Mattivi, accepting all public dedications - there is a dedication that grants to the public use of the streets, avenues, drives, courts, places, alleys, roads and lanes as they are shown on the plat - hasn't seen any other document other than this that would grant the applicant to use that property.
Rick Neiley - the plat provides an express 60' road easement extending from the end of Oak Lane to common property boundary - there is language dedicating to public use all of the roads shown on the plat - road easement was not developed by the original developers of the ranch because they didn't have any use for it at the time - there is a gate and existing road going on to Prehm Ranch from the end of Oak Lane - has not been used much in the past - there is gated access there and we propose to continue having private gated access primarily serving one home - also provided emergency access to the ranch if necessary - minimum County standards state serve no more than 20 vehicles per day - we would not ever anticipate having that kind of traffic on this road extension since there is only one home located on 35 acres adjacent to the Westbank Subdivision - in his research he reviewed titles to the two lots (Lots 22 and 23) over which this easement passes and both of those lots have express reservations of title for easements as depicted on the plat.
Public input
Warren Wright, lives at Westbank, on Board of Directors of HOA - besides strong turnout of Westbank homeowners opposed to proposal, received list of owners of 22 lots who telephoned in to object to proposal - HOA strongly opposes - unnecessary - not been necessary for ranch in the past - if road is opened, opens Oak Lane to the airport road, this would be step one in the process towards a super highway through there - has potential to seriously damage Westbank community - historic access to Prehm Ranch has been CR 116/163 N (known as Prehm Road) - if ranch is divided into 8 parcels, why should historic access change? - only one lot near Westbank - (brought an enlargement of cul-de-sac from plat from Filing No. 1) - John Huebinger (developer of Westbank) wanted to limit access to Westbank from the ranch area by wrapping

Lots 22 and 23 around the cul-de-sac - Mr. Wright suggested County may have wanted right-of-way through lots - the Dedication Certificate does not address a road easement - it talks about service and utility easements - people who walked the Colorado Midland Railroad (CMRR) in the 70s and 80s could barely walk through - no one has driven through in recent times - all utilities have right-of-way - in early 1990s optics line put through, cleared out, transformer station, telephone poles, and guidelines in the right-of-way - it is not true that this area has been used as access - objects to permit for driveway because they are asking for a 4,000' driveway connecting two County Roads, not a short driveway connecting a house or garage to a public road - understood that a driveway permit was to allow private property to access a public road without interfering with someone else's property - the end of the cul-de-sac is the end of the County Road, in order to access the Prehm Ranch one has to cross private property - that is not permitted in a driveway permit - a driveway is required to enter the public road at an angle of 90° and no less than 60° to the centerline - the proposed driveway is leaving the County Road at maybe 5° or 10° - it doesn't fit the application - using a driveway permit is not the proper way to try and get access - HOA is concerned that simple process now to access 8 gated lots, Westbank in the future will have zero control over how those gates are operated - the 8 lots can subdivide later, what is 8 houses now can become hundreds of houses later, all that traffic will flow through Westbank - what the County sees now as giving access to 8 lots, 5-15 years from now could become a bypass - that's a tremendous risk to Westbank HOA - they believe it is a public safety and security issue that no more traffic goes through there - HOA strongly opposed to proposal - requests that proposal be denied.
Steve Beattie - resident of Westbank - attorney - here in both capacities - as attorney, point out legal aspects of issue - according to Westbank Filing No. 1 Plat, there is private property between the boundary of the cul-de-sac of Oak Lane and the boundary of Prehm Ranch - what does it mean where there's a notation of road easement on that end of the plat, the developer's representative would have you believe that this was a dedication to the public and therefore is available to this developer for its private purposes, in fact, for the record, precisely what the developer of Westbank Ranch dedicated back in 1970-1971 as relates to roads was the following, "hereby grant to the County of Garfield for public use the streets shown hereon including avenues, drives, courts, places, alleys, roads, and lanes" - that's what was dedicated to the public at that time - in fact, it was inclusive language because there are only two such things shown on here, Westbank Road and Oak Lane - through an engineer's depiction, the 60' right-of-way of Oak Lane was in fact shown on there - on the far left of the plat there is circle at the end - that same developer or his attorney knew the difference between roads, lanes, and the like, on the one hand, and easements on the other because later in the same dedication, it says "the public lands shown hereon for their indicated public use and the utility and drainage easements shown hereon for utility and drainage purposes only" so there were utility easements dedicated for that purpose only, there were roads, lanes and streets dedicated, but there is no reference to road easements being dedicated - this road easement was not dedicated to the public by this dedication language - it would have been easy to put in "and road easements" if that was the intent, but the developer chose not to do that - the question then becomes, why in the world is it there? - John Huebinger is still around, he developed Westbank Mesa as well as Westbank Subdivision, Mr. Beattie believes John wanted to preserve the possibility that Lots 22 and 23 might be sold, but if he and Art Small decided that they would like to expand Westbank down there, there was land which was encumbered by a road easement as shown on a plat, for further extension - Mr. Beattie talked with John Huebinger - the road easement, if that's what it is at all, it is merely the reservation of a road easement in favor of the developer not a dedication to the public - if it's not a dedication to the public, we can't grant this driveway access - this is the most unusual driveway any of us has ever seen - it's a 4,000' long driveway that connects the airport to Westbank - there are rules and regulations set forth in the application, and there are at least five respects in which this application for a driveway permit does not meet your own rules; #1 applicant doesn't represent all parties and interests, he'd have to represent Westbank and the two property owners in order to represent all parties and interests, #2 this is not for the bona fide purpose of access, it makes it easier and more comfortable for this developer, it would make it more convenient for the developer to get in through the south end, it's not in the public interest of Westbank to do so, there's a business purpose to make the lots more salable and have continuous access through there, #3 the rules say to complete all work within thirty days, this driveway is 4,000' long, Mr. Beattie doesn't think they can do it in thirty days, #4 it is stated in application that driveway access has to be between 60° and 90°, it's a roadway in the guise of a driveway easement - Legal points, this is not publicly dedicated right-of-way on here, the driveway access can't proceed, there are strong public purpose reasons not to do so, there's already access to the Prehm Ranch, it's a great concern at Westbank, Mr. Beattie is authorized to state on behalf of the developers of Rose Ranch,

LB Rose Ranch LLC, that in the short time since they received notice, they oppose this application for the same reasons stated in Mr. Beattie's four page letter to the Commissioners of late Friday, Mr. Huebinger opposes the application as well. Please exercise your discretion wisely, don't buy into the liabilities that this may create - deny the application.
Dave Leety, 0218 Oak Lane, last house and the closest one to this proposed subdivision that's going to join Westbank Ranch - retired, lived here for four years, recently bought Lot 20, spent all retirement savings because of the seclusion of this house, our door is 50' from Oak Lane - part of the reason they moved here is the seclusion and didn't want to worry about children and grandchildren being close to roadway - respectfully request you deny application - used to be with the highway department - secondary access, means access - that's a misnomer in my opinion - once you grant this driveway, it's wide open all the way to Midland Avenue, Four Mile and the airport.
Greg Souder, 161 Oak Lane, purchased home about 3 years ago - most important was the privacy and seclusion of a cul-de-sac - people who visit subdivision drive down Oak Lane at speeds in excess of the speed limit until they come to the cul-de-sac, realize it is not a throughway, then turn around at high speeds and drive back out - this happens 10-15 times per day - we highly respect our privacy - do not want to see a throughway or a bypass.
Steve Randol, past president (1983) of the Westbank HOA, present member of the HOA - lived in Westbank since 1980 - witnessed a problem that the County has no control over the speeds that are going through Westbank - it is a racetrack even today - you've opened up and paved Road 109 which is a direct shot from Carbondale - we now have the ability if we open up this road to have seven or eight mile shortcut from Carbondale to Sunlight Ski Area - I'm very much opposed to it - hope the Commissioners will understand that Westbank is supposed to be a private, quiet community - I hope you vote against it.
Fred Rowland, lives adjacent to Mr. Leety who spoke previously, lived there for 23 years - never noticed anybody using Oak Lane as an access to Prehm Ranch property - read a letter to the editor by the Jamarron's expressing concern about people driving on Highway 82 and passing the school bus without stopping when the red lights are flashing - we have school buses in Westbank picking up children all the time - asked Mr. Stowe, who used to walk Westbank Road regularly with his wife, if he wasn't sometimes afraid for himself because of the traffic when the golf course was operating, coming out of the clubhouse - we have serious concerns about excess traffic that might be created by this - we would appreciate you not allowing this.
Dan Gerro, 708 Westbank Road - has two small children, ages 4 and 3 - biggest concern with opening this up is the lack of shoulder, space that's currently on Westbank Road, it's barely wide enough for two cars to go by as it is - add more traffic to that, what does that do for the safety of our children - the current posted speed limit in Westbank is 25 m.p.h. - as of today we have two dead deer laying on the side of Westbank Road - at 25 mph if you see a deer, you should have plenty of time to stop - what happens if children are riding their bikes and there's three or four times the amount of traffic we have today?
Ken Kulwiec, 0352 Westbank Road, lived there close to 7 years - lived with the golf course clubhouse and the drunk drivers - we haven't seen much action taken by the police or the sheriff's department - we have three children of our own - opening up the access would create a travel route to Glenwood through Westbank and would also create that same access for the development of Rose Ranch - we've got another couple hundred houses and condominiums across the way - on the plat that there is a road easement, but that road easement can easily be interpreted as a road easement for Lot 22 to have a driveway, not for the property adjacent to it.
Jody Noel, real estate agent with Remax, 0985 Highway 133 - representing both the buyer and seller of Lot 22, Oak Lane - it is being represented as a single family residence at the private end of a cul-de-sac with river frontage - Mr. Neiley misspoke when he said that in the title commitment to the buyer and seller that representations were made of the easements - I would provide information to you but I can't because nothing has ever been recorded on the easement - Mr. Neiley should be aware of that because he's the attorney who wrote the offer to purchase for Lynn Cantrell - he's now the attorney of record for that contract that is set to close at the end of the month.
Milton Cass, 0644 Westbank Road - my great-grandfather came to Aspen in early 1880s - I've worked in this valley for the highway department for 30 years as a foreman in charge of maintenance and snow removal - been retired 12 years - I don't deny the developers their chance and their choice and their rights - but I do echo all the concerns of the people here today about the safety of our area plus the lack of crime we have in our little closed area - as a highway man looking at the roads can understand County Road people thinking this is a good alternate route - it's time for our valley to really live up to the fact that we need some

of these areas that are pristine, no high traffic, a place for children to play - I hope you will consider our concerns.
John Haines, live at the corner of Fairway Lane and Westbank Road - hopes Commissioners will listen to what Warren Wright and Steve Beattie had to say - I think you've got a real challenge to convince the public that you've done the right thing if you allow the developer to extend this road - another thing is if the developer bought this property counting on having the road go through, that's his problem, not ours - with those concerns, I ask you to deny this application.
Terry Drake, 0377 Westbank Road - we've been in Westbank since 1978 - felt incredibly wonderful knowing that it was probably one of the safest places to raise children - people and children walk on the road - my real concern is safety, as well as neighborhood character - my husband and I didn't protest Westbank Mesa because we know that change is necessary and for the good - this is not that type - I truly hope that you consider that this is a safety issue and one of neighborhood character.
Tim Thulson, 818 Colorado Avenue, Glenwood Springs, attorney with Balcomb & Green PC - we represent the developer of the Rose Ranch Development - RB Rose Ranch LLC - found out about this at 4:30 Friday afternoon - I was authorized by Bill Hatch, manager of Rose Ranch development, to join in opposition to this application for the same reasons set forth in Mr. Beattie's correspondence to you - there are very significant issues regarding what the intent of this 21' easement was - when we were drawing up the Rose Ranch application, we had several meetings with the homeowners out at Westbank and one of their big concerns was the traffic going to the golf course clubhouse - we agreed to locate the clubhouse on the Rose Ranch property to take the traffic off of Westbank Lane - if you're establishing a thoroughfare through a residential neighborhood, you are changing the neighborhood in a very substantial manner and that should only be done in the most serious of situations.
Steve Beattie - missed two items - #1. Mr. Neiley and Jody Newell, who represents the buyer and seller of Lot 22, had differing views on what the title commitment has told people in the past - wants to tender to the Board for their consideration is a copy of the title commitment from John Huebinger's sale of Lot 23, it's one of the two lots wrapped around the cul-de-sac - the title commitment is circular - in Item #18, "Easements, restrictions and rights of ways as shown on the Plat of Westbank Planned Development Subdivision, Filing No. 1" - neither does it expressly tell the owners of these lots your property is impressed with a roadway easement nor does it not say that, it just says all the easements shown on the plat - it doesn't give explicit notice that there is any roadway easement out there - #2. Asked to be sure that BOCC had received his letter of last Friday, and does BOCC record include the subdivision plat of Westbank Filing No. 1? And Sheets 1 and 7B from Enartech? And includes the four page application for a driveway permit?
Chairman Martin - yes.
Mr. Neiley - Prehm Ranch has no intention of creating an extension of Midland Avenue, or any road that would be available for public traffic - do not plan to pave or extend road - only primary access to one house on thirty-five acres - all of the roads within Westbank Subdivision are public roads - we have the right to use a public road - we are sympathetic to the concerns about the amount of traffic on that road - we're sympathetic to the concerns about the speed - there are mechanisms which can be implemented to control those things - people will want to get to this end of the ranch to fish, to hike and to do other things on that roadway - we believe when this subdivision was platted in 1971, an intention existed to allow access to the Prehm Ranch and that is the specific reason and the only reason that the road easement is described on the plat and that the road extension of Oak Lane is depicted on the plat - I don't know that John Huebinger opposes this - I see no letter from him - when I spoke to him he didn't indicate an opposition - we think our impacts will be minimal - we would participate with Westbank HOA in pursuing with Garfield County mechanisms to reduce and control the speed of the public roads through the subdivision - we do request that the County approve our request for a driveway access.
Commissioner McCown - asked Mr. Neiley if all of the lots are shown currently under single ownership? - yes - asked Mr. Neiley when he was here a month ago asking to create this development if they asked at that point for access through the south end?
Rick Neiley - no - when we were seeking subdivision exemption approval, we were talking about the three lots depicted on the upper end of that plat - the primary access as we stated is from 163 Road and we've agreed with Garfield County to incorporate some significant improvements to that road, turnouts, guardrail, etc., to make that the primary and most improved access to the ranch.
Commissioner McCown - wasn't that the only access mentioned a month ago?

Peter Belau - engineer with Enartech Engineering - did the design work on that application and was not aware that there was a road easement available from Oak Lane at that time - I was told and was under the understanding that the two lots on the end of Westbank wrapped around that cul-de-sac and there was no access available - I designed the access for this development - after the fact, based on some research that Mr. Neiley did, we found that there is indeed a road easement, so I felt that it is a good design to provide secondary access to this property for both safety and the convenience for the people who live here - that same good design is probably what happened historically, I'm only speculating - the County typically will require a road easement to provide future access to the adjacent property - that's because it's good design and it's good planning.
Commissioner McCown - Mr. Neiley says all of these lots are currently under single ownership, even if you're proposing to build a 12' unimproved road driveway, is there anything to prohibit the owner from committing a 60' wide easement across that particular property since it's all singly owned now?
Mr. Neiley - there's nothing that would preclude that - if it's a condition of issuance of the driveway permit that that not be a permissible use for the driveway permit, we would have no objection to that - that's not our intention at all.
Commissioner Stowe - asked Mark Bean, if they do not have this continuous access through here, then we have a problem with a length of a cul-de-sac being in excess of the 600' when we start reaching those final lots, is that not correct?
Mark Bean - 35 acre splits are not subject to any kind of subdivision standards - if it were subject to any further review or subdivision action it would be subject to that.
Commissioner Stowe- I guess we are not encumbering you if we don't allow that? Because you can still build your road with a cul-de-sac since you don't have to follow our County standards. I just mentioned that we wouldn't be encumbering his right to develop that if we denied the driveway access because he's not subject to the County standards that would apply to normal PUD regulations. If you have a road that is over 600' long, you have to have an alternative access at the end for fire control, or something to that effect.
Chairman Martin - because of the 35 acre senate bill rules and regulations which do not have review under subdivision regulations of Garfield County and statewide rule.
Bob O'Donnell, live at 0099 Westbank Road, formerly a member of the board - question for Mr. Neiley, you mentioned that the driveway will be used as access for fishermen, which people did you have in mind?
Mr. Neiley - one of the purposes we see for the road that currently runs through the ranch on the old rail bed is to allow the owners of lots on the north part of the property to be able to get down to the south part of the property to access the river, not for the general public however.
Bob O'Donnell - so that's not a public access then?
Mr. Neiley - we don't intend in any way to create a public access along either our entrance roads or any of the road through the ranch.
Bob O'Donnell - doesn't have a clear picture of how that works.
Chairman Martin - the large lot will be privately owned and there's no need to have public access down through their subdivision at this time - they have not proposed it and there's not a requirement to get to public access for the fisherman, unless they allow it, it's up to them.
Bob O'Donnell - I see all the lots along the river, they're privately owned, but I don't get the comment about fishermen.
Mr. Neiley - his point was only that these lots could use this road to access the riverside and putting conservation easements and rights of access along the river and an owner of a lot on the upper end of the ranch could drive down the old Midland right of way to fish on any part of the ranch property.
Bob O'Donnell - during construction, would this so-called driveway be used by construction vehicles?
Mr. Neiley - yes - you can see where there's a house depicted on the 35 acre parcel adjacent to the Westbank Subdivision - certainly we would have to have access for construction vehicles in order to build a house there.
Bob O'Donnell - I think that would be a real problem - vehicles coming from the gravel pit up 109 Road, concrete trucks, earth moving equipment, would be coming down Westbank Road through your driveway and returning during the construction process - I think that would have a very bad impact on the Westbank residents - I would like to add my comments that the Board does not approve this driveway.
Dave Leety, 0218 Oak Lane, Lot 20 - Colorado Senate Bill 35, I believe, states that anything 35 acres and greater can be re-subdivided. Is that correct? - yes - so why then couldn't' these people who buy these five 35 acre lots re-subdivide those and in essence, double, triple, quadruple.
Chairman Martin - I believe that is a possibility.

Dave Leety - just like the so called secondary road is a possibility - it connects to everything else on the north and west side of this property - for everybody that's here right now Senate Bill 35 states that any of these people who buy these 35 acre parcels can cut those up into more lots and here we go - it's wide open to more than just 8 single residences.
Ken Kulwiec, 0352 Westbank Road - the lot at the far south end of the Prehm property that shows a house being designed, has it been submitted for approval, or is that just a fictitious driveway put in there to show that they need access to that spot?
Chairman Martin - doesn't believe any building permit has been requested.
Mr. Neiley - we haven't submitted a building permit application yet.
Chairman Martin - it's an identified building lot.
Mr. Kulwiec - you're putting a driveway to a non-existing house.
Mr. Neiley - we need a driveway before we can locate the house, sure. We need to know what our access it.
Mr. Kulwiec - who owns that property?
Mr. Neiley - said lot is owned by the entity that owns the entire Prehm Ranch.
Mr. Kulwiec - they own the entire Prehm Ranch? Are you the representative for the entire Prehm Ranch? - yes - saying you want access both sides, you want two driveways to your lot.
Mr. Neiley - this application is for access from the south only.
Mr. Kulwiec - it's access from the south only.
Chairman Martin - they do have legal access from County Road 163 on the north to their present lots that they've identified.
Mr. Neiley - in response to the concern about further subdivision or further subdivision, we are currently finalizing our covenants for the ranch as a whole which will prohibit future subdivision of any of the parcels within Prehm Ranch - our intention is to create only 8 building sites and to preserve the maximum amount of this ranch in its present condition as is possible - we have no problem accepting a condition of the issuance of this permit that would not allow it to be used for any additional development on this ranch other than what we are representing here today - I think we have been consistent in our representations to this commission with respect to what our intentions for this ranch are when we processed our subdivision exemption application I believe we told you the same thing - the intention is to limit development on this property to maintain the natural condition of the ranch to the greatest extent possible and to make the development carry the value of the property, but also protect itself in terms of the desirability of the ranch for owners now and into the future - that is a stipulation that we can certainly accept in connection with the issuance of a driveway permit.
Velma Rowland, 0150 Oak Lane, lived there for 23 years - the application is signed by A. A. Lawson - who is he?
Mr. Neiley - Mr. Lawson is the principal of the entity we created to buy this ranch which is Marlin Colorado Ltd. - he has an interest in the project - as in most development situations, we prefer to use a limited liability company for purposes of the development - I represent Marlin Colorado and also Mr. Lawson personally.
Chairman Martin - we have an application in front of us that has been reviewed by staff, we've had public comment as well as comment from the applicant, any discussion or do we have a motion?
Motion
Commissioner Stowe motioned to deny the driveway application; Commissioner McCown seconded.
Discussion - *Grounds on Denial*
Commissioner Stowe - it would definitely open up the possibility of that becoming a thoroughfare which would impact the Westbank Subdivision in a tremendous way - the fact that Rose Ranch Development had moved the clubhouse out of there is going to make that a much safer neighborhood - I think we are compounding the problem if we open it up to potential future traffic, no matter what you call it - it's still going to be a bypass, and I personally would use that as a shortcut myself if I needed to get up to Sunlight - I'm not so sure a lot of other people wouldn't think the same way.

Commissioner McCown - agrees with Walt's reasoning and would like to emphasize that upon the initial application the applicant felt that the access as presented to us was adequate - we as a Board felt that it was an adequate access to the allowed development of these 8 lots - I still stand on my initial decision that the access off of County Road 163 is adequate to handle this development.

Chairman Martin - the issue of private property ownership around the cul-de-sac has not been fully satisfied to my point of view - I believe there must be an agreement in place or a written agreement that allows crossing of that private property for that purpose - I also believe that it does change the neighborhood drastically - I do believe that we are still allowing access off of County Road 163 and not denying access to the lower 35 acre lot.
Chairman Martin stated the motion is to deny for the findings; all those in favor. Motion carried.

CONSIDER AN AMENDMENT TO THE DAVID SONTAG SB-35 APPROVAL DONE IN RESOLUTION NO. 79-161. APPLICANT: LEONARD LANSBURGH
Chris LaCroix from Garfield & Hecht representing Mr. Lansburgh; Leonard Lansburgh, 4131 Crystal Springs Road, Carbondale, CO; Mark Bean, Garfield County Planning Department; and County Attorney Don DeFord were present.

Don reviewed the noticing requirements with Mr. LaCroix and determined these to be adequate to meet the regulation. Don advised the Commissioners they were entitled to proceed.
Mark Bean - this is a little unusual - it's an amendment to an exemption from the definition of subdivision that was approved originally by Resolution No. 79-161 - quick history; prior to 1984, Garfield County did not require a plat for any kind of a subdivision exemption, they were approved by resolution only - Resolution 79-161 was amended then again in 1980 to correct the scrivener's error in the original - approval was changed to four lots of 4, 4 12 and approximately 14 acres - they are listed in the staff report - the applicant has chosen and is requesting an amendment to change the configuration of those lots to be 7.9, 7.96, 8.31 and 9.938 acres each - that approval does not change in terms of the number of lots - subsequent to that original approval in 1979 - there are a couple of things that come into play here, all of these lots since they are over 4 acres in size would technically be eligible for an accessory dwelling unit by special use should they be requested - presently the water rights that are associated with any of these lots do not appear to allow that to occur - I also noted in my staff report that one of the lots that was being created which was Lot 4, shows a small leg showing a small house coming out of that - that's a present accessory or guest dwelling that was built by the original property owner that's now going to be the principal dwelling on a single lot - the reason I note this is so you're aware that down the road, should somebody want to build another structure on that, they're going to have to go through a special use permit process or they could arguably expand the existing house if they choose to and make it a little bit larger - in terms of the legal access they have provided, or are proposing, two separate 40' wide access easements along the common lines between Lots 3 and 4 and 1 and 2 - they will need to acquire a driveway access permit from Road & Bridge between Lots 1 and 2 - there's an existing well on Lot 3 that will be shared by Lots 3 and 4 with a well sharing agreement to define the use of the well - Lot 2 has an existing well that meets its needs - the new well permit would be needed for Lot 1 - I spoke to Mr. LaCroix last week, he indicated that they are in the process of trying to acquire the permit for Lot 1 - from staff's point of view, don't see any particular problem with the approval of the amended plat, subject to, and I'm suggesting a few notes here, at least the one note that we normally suggest, is the control of noxious weeds is the responsibility of the property owner - the other issue in terms of the subdivision action, I'm not sure we can impose those since we are amending something - that #5 be prior to approval of any plat that a well permit for Lot 1 be acquired.
Mr. LaCroix - originally read the regulations to say we don't need to do anything here because of Section 1:64 which merely provides that we have an un-platted subdivision where you are only doing a boundary line adjustment, you need only notify the County thirty days before any conveyance - I wanted to keep the planning office and Mr. DEFRA's office in the loop and we agree that because this original four lot Subdivision Exemption, if you were, was created by a BOCC Resolution that it would probably make sense for everybody involved to record an exemption plat at this time - we've been going through the procedural and other more technical requirements in making sure that we have done so - to address Mr. Bean's comment on the well permit - we did submit an application for a well permit on November 14, and we're optimistic that we would have it by now - we were told by the water lawyers who are handling this, that we might have it for today's meeting - when it became apparent to me on Friday that we weren't going to have it, I immediately called and said do we need to continue the hearing or can we proceed - I assumed it was O.K. to proceed on that basis.
Mr. Martin - you wouldn't have any objections to Mr. Bean's #5 recommendation?
Mr. LaCroix - we're going to have water there to sell it as a separate lot anyway.
Motion

Commissioner McCown motioned to approve the amendment to the Sontag SB-35 Approval Done in Resolution No. 79-161 with the staff's recommendations 1 through 5, 5 being that a well permit be required for Lot 1 prior to a plat being approved; Stowe seconded the motion; motion carried.
Mr. LaCroix - the draft plat that was submitted to Mr. DeFord's and Mr. Bean's offices, was apparently prepared by the surveyor based on the metes and bounds description of the 1980 resolution - there were some small quit claim conveyances before Mr. Lansburgh acquired title - in the next version of this plat that you will see, the acreage will be three or four-tenths less than the one before because the surveyor didn't use the right legal description.
Mr. Bean - you're talking about the quit claims associated with the County Road and the property across the County Road?
Mr. LaCroix - Parcel #1 on the plat before all of you is about 4/10ths of an acre too big - when I asked the surveyor how they got there, she said they plotted it based on the 1980 resolution - I told her there'd been some quit claims out since then.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Open Space
John Haines - live in Garfield County in Glenwood Springs - some time ago I was here protesting the item on the ballot, something called Open Space, and ask the property owners to support this program - my thought was, I'm not against Open Space, I just think it needs to be supported by somebody other than the property owners - it seems like something at that time that if this thing got put on the ballot, it was going to cost the County $8,000 - if it passed, the County would send the group that got the thing passed a bill - I'm just curious whether the bill ever got sent because it did pass - much to my surprise when I went to the Court Hearing to see whether the judge ruled it all O.K. and asked them to put down a bond, Calvin Lee said they really didn't have any money so the bond was made about $500 - in the paper I find Robert McGregor's given them $11,000 - I think they've got money, but I don't know that it's all been spent - curious if the County took care of their responsibility?

Mildred Alsdorf - my bills have not been finalized - when they are, I will bring it to the Board for their decision.

John Haines - bringing it up as a concerned citizen - thinks Open Space is a great program - just don't have the property owners pay for it.

Chairman Martin - for clarification, the boundary was established in Garfield and Eagle County - the funding mechanism was only passed in Eagle County and it was denied in Garfield County.

John Haines - the paper reported that they had something like $11,000 in their chest of funds - it bothers me as a citizen to watch the County step up and pay $8,000 if these guys have got some money - what's fair is fair.

Chairman Martin - the agreement will stand.

REGULAR WORK SESSIONS:

ADMINISTRATOR'S UPDATE
Ed Green gave his update that included the following:

- *The Fair Schedule*

Toni - tentative schedule for Fair, August 8-12
~Thursday night - Junior Rodeo
~Friday night - CPRA Rodeo
~Friday night - concert or comedian
~Saturday - auction @1:30 p.m. (after parade)
~Sunday - mud bog.

Commissioner McCown - likes shortened schedule - horse show is previous weekend.

Board Members

Toni - requested that the list she just provided to the BOCC of potential Fair Board Members be appointed to the Garfield County Fair Board.

Motion

Commissioner McCown moved that the Board approve the appointment of the mentioned members to the Fair Board: Kevin Runia, Amber Mekelbrug, Leon Hanhardt, Ron Fritzlan, Perry Will, Laurie Murdock, Dave Mangould, and Kim Gentry; Commissioner Stowe seconded; motion carried.

Fairgrounds - Construction Work

Jeff Nelson (Garfield County Engineering Department) - Tim Laudick (Gould Construction) requested a meeting at the fairgrounds to reevaluate the estimate given for construction work on the waterline - the concerns are winter conditions - Commissioner McCown will attend meeting.

Review of Cattle Guard Application Forms

Tom Russell (Garfield County Road & Bridge) - streamlining application process for a cattleguard - Don DeFord has reviewed application, made one recommendation which R&B followed.
Chairman Martin - goal for future is to have all applications on Garfield County web site.
Commissioner McCown - wouldn't encourage a great number of these.
Tom - R&B looks at sites - cattleguards are a maintenance nightmare - R&B has removed some cattleguards that had no fences - if the application looks good, R&B will proceed with it.
Chairman Martin - we give you the direction to go ahead and proceed.

Executive Session - Personnel Issue

Ed Green & Jesse Smith would like to address the Board in Executive Session on a personnel matter.
Persons needed in Executive Session are: Jesse Smith, Ed Green, Don DeFord, Clerk & Recorder, and BOCC.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss personnel issues; carried.

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

PUBLIC HEALTH - COUNTY HEALTH DIRECTOR

Mary Meisner - surprise for Dr. Brokering - Certificate of Appreciation from CDPHE for his role as medical advisor to the Garfield County Public Health Nursing Service for 15 years - gets $250/year - thank you Dr. Brokering.

BATTLEMENT MESA ACTIVITY CENTER AND DEVELOPMENT PLANS FOR BATTLEMENT MESA

Lee Peters, 37 Mineral Springs Circle, Battlement Mesa, CO - re: Battlement Mesa Activity Center and development plans for Battlement Mesa

Chairman Martin - Mr. Peters submitted letter dated 12/21/2000, with 15 questions - legal staff did research on Consolidated Metro District (CMD) and some of Mr. Peter's questions - research was forwarded to Mr. Peters - we reviewed the plan and we are bound by statute to go ahead and enforce the rules and regulations in the Service Plan - we think that we have.
Commissioner McCown - Mr. Peters should go before the Board of the Consolidated Metro District and any of these questions that we haven't given you the information to in your packet, ask them directly.
Don DeFord - asked Mr. Peters if he'd taken this to the HOA to see if they want to become involved?
Ken Luchin, 47 Pinacle Place, Battlement Mesa - under the impression that each village had a delegate - each delegate belonged to the HOA.

Chairman Martin - reiterated that Mr. Peters and Mr. Luchin need to take the balance of their questions directly to the CMB.

COUNTY ATTORNEY'S UPDATE
Don DeFord needs an Executive Session with the Board to discuss litigation involving Charles Lofton and the RFRHA litigation that's in the 10th Circuit Court of Appeals.

COMMISSIONER REPORT
Commissioner Stowe - Rural Resort this Friday at Summit County from 9:00 a.m. - Noon, we'll be electing new officers and also setting priorities and agenda for coming year.

Chairman Martin - letter from Department of Local Affairs, addressing a grant, Colorado Heritage Community Funds was awarded $50,000. - CCI, Growth Initiative Bill draft, give your comments - Move to allow Economic Development Program through legislation called CAPCOs, for rural communities/counties less than 100,000 to get money and have certain people invest into your counties - Legislation for a statewide noxious weed plan.

Commissioner McCown - Thursday, Associated Government, Northwest Colorado - this Wednesday, Comm. Board 8:30 a.m. meeting at the Fairgrounds.

Ed Green - meeting with DOE has been rescheduled for Friday, 26th at 11:00 a.m. in Rifle City Hall, will discuss proposed agreement - Contribution to the Humanitarian Awards Dinner ($250) Thursday, February 8, 5:30 p.m. reception, 6:00 p.m. dinner at Hotel Colorado, Glenwood Post is taking reservations.

CONSENT AGENDA
a. Approve Bills
b. Sign Amended Plat: The Peaks at Aspen Glen Townhomes, Filing No. 3
c. Approve Time Request Extension: Dangling Rope Exemption
d. Approve Request for an Extension of the Conditional Subdivision Exemption Approval for Robert & Ann Ramsey
e. Approve Amended Plat Lots 2 & 3 - Midland Grade Subdivision

Commissioner McCown moved that Board approve the Consent Agenda; Commissioner Stowe seconded; motion carried; those are "a" through "e."

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Nobody came forward.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS:

REQUEST FOR APPROVAL: SB-35 EXEMPTION FROM THE DEFINITION OF A SUBDIVISION
LOCATED: COUNTY ROAD 313, NEW CASTLE, CO. APPLICANT: EDWARD SMITH.
Don DeFord, Mark Bean and Edward Smith were present.
Don DeFord reviewed the noticing requirements with Mr. Edward Smith.
In reference to noticing requirements for owners of mineral rights, Mr. Smith did notify all of the owners of mineral rights - one of the owners, Shirley L. Sullivan, wrote a letter to Planning & Zoning indicating she had leased her mineral rights - Mr. Smith unable to find a record of that - spoke with Mildred Alsdorf on Friday and she gave us assistance - Ms. Sullivan entered into a lease agreement with Cooper Oil Company in 1984 (five year lease) and in 1989 entered into a five year lease with Kinny Oil Company - Mr. Smith could not find any further references.
Don DeFord - the BOCC has your testimony and they can judge whether any more notice needs to be done - with the exception of the evidence explained in the testimony before you, I think the noticing is adequate - the Board needs to judge whether or not adequate notice to mineral owners and lessees has been given.
Mark Bean - records in Planning Office indicated this property is surrounded by open space which is public land. (BLM or Forest Service??)

Don DeFord - asked Mr. Smith did you notify them?
Mr. Smith - no, I don't think we did - I was not aware of that.
Don DeFord - must use entire property because technically even the larger remaining parcel is part of the exemption process - will this alter your testimony given to this point?
Mr. Smith - yes it does - didn't look at public land adjacent to the whole parcel, only land which would surround the three small parcels.
Mr. DeFord - based on this your notice is inadequate - make sure to notice any property owners surrounding the entire parcel.
Chairman Martin - we will not open up the public hearing.

REQUEST FOR APPROVAL: LOT LINE ADJUSTMENT: S36, T7S, R87W. APPLICANT: W. PAGE SPRACHER
Don DeFord and Mark Bean were present.
Mark Bean read a memo which described the discovery by the surveyor of High Aspen Ranch that the 4.019 acre tract extended 0.5 acre into the 69.821 acre parcel - applicant desires to keep the original 4.019 acre figuration - it would be an amended exemption plat - staff recommends approval.
Motion
Commissioner McCown motioned that the BOCC approve the amended subdivision agreement to allow for the lot line adjustment creating the acreage of 4.019 acres and the balance of the 69 acres being adjusted; Commissioner Stowe seconded; motion carried.

Commissioner McCown motioned that the BOCC go into Board of Health; Commissioner Stowe seconded; motion carried.

BOARD OF HEALTH
Mary Meisner submitted a contract with Colorado Mountain College to allow their students to rotate through Healthy Beginnings. This needs the signature of the Chairman.
Motion
Commissioner McCown moved the Chair be authorized to sign a contract with CMC regarding Healthy Beginnings Prenatal Program; Commissioner Stowe seconded; motion carried.

Mary Meisner provided a review of the public health programs.
*W.I.C. - program staff continue to serve needs of 850 WIC clients
Immunization Program - foreign travel clinic services continue to grow - flu vaccine still being offered.
*Well Health Child Program - continue to provide classes on medication administration to the community.
*H.C.P. - Health Care Program for Children with special health care needs continues to improve - Mt. Family Health Center to provide space in the future
*E.P.S.D.T. - continues to be valuable resource
*Networking and Collaboration Updates
*Dental Task Force - Miles for Smiles - Catholic Charities is now the pass through agency - next local board meeting is 1/15/01.
*Next Columbine Mt. Family Community Health Center Board meeting is scheduled for 1/17/01 - now being done by satellite conference.
*Announcements
Mary thanked the Commissioners for being a part of Dr. Brokering's award - Thank you also for agreeing to be the pass through agency for the $120,000, the first phase of the tobacco settlement money - will serve area from Aspen to Parachute - first phase of grant is for assessment and planning - will go into the schools - will look at the scope of our tobacco problems.
Chairman Martin - what about children in Eagle school district from Sweetwater Area?
Mary - we tried to form a larger region which included Eagle County - Eagle County got their own $60,000 which will cover the Sweetwater children - there will be a second round on home visitations, Garfield may partner with Eagle at that point.
Mary - Northwest Colorado Region Public Health Nurses on Helmet Awareness - we have posters/stickers/pamphlets; bull riders, skiers, snow boarders, bicyclers - little goat with a helmet on.

Commissioner McCown moved that the BOCC come out of Board of Health; Commissioner Stowe seconded; motion carried.
Commissioner Stowe moved to go into Board of Social Services; Commissioner McCown seconded; motion carried.

SOCIAL SERVICES
Contract with the Garfield County Housing Authority

Margaret Long - presented contract for the Board of Social Services Chair to sign - contract with the Garfield County Housing Authority - 3rd year where we pay them an administrative fee plus specific services - all TANF money - all state and Federal dollars.

Commissioner Stowe motioned the Chair be authorized to sign the contract as identified and supported by Margaret Long; Commissioner McCown seconded; motion carried.

Caseload and Other Reports

Margaret - provided caseload and other reports - asked for comments/questions.

Commissioner McCown - Child Care Expenditure & Statistic Report - no low income training for three months?

Margaret - will ask why the gaps - "Low Income Training, Job and Job Search" not used very much - creates more anomalies.

Margaret discussed the following items:

1. Draft: Garfield County DSS 2001 improvement projects Adult Protection Projects
2. Communication
3. Home Office Networking
4. Core Services
5. Space
6. Child Support Enforcement
7. SEP
8. Safety
9. Records/Paper Control
10. Automated Systems
11. Finance
12. Implement TRAILS & CAPS systems
13. Child Welfare
14. Regional Child Care Project

Margaret - suggested a proposed format for BOSS meetings

1. Standard agenda items
2. Legislative updates as needed
3. Update on improvement projects
4. Items requested by BOSS or directed by County Administration

Chairman Martin - keep track of legislation - supply information that you feel strongly about - so you and I will be voting the same way - we'll be consistent.

Commissioner McCown moved to go out of Board of Social Services; Commissioner Stowe seconded; motion carried.

HUMAN SERVICES COMMISSION - TOPIC PRESENTATIONS - 2001

Sandy Swanson, Vice Chair - Debbie Wilde is the Chair and Martha Fredendall is the Secretary

- presented the BOCC with the list of Topic Presentations for 2001
- Human Service Commission, with the Post Independent, having Human Service Commission Awards, on February 8th, 5:30 p.m., Hotel Colorado - theme is "Caring Lights Up Lives"

Nancy Reinisch, Coordinator of Women's Services

- distributed and discussed new member packets
- proposed bylaw change of the board
  1. Change "'Alcohol & Drug Abuse Services' and 'Mental Health Services'" into one position "Behavioral Health Services" instead of two positions.
  2. Change the former three school district representatives to four educational representatives, including one more in Adult Education.
- asked for approval of new members (31; 4 positions not filled)

Motion
Chairman Martin - recommendation has been made to fill Human Services Commission, do we have a motion to approve?
Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.
Motion
Commissioner McCown moved to change the Human Services Commission bylaws as noted in the presentation; Commissioner Stowe seconded; motion carried.

CONTRACTS REVIEW & SIGNATURES
Margaret Long, Garfield County Department of Social Services
Child Support Enforcement Purchase of Legal Services Agreement - Renewal of contract
Same as last year - suggest BOCC sign - requires signatures of all three BOCC members - Commissioner Stowe, we already approved the signing of it - BOCC signed contract.

ADDITIONAL ITEM - *Forest Service - Federal Lands*
Chairman Martin - need a decision by September 1, 2001, on the way that we use to declare on our rack for Federal lands, Forest Service, etc. - did you get that on Associated Governments? - the Forest Service is proposing one rack for the entire forest system in the State of Colorado - the CCI Board opposed that saying that we need a rack committee of representation of all governments in the forest itself - with the four different districts and prairie lands, we need votes and have a rack set up - what it amounts to is we have to declare if we're going to take the present way of being paid, which is the PILT and the payment that's there, if we do then we must commit 25% to the rack decision on improvements of the forest and the roadless areas - pay for the removal and the re-vegetation of roads within the areas.
Commissioner McCown - timbering money that used to take place on those lands went to range and road improvements, and now it's going away, so it comes out of the local tax part.
Chairman Martin - we said, no we're not going to go ahead and let the Forest Service have one rack for the entire state, with representation of the selected forest representatives - a forest users' review board within the area that's affected by the forest itself - Rio Blanco has a team within their government to review issues within the forest district in their government - we do not have one of those - we need to look at that - there's a list of who has to be in the review committee - Don Davis will send us his outline of the forest review committee as well - we need to get more information and I'll be going up February 8th on this issue - I'll bring back more information on PILT and the new rack makeup.

EXECUTIVE SESSION
Don DeFord requested an Executive Session to discuss Loftin, RFRHA and Fiero claim. litigation - persons needed in Executive Session are: Jesse Smith, Ed Green, Don DeFord, Clerk & Recorder, sheriff and his staff and BOCC.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss litigation issues; carried.

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

Adjourn

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

Attest | Chairman of the Board

_____ _____

JANUARY 22, 2001
PROCEEDINGS OF THE GARFIELD COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:00 a.m. on Monday, January 22, 2001, with Chairman John Martin and Commissioner McCown and Commissioner Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf

CALL TO ORDER
Chairman Martin called the meeting to order at 10:00 a.m. Group sang belated Happy Birthday to Mildred Alsdorf.

ADMINISTRATOR'S UPDATE
Ed Green gave his update which included the following:

a. Landfill Screener Purchase Discussion (snuffy truck vs. equipment to extend life of landfill; opted for extending life of landfill)

Tom Russell and Tim Arnett were present.
Tom Russell stated this is a proposal to purchase Norberg Screen-All - same kind we used at the riding arena - supplier added the rental to the purchase of the screener - used by one other company before Garfield County - Model year 2000 screener - very few hours on it - good buy at $48,825.00 - still need to buy - also, the other pieces of equipment to look at are: loader and a boom truck - plan to purchase those for the same amount of funds that were set aside for snuffy truck.
Tim Arnett said there's a modification of the funds for the snuffy truck placed under R&B - this equipment will be purchased and owned by the landfill - amount of money placed in budget to buy snuffy truck will roll back into fund balance - we'll purchase equipment out of landfill contingency because we had not budgeted in landfill - needs to be owned by landfill, also used by R&B - will be a shared piece of equipment - but purchased by solid waste department - advantage is depreciation - the landfill is an enterprise fund - there are economic advantages - when R&B uses it to put in a culvert, they'll have to reimburse landfill.
Motion
Commissioner McCown - made a motion the BOCC approve the purchase of the screen machine from Power Motive for a purchase price $48,825.00; Commissioner Stowe seconded; motion carried.

b. Change Order for the 8" waterline and two alternative quotes for Gould:

Jeff Nelson and Randy Withee were present.
Randy - Costs associated with the installation of the 8-inch fire suppression waterline for the riding arena were based on two potential corridors leading from the connection at West 12 Street (drawing was attached). The prices were as follows:

Option 1		
Installation of the line (including connections, bends, etc.)		$29,275.00
Fire Hydrant		$ 2,900.00
F&I 3 inch conduit		$ 2,937.00
Meter Vault		$ 7,200.00
	Total:	$42,762.00

Option 2		
Installation of the line (including connections, bends, etc.)		$35,375.00
Fire Hydrant		$ 2,900.00
F&I 3 inch conduit		$ 4,752.00
Meter Vault		$ 7,200.00
	Total:	$50,227.00

Randy - it is our understanding the Board has previously approved the installation of the fire suppression waterline for approximately $30,000.00. The initial price was based on a preliminary design. The two (2)

options were based on a construction design which defined the actual corridor, added the 3-inch conduit, and the meter vault.
Jeff - the 3" conduit is for the phone service for fire alarm suppression system needs to be monitored by Rifle Fire District.
Randy - meter vault will be a concrete utility vault for safety.
Commissioner McCown - this will have to be a dedicated line - we'll have to pay a monitoring company like Apex Security - the line will not go directly to the fire department - yes - $70/month for dedicated line, $90/month for monitoring system?
Ed - spoke with Selby and Bill Sappington about Option 1 - Rifle unwilling to waive the easement requirement on any 8" line - willing to go with a revocable easement at Garfield County's option - would allow us to reroute the 8" line any way we want - Rifle would assume the responsibility for the rerouted line in any configuration we decide.
Commissioner McCown - if Option 1, the City would have an easement agreement to maintain that line which would prohibit any future building in any of this area where the red line is - revocable easement will entail us having to tie in, move the line around, any structure we build, and they still have an easement - my suggestion is to keep it out of that area where there may be future structures.

Commissioner Stowe- will the existing buildings stay there.
Commissioner McCown - given the cost of replacement, that and the new barn will be the anchor for the fairgrounds - whatever takes place will have to be in the area west of there - we know some of the old block buildings are not in good condition - eventually new barns will be in that area - we're going to have to move the line if we go with Option 1 and decide to place a structure there - it's probably as cheap to spend the extra $8,000 for Option 2 now as to spend it later and reroute around a building.
Commissioner Stowe- agreed.
Commissioner McCown - will we tap into this line to service the grandstand area and the existing rest rooms or will that remain independent.
Randy - understands this has to be a dedicated line just for fire.
Commissioner McCown - so there won't be a tap fee?
Ed - reason that City was apprehensive about not having an easement related to 8" line - traditionally an 8" line provides the flexibility for a tie in.
Commissioner McCown - can we shoot straight out to the street?
Jeff - fairly sure the numbers Gould gave them were to follow the waterline - not trenching - phone company does not want an easement around it - they don't care - straight out across wouldn't be an issue with them.
Commissioner McCown - telephone doesn't have to be buried as deep as the waterline - suggests going with Option 2 to help prevent that area being encumbered with an easement.
Motion
Commissioner McCown - made a motion the BOCC approve Option 2 for $50,227.00; Commissioner Stowe seconded. Motion carried.
Ed - schedule in two weeks?
Jeff - Gould has crewmen in there now.
Randy - Jeff is going to meet with them at 1:00 p.m. to go over it - they get started in two weeks to get it installed - we're looking at phone connection.
Commissioner McCown - once we get the waterline in, they said they may be able to run a temporary loop off of what we have existing to run the fire suppression - so we can get temporary C.O. for building - they may not get the permanent hookup done right away.
Jeff - what is drop dead date? - anything that ties into a municipality water system has to be per their design - we have a hydrant on the end - if there was a stagnation problem, one can blow it off.
Chairman Martin - Feb. 17th is drop dead date.

c. Cost of Living Study

Jesse Smith attended meeting in Silverthorne with Northwest COG - trying to mount a Cost of Living Study between counties and municipalities - we've agreed to participate - Grand, Summit, Eagle, Pitkin and Garfield Counties - Silverthorne, Breckenridge, Eagle, Basalt - done by Runsheimer International - base everything on U.S. City Anywhere - last base city was Denver - allows us ability to do a cost comparison for salary purposes for employees coming from somewhere else to the Roaring Fork Valley - data points

will be taken from a County perspective proportionate to the population - 40% of data points will come from unincorporated Garfield County - 60% from incorporated Garfield County - will not be enough data points if we do it as a County - municipalities need to participate in study - cost for cities to go in will be $2,500 per municipality - will contact Rifle, Glenwood to talk them into participating - made suggestions to them - i.e. tobacco, drop it and put in daycare - sample all transportation costs - Runsheimer used two-wheel drive, economy and midsize vehicles - suggested 4x4 to get comparable costs for our area - will get data back by end of February - Northwest COG will take data and repackage it into a study more representative of all of us, including a complete multimedia presentation that we will have - in our Fall round of service club presentations, we could use this for cost of living differentials in Garfield County as compared to neighboring counties - looks good - factor into our salary plan - to hiring radiuses - study will start February 1 - data from study 3 years ago and 10 years ago - rate of change in the counties was spectacular - Aspen had lowest rate of change in the last 3 years - highest rate of change was Durango in LaPlata County - Silverthorne in Summit County also went up faster - suspect we'll see that with Garfield County - we did not participate in previous study - won't be able to see unless we participate in an ongoing way - study is every 3 years.

d. Achievement Awards Program

Ed - application form from Margaret - needs to be signed by John - Achievement Awards Program - Eagle County is going to pay for the cost of registration with the National Association of Counties - gives us an opportunity to have our Rural Resort Regional Child Care Project evaluated, and if appropriate, given an award - no cost to us - a matter of us signing the application - request the Chair be authorized to sign.
Motion
Commissioner Stowe moved that the Chair be authorized to sign the described form; Commissioner McCown seconded; motion carried.

e. Energy Impact Grants

Ed - only one Energy Impact Grant - don't need to prioritize it - for expansion of Clagett Memorial Hospital - $17 million project - bonding approved in last election - request for 1/2 million dollars from Energy Impact Assistance.
Chairman Martin - we'll rate that as our top priority.
Ed - we will make a transmittal memo for that.
Commissioner McCown moved that the Chair be authorized to sign and endorse the Energy Impact Grant involving the remodel of Clagett Memorial Hospital; Commissioner Stowe seconded; motion carried.
Commissioner McCown - in last couple of weeks there have been moves made that could threaten the Energy Impact Program - Associated Government is taking a stance in opposition - one move was to take money out of the Energy Impact Fund to back-fill the Endangered Species Fund, which is primarily activity taking place on the Eastern Slope and would involve the Jumping Mouse and the Black-Footed Ferret, all those areas in Douglas County which are being developed - there is pressure that there is money available in the Energy Impact Fund - letters indicating our opposition to this have been sent to Bob Brooks and the governor - not the proposed intent of that fund - if a city or an entity is having a problem directly driven by energy with endangered species, then they would apply for a grant.

f. Small Remodel Project

Ed - small remodel project in our offices is less than $2,000 to fix wall between Jesse and Barbara.
The Commissioners agreed to proceed.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update:
Health Care Provider - Jail
Had discussion with Chris, representative for the health care provider for the jail - Chris has had ongoing discussions with Valley View Hospital so this company can enter into an agreement with Valley View to provide emergency medical care for inmates of the jail - Valley View wants to see an agreement that if for any reason our health care provider terminates their agreement with Valley View, that the County would

agree that it would pick up all medical costs for inmates who are being currently treated by Valley View - the provider we had a year ago went into bankruptcy and left a number of local providers holding substantial debts - at that time Don spoke with attorney for Valley View, attorney said in the future County will be responsible for the obligations of the provider - the language Don has received is strictly a commitment only for inmates actually being treated at the time of termination of provider - Valley View will continue treatment and we would provide payment for those costs - seems like a reasonable request - we have a legal obligation to provide medical care - one way or another - if correctional isn't able to continue their contract, we've got to pay somebody, if they're in Valley View, to finish the treatments already begun - my position is that it should be limited to inmates who are currently housed at Valley View, and the County should agree to pick up those costs.

Commissioner McCown - doesn't see that there's an option - it's our responsibility anyway - as long as any existing debts with our existing provider with Valley View, etc. - from the date of termination forward, we would be responsible for the care of those inmates.

Don - if BOCC is O.K. with that, I'll tell Chris to continue drafting contract with Valley View along those lines.

Updates on Litigation

Commissioner McCown - are there any updates on the litigation we discussed last week?

Don - nothing right now - will have discussions tomorrow with Kathy Greer re: Archuleta case; and discussion with Elasandra and Josh Marks concerning Lofton case.

Sunnyside Senior Living

Commissioner Stowe- two weeks ago - Eunice Kiss - Sunnyside - discussion - cost $18,000 to fund - need O.K. from Garfield County - will talk to Dave Norman and Deb Stewart.

Commissioner McCown - did you read this letter from Deb Stewart - there's good information - doesn't think funding is a problem - willingness of organization to step forward with the commitment is the problem - CMC has the funding capability through their senior/older Americans Act funding - talked to Dave Norman and Deb.

Western Garfield County Mayors Meeting

Chairman Martin - received letter from Mayor of Glenwood Springs on upcoming meeting with the Western Garfield County mayors on the 8th of February - two items - 1st, Intergovernmental Agreement on Development Review; 2nd, Intergovernmental Agreement for RFTA bus system - we need to review these.

Road and Bridge - Contract with Mesa County

Commissioner McCown - asked if there was anything from Mesa County agreement with R&B?

Don - no - asked Tom Russell to contact his counterpart in Mesa County see if we can get action - if not come back to the board.

Ed - This agreement is about the gravel pit - until it's in place, we cannot commence hauling gravel - neither can they.

Commissioner McCown - even after agreement goes into place, DOW was not listed in agreement - right now they are trespassing.

COMMISSIONER REPORT

Commissioner Stowe- Personnel 9:00 a.m. Wednesday
School board 5:30 Thursday, January 24th
Here for 7:00 meeting County Commission, but not at school board meeting
Rural Resort met last week
Northwest COG next month on Thursday 22nd (list of 9 items on priority agenda)
Healthy Beginnings Board Meeting this Thursday at noon

Commissioner McCown - Dog and pony show with Rotary in morning
Comm. Board mtg. at 1:30 p.m. Wed.
Feb. 8th mtg. with Human Services - presentations

Chairman Martin - Need report on the properties up Oak Meadows - what was available to them - do we allow them to have access on that water and sewer.
Opening for the Garfield County Housing Authority; we need to advertise for that.

Library Board on the 25th at 8:30 a.m.
Ag Day Workshop in New Castle on the 31st for small pastures, etc.
Child Care on 23rd at 6:30 p.m. at Blue Lake Preschool
Workshop on 24th at 7 p.m. at P&Z - Ricky Santarelli's four items of 1041 Regs, copy of comprehensive plan, agenda that Mark sent out
Wednesday 2nd draft round 24th between 1:00-3:00 p.m.

Ed - DOE meeting Friday on aquifer - issue of UMTRA site itself - additional information from Albuquerque re: transfers of property in the past, specific clause, if it gets contaminated again, they'll come in and take care of it.

CONSENT AGENDA

a. Approve Bills
b. Sign Contract for As-Needed Engineering Services: Wright Water Engineering
c. Sign Final Plat and SIA for Elk Springs Subdivision, Filing No. 6
d. Sign Conditional Use Permit for Medina Home Occupation

Commissioner McCown - a, b & d can be approved and I would make such a motion; Commissioner Stowe seconded; motion carried.

REGULAR AGENDA

- ***Colorado Animal Rescue Contract Discussion***

Chairman Martin - how are the meetings in the West end re: animal control?
Commissioner McCown - last meeting we went out and looked at site east of airport - thought that would work for their needs - ball is in their court.
Ed - spoke with Kenny - indicated it was a good use - fairly compatible with what we want to accomplish there at the end of the runways.
Cindy Crandall, on Board of Directors of Colorado Animal Rescue, and Jim Calloway, volunteer, 1023 Heritage Drive, Carbondale.
Jim - recapped how facility was built:

~ CMC gave $1/year lease on 7 acres of land at Spring Valley Campus
~ no official relationship with college / some vet techs from CMC volunteer
~ we are separate nonprofit organization
~ Dean Moffat designed pro bono
~ building cost $900,000 - raised $500,000 from community ($75,000 from Garfield County) - borrowed $400,000
~ open for 9 months - paid off $250,000 of loan
~ think we can pay off $150,000 in next six months
~ in 9 months taken in 310 homeless animals - adopted out 262 - three page application
~ two day cooling off period for people wanted to adopt
~ animals come from many places
~ every animal gets some human contact every day - volunteers clean, feed, walk
~ all dogs get outside every day
~ 3 full-time employees - not enough
~ Cindy, full-time, but no pay, 50-60 hours per week
~ acknowledges that County is not responsible for cats, only dogs
~ acknowledges that County's interest is for public safety
~ we are your shelter - you own an interest in the shelter
~ have $100,000 deficit a year
~ asking County to help - asking the $2,000/month ($24,000/year) to hire a full-time vet tech
~ 126 dogs taken in during 9 months open - 75 were free roaming dogs from somewhere in Garfield County - 51 dogs surrendered by owners (people who have to go into nursing home) - 60% came from Garfield County
~ # of days we had dogs from Garfield County = 2,372 days in 9 months
~ figure $10/day would be about $24,000 - another way to look at it

Commissioner Stowe- on Garfield County dogs, record of whether they came from city area or county area? - does $100,000 deficit include any debt service? - no
Cindy - nothing comes from the cities - all the cities take care of their own dogs
Commissioner Stowe - what is maximum occupancy based on facility?
Cindy - 40 dogs and 30 cats.
Chairman Martin - we'll get back to Jim and Cindy - try and find money some where.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REVIEW OF PROPOSED TEXT AMENDMENT. SECTIONS 5.03.15, AIRPORT/KENNELS AND SECTIONS 5.07.07(9) AND 5.07.09, GARFIELD COUNTY SIGN CODE. APPLICANT: BOARD OF COUNTY COMMISSIONERS
Mark Bean and Jim Leuthueser were present.
Mark Bean - Jim has reviewed the public notice proof of publication.
Jim - requirement in terms of notification for a text amendment to the zoning resolution requires that notice be published 30 days prior to the hearing - it's been done - give to Mark the certified copy of that.
Chairman Martin - notification was timely and proper - we'll go ahead and proceed - swore in participants.
Mark submitted three Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Project Information and Staff Comments; and Exhibit C -Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - C into the record.

Mark Bean - technically these are two different requests of the board for staff and planning commission to consider - because of timing, published together:
CHANGES TO THE DEFINITION OF A KENNEL - AND STANDARDS FOR A KENNEL:

1. Primary change in #1 "from the hours of 5:00 PM to 8:00 AM in all zone districts. Kennels with outdoor dog runs may be allowed in all zone districts by special use" - there is restriction on dogs' barking activity.
2. Modified sewage disposal system regulations - must be designed by a registered professional engineer.
3. A well permit or other legal supply of water must be provided - an adequate legal supply does not include a cistern.

SIGNAGE AT AIRPORT:
Tenants at airport had requested that Kenny Maenpa (airport manager) ask for variances for signs - Staff has suggested the following change to sign language (5.07.07 (9)):

New language is, "Only one (1) permitted sign per lot shall be allowed, except in the P/A zone district where a wall sign will be allowed on the runway and public access sides of each building."

Changes to the language related to signs in the C/L or C/G zone districts (5.07.09):

Staff has approved language for wall signs to allow for wall sign that is 2 sq. ft. per lineal ft. of building frontage, not to exceed 180 sq. ft. - temporary signs will be subject to approval by Airport Manager and not to exceed 32 sq. ft.

Chairman Martin - any member of the public wish to give testimony on this matter? - None.
Commissioner McCown - does Kenny have the authority to locate the freestanding signs; approve or disapprove signs in the airport district?
Mark - not the way it's written presently - they have to put it on their leased property if they're to have a free standing sign - that's still limited to 150 sq. ft. which is consistent with other zone districts.
Motion
Commissioner Stowe motioned to close the public hearing; Commissioner McCown seconded; motion carried.
Commissioner McCown made a motion the BOCC approve the zone district text amendment 5.03.15 to read as indicated with the changes allowing outdoor dog kennel runs as a special use in all zone districts

and the verbiage as included in the staff packet under kennels with the noted changes; Commissioner Stowe seconded; motion carried.
Motion
Commissioner McCown made a motion the BOCC approve the zone text amendment for Section 5.07.07(9) addressing the signage allowed in the airport district as noted in the staff report on page 3, addressing the sizes and allowances of signs; Commissioner Stowe seconded; motion carried.

REQUEST FOR APPROVAL: CONDITIONAL USE PERMIT FOR AN UPSTAIRS ART STUDIO IN THE BARN. LOCATED: 4440 COUNTY ROAD 342, SILT, CO 81652 APPLICANT: OLIVER PERIN.
Jim Leuthueser, Greg Butler, and Attorney Jim Larson were present.
Assistant County Attorney Jim Leuthueser - questioned Jim Larson, attorney representing Oliver Perin, appears that notices were properly given.
Chairman Martin - swore in all people about to give testimony.
Greg Butler presented the following Exhibits to be entered into public record: Exhibit A - Proof of Legal Notification; Exhibit B - Return Receipts: Exhibit C - Application and Attachments; Exhibit D - Zoning Resolution of 1978 as amended: and Exhibit E - Project Information and Staff Comments.
Chairman Martin - entered Exhibits A - C into public record.
Greg Butler - applicant is requesting permission to turn the upper floor of their existing barn into a private art studio - staff recommends **APPROVAL** of this Conditional Use Permit based on the Suggested Findings and the following conditions:

1. That all representations of the applicant, either written or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant meets all requirements of the Garfield County Zoning Resolution of 1978, as amended.
3. It is the applicant's responsibility to prove that the access easement to this private art studio is sufficient for this proposal.

Commissioner McCown - has the area of the studio in the barn been built to code - yes, this is why we are doing this.
Jim Larson - access easement is adequate - access from the county road to the home also furnishes access to the studio in the barn - barn is between the road and the home - not anticipated that there will be heavy traffic - more of a private use.
Chairman Martin - clarification for general public - house and barn sit on 17 acres - have their own well and septic system - staff reported 24' easement off of County Road 342.
Chairman Martin - asked for comments from the general public - none.
Commissioner McCown - do you anticipate any signage down by the road indicating that the art studio is there? - No.
Motion
Commissioner Stowe - motioned to close the public hearing; Commissioner McCown seconded; motion carried.
Commissioner Stowe - motioned that BOCC approve the conditional use permit for an upstairs art studio in the barn located at 4440 County Road 342, Silt, Colorado, Applicant: Oliver Perin, with conditions as noted by staff; Commissioner McCown seconded; motion carried.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A SINGLE-FAMILY DWELLING UNIT TO A TWO-FAMILY DWELLING UNIT. LOCATED: 30 PINON DRIVE, GLENWOOD SPRINGS, CO APPLICANT: BARBARA HAUPTLI.
Jim Leuthueser, Greg Butler, Chuck Brenner, June, Mark and Barbara Hauptli were present.
Jim Leuthueser - reviewed the notices, verified the manner of securing the adjacent landowners, and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers who wished to give testimony.
Greg Butler presenting items for the BOCC: Exhibit A - Proof of Legal Notification, Exhibit B - Return Receipts, Exhibit C - Application and Attachments, Exhibit D Zoning Resolution of 1978 as amended, and Exhibit E - Project Information and Staff Comments.
Chairman Martin entered Exhibits A - E into public record.

Greg - applicant is requesting permission to develop their single-family residence into a two-family residence. The applicant is proposing to use the addition for family, however in the future this dwelling unit could become a rental unit.

~ staff believes that the HOA Covenants for this subdivision might preclude this type of addition to an existing residence
~ would be a two-family dwelling unit in a neighborhood that was originally established as single-family residences
~ according to the blueprints, no consideration was given to screening this addition or for addressing off-street parking
~ proposed addition would encroach into the side-yard setback just slightly

Staff recommends **DENIAL** of this proposal based on the Suggested Findings of the staff's Project Information and Staff Comments report.

Applicant Input

Chuck Brenner - concerned or confused by some of the suggested findings - that proper public notice was provided as required - we agree that was done - that the hearing before the County Commissioners was extensive and complete - is what we're going through right now - #3 says "That for the above-stated reasons, the proposed special use permit would not be in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County." - as we get down the list, you will see why in fact it would be in the best interest of the health, safety, etc., but I'm confused that for the first two reasons, it's not.

Greg Butler - that should be the last finding.

Chuck - #4 states, "That the applicant is not in conformance with the Garfield County Zoning Resolution of 1978, as amended." - take issue with that because of #7, #8 and #9 - #7, "There is no off-street parking proposed for this addition." - in fact, there are four off-street parking spots on that property and I have brought a plan that indicates that.

Chairman Martin - that would be an exhibit by the applicant?

Greg - is this new?

Chuck - no, it's the same plan - I've just shown where the parking spaces are.

Greg - that's the point - that wasn't shown on the plan - we need to enter it as an exhibit.

Chuck - let me show this to Mark for a second - this is the same plan - there are two parking spaces in the garage and two in the driveway.

Mark - this needs to be added as an exhibit - this wasn't part of the original application.

Chairman Martin - this will be a citizens exhibit.

Chuck - #8 states, "If approved as presented to the Planning Department the addition will encroach into the side yard setback just slightly." - in fact the project does not encroach into the side yard setback - the eave does go over the setback - by your own documents it says that projects "every part of a required yard shall be unobstructed from ground level to the sky except for projections of architectural features as follows: roof eaves - 18 inches" - we do not encroach more than that 18" - in fact less than that - shown on plan - #9 states, "In the immediate past the Board of County Commissioners turned down a similar request just south of this request" - there's only one house south of the request before Donegan Road, then we're into Mel Ray - Mel Ray is a much heavier traveled street with much smaller lots - I can see something being turned down there where it may not be here - I'd like to take those issues.

Barbara - my family came to Glenwood 48 years ago - my mother and my father purchased the house at 30 Pinon Drive in 1967 - my mother has lived there ever since - I came home this summer and we began to look at what future plans would be appropriate because the house is large, the lot is fairly substantial, and the maintenance was becoming a small, but increasing burden for my mother - we looked for other options in the neighborhood because she likes that part of town - we could not find anything that was suitable - everything else had multiple levels, required a lot of stairs - not an issue today, but it doesn't make good planning sense for a family to make that kind of a choice for an older parent - we debated our options - my brother's family came up with the consideration of adding on to the existing structure an apartment for mom, so that their family might then take over the main house - they have a large family and it would be much more appropriate for them - seemed like a good idea to all of us - my brother is the minister of the Church of Christ which is around the corner - it would reduce a lot of their traffic and travel times to be able to have him walk back and forth to that property - from our perspective, this is an entirely a win/win situation - Mark's family's been in town ministering to the church for 14 years - we're not going anywhere - we've been here for a very long time - granted, at some point in the far distance future there may be

changes, but right now I don't see that happening any time soon - from our perspective there are limited housing options especially in that side of town - there's very little new construction - most of the old construction is similar to the house that we have now - it's too large to be appropriate for our needs - this seemed to be a reasonable use - when I investigated the zoning, it was allowed as a special use, which meant to me that it would require additional scrutiny, but that it was not forbidden - it was considered up front - the parking seems to be an issue - we have between our three families, we have four vehicles which are all accommodated by the existing parking that's available - we didn't add on our plans any additional parking spaces because we don't need them - there's room to add additional off-street parking spaces, but it didn't make sense to designate that at this time because there's no foreseeable demand for it.
Chuck Brenner - the property owners immediately south, we talked about screening and that we had not provided any - they submitted a letter in support of this.
Barbara - has letters from virtually all the adjacent property owners - one person she was unable to contact personally - spoke to the Church of the Nazarene which owns significant property behind ours by phone, but didn't receive a letter from them - also spoke to property owners just to the north and received a letter, no objections.
Chairman Martin - do you want to enter that as an exhibit?
Barbara - yes
Chairman Martin - we have citizens' exhibit "F" let's make this citizens' exhibit "G"
Chuck Brenner - for the reasons Barbara said, this would be beneficial to the health, safety, morals, convenience, in that #1, we're not taking somebody off of the property in an area where you know what the housing situation is, it's actually going to reduce traffic because we don't have vehicles going back and forth between family members, #2 this is an advantage to the community.
Chairman Martin - we do have seven letters that were under one exhibit: David & Ginger Cook, Commissioner McCown & Lisa Robinson, Raymond & Mary Ellen Davis, Robert & Jacquelyn Thompson, Bill & Doris Rippy and the Kaufmans on Pinon Drive.
Commissioner McCown - is there in fact a homeowners' association in your neighborhood?
Barbara - in theory - it doesn't exist.
Commissioner McCown - are there covenants in your neighborhood that you must comply with?
Barbara - I believe there were when the subdivision was developed.
Commissioner McCown - does it allow multifamily housing?
Barbara - doesn't believe it addresses that question one way the other.
Commissioner stowe- does your homeowners' association have annual meetings?
Barbara - no - never.
Mark - doesn't have a copy - advised by another lady who's fairly up in the subdivision, Mr. Balcombs mother, ...there are covenants prohibiting those types of things.
Chairman Martin - but no one brought them forward to you.
Mark Bean - no one brought them forward.
Chairman Martin - do you have a copy of those covenants?
Barbara - may not have brought them - only brought the plat.
Chairman Martin - no list of covenants - we don't have anything on record at this present time? - asked for guidance from Mr. DeFord.
Don - without seeing the covenants, we don't really know what they do or don't provide - we need to see those if they are recorded.
Commissioner McCown - we don't enforce covenants, do we?
Don - no - the information would not be binding on us.
Chuck Brenner - if all of the neighbors are saying they don't have a problem with it, wouldn't that be O.K.
Don - not necessarily - the Board by way of example, could approve the use as one allowed by special use - if there is a covenant that prohibits multifamily dwellings, any owner of property in the subdivision, individually could enforce that covenant, regardless of anything the Board of Commissioners does - we don't enforce covenants, but neither can we override them if a private property owner seeks to enforce them.
Commissioner Stowe- it might be to your advantage to see if there are covenants and make sure before you wind up in a legal lawsuit.
Commissioner McCown - part of the concern is that if approving this to become multifamily housing, right now it would be for the greatest and best use of your family and for the property, but should it sell, it would still remain multifamily housing - as a condition of approval of this special use permit, would you or your

mother, who you are representing, be willing to deed restrict this property - that upon sale it would revert to single family residence?
Barbara - I don't know how we could do that.
Commissioner McCown - upon the sale, the special use permit would be revoked.
Chairman Martin - then you would relinquish the special use permit - it also allows the next owner to come in and request a special use permit through the process that we have - wouldn't go with the property.
Commissioner McCown - you're not only asking for a special use permit to allow you to provide your brother housing with your mother, you are changing a land use - you're creating multifamily housing in a single-family housing zoned area, by a special use permit - in theory, that whole subdivision could become that - will the street handle it, will the parking handle it - we approve yours, how do we deny the neighbors - you're going to oppose the neighbors because it's going to congest your area - do you see what can happen in a situation like this?
Chuck Brenner - also sees an area which is suffering from housing to the point where more multifamily is necessary rather than sprawling.
Commissioner McCown - is it zoned for multifamily.
Chuck - yes it is, by special use - we're not coming in for a variance for something that is not allowed by the zoning ordinance.
Commissioner McCown - and other things under conditional use - would you agree that it would change the population density in that subdivision is every lot came in and got a special use permit.
Chuck - yes -
Commissioner McCown - the subdivision, the streets, the utilities were designed for single-family housing.
Chuck - but were they?
Commissioner McCown - in a land use, that's how it was approved
Chuck - with special use.
Chairman Martin - anyone from the public that would like to make a comment or testimony on this matter - None.
Mark - a Special Use Permit is a discretionary use - it's not a use by right - it is subject to discretionary approval by the BOCC - even though this zone district may allow or does allow for two-family dwellings by special use, it implies that it has to meet certain criteria in review to be approved - it is not by any means automatic.
Don - in the past the staff position has been that Special Use Permits run with the land that they are not unique to the individual requesting the permit, but go with the property - we have discussed in the past the practical difficulty is one of enforcement.
Barbara - we are talking about multifamily within a family and presumably the most likely buyer for a property of this nature that we're proposing would be someone in a similar situation.
Commissioner McCown - or a developer wanting to rent it to two separate families completely - which would be your highest value of resale.
Barbara - if we consider your condition that there's no way a property with two separate dwelling residences would be viable as just one - it would be difficult to attach a value to it that way - if you attach that kind of a condition to it that the use would only extend through the lifetime of the existing owners that it would make it un-sellable - without some kind of assurance that a future buyer would have the ability to use the entire property - if the dual usage was only allowed for us, at the some future point where it was necessary to transfer the property, I don't see how I could sell it.
Chuck - you'd be restricting the market - there are two units connected by the garage - the new unit has a kitchen, dining room, living room, two bedrooms - it's another unit - it would be difficult if it was restricted - you might find a buyer, but you're limiting the market - we all recognize that some day the property may sell - at that point it would be a duplex - not fair to the current owner to put that restriction on it.
Commissioner Stowe- the one we turned down 6-8 weeks ago, that was down on Ponderosa Circle, correct?
Mark - no - it was on Donegan.
Commissioner Stowe- O.K., Donegan Road - we had a driveway that was right on the borderline - the traffic would conflict with the neighbor - the neighbors came in and complained - the lot was smaller.
Commissioner McCown - we're being asked to create a duplex.
Chairman Martin - would like to look at it as a mother-in-law apartment -we need to reestablish those little apartments like that.
Commissioner McCown - those are the conflicts we're faced with - we would like to view it as that today, but what's it going to be tomorrow? - we know its current use - I would support that wholeheartedly.

Chairman Martin - restrict for the current family use - on sale, would have to come up for review one more time.
Chuck - we are in a crunch for housing - one solution that has been suggested is increasing density in different areas - there's a point where you can only do that up to a certain extent - it seems that when this area in West Glenwood was zoned, multifamily was an envisioned use - a special use permit to make sure it goes through this greater review - gives this organization control of that area - your question about yes here and no there, that's an issue of leadership - when it was zoned, this was an appropriate use, multifamily was an appropriate use envisioned for this area - you can only do that to a certain extent - you can allow the density of that area to increase to a certain point - then you say that's it, the streets can't handle it, the utilities can't handle it - but to allow it to move in that direction now, is not inappropriate - the zoners said this is an appropriate direction to go - allows the Board to keep your thumb on the pulse of that and decide when enough is enough.
Motion
Commissioner Stowe motioned to close public hearing; Commissioner McCown seconded; motion carried.
Commissioner Stowe - made a motion that BOCC approve the Special Use Permit to change a single-family dwelling to a two-family dwelling at 30 Pinon Drive, the Hauptli's
Commissioner McCown seconded; Commissioner Stowe added - all representations made by the applicants today, standard recommendations of staff in this situation; Commissioner McCown amended his second to include those conditions.
Chairman Martin - we do not have a copy of the HOA Covenants as in place to guide us so that we're seeking help within ourselves - the neighborhood has shown strong support without anybody coming forward with a negative response - that speaks well.
Commissioner McCown - asked Don - if the covenants do not allow such activity it would make the Special Use Permit null and void?
Don - no - that's not correct - with the Special Use Permit would still go forward based on any conditions you applied - covenants create a private cause of action.
Commissioner McCown - they would have to sue the homeowner individually.
Don - yes - and they still could.
Commissioner Stowe- strongly recommend that you investigate that.

Chairman Martin - called for the question - all those in favor of the motion to approve.? Commissioner Stowe - aye
Chairman Martin - aye
Those opposed - Commissioner McCown - nay.
Chairman Martin - passes two to one.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT TO DEVELOP A COMMUNICATIONS TOWER ON GRASS MESA. LOCATED: BETWEEN COUNTY ROADS 315 & 331, APPROXIMATELY ONE MILE SOUTH OF SILT, COLORADO APPLICANT: CLEAR TALK
Jim Leuthueser, Greg Butler, Craig Hoff, Tom Sams, and Renelle Garcia were present.
Assistant County Attorney Jim Leuthueser - questioned Craig Hoff, appears that notices were properly given.
Chairman Martin - swore in all people about to give testimony.
Greg Butler presented the following Exhibits to be entered into public record: Exhibit A - Proof of Legal Notification; Exhibit B - Return Receipts: Exhibit C - Application and Attachments; Exhibit D - Zoning Resolution of 1978 as amended: and Exhibit E - Project Information and Staff Comments.
Chairman Martin - entered Exhibits A - C into public record.
Greg stated NTCH Colorado, Inc. (Clear Talk) has approached the planning department for permission to construct an 80-foot self-supporting lattice tower near the Mamm Creek drainage basin this site was chosen because it allows an obstruction-less view of that part of the I-70 corridor and the self-supporting lattice tower will blend in with the existing high voltage power lines in the background Grass Mesa HOA sent letter with concerns and problems with access based on the Grass Mesa HOA concerns, staff is recommending **DENIAL** of this application, unless applicants can prove that they have done their homework and addressed the concerns of the Grass Mesa HOA.
Tom Sams presented a network plan to planners - not trying to piecemeal network - have entire plan in place - this is just one piece of that plan - trying to provide co-locatable towers for the PCS (personal

communication services) industry in Garfield County - back in June contacted John Stallion of HOA - at that time was told there was no problem with it - we were unaware of trouble until the public notices went out and Mr. Butler received his phone calls - working with Barbara Kozelka (attorney for the HOA) - spoke with Mr. Brett Klaus this morning - he will arrange for a vote - will take several weeks - we weren't trying to sneak it in on them - there was some confusion on my part with Mr. Stallion - there's already an existing communication site there - little 25' tower used by Mountain Paging.
Craig Hoff - our easement is on our landlord's property - our drawing shows a 20' easement but that is just for clarification - also Exhibit "A" to our lease with that homeowner - he is granting us the right to come across his property - comments made by the airport concerning Form 7460-1 to the FAA - we filed that Form 7460-1 with the FAA - it takes months and months to get back - as part of that, we also file with a gentlemen in Texas who is a former head of the FAA who gives us a return response to this - as far as the lighting, it shouldn't require any lighting - we are waiting for response back on that - there is an existing tower to the west that is unlit, it is somewhat shorter - there is an existing tower to the east that is taller, and it is also unlit - we do not foresee any lighting, but can't say that there would not be lighting - HOA does allow easements for utilities - basically what we are- we just need power and telephone use later on- I don't know if we're bringing in telephone to that site or not - benefit to having towers in these areas - we cause the public utilities to be brought in there - some of these areas do not have telephone or power - we go to the expense to bring it in - not ours of course - we worked diligently with staff - we learned our lesson - we've come in with a network design - trying to cover all BTA where others can also enjoy the use of those towers - we are working with County - using some sites that are already there - trying to minimize towers - it will be co-locateable - there are others interested in this site.
Tom Sams - several other carriers interested in our sites - Greg has sent us one - UBET Communications - right out of his office - plenty of carriers interested in a network that spans across Garfield County - as well as our Mesa County network - it's all one connected network - all the way to Utah.
Commissioner McCown - given the pending vote of the HOA on the legality of this being able to occur, I think it would be appropriate to continue this hearing to a later date - sometime in March probably - for final decision on this - then we will have the access issue and the HOA approval/denial in a letter from their attorney stating such to make a judgment.
Jim L. - I wouldn't see any problem with that - the only difficulty is there are some time limits involved - I'd have to ask the applicants whether or not they would object to that procedure - and whether or not they would be willing to waive restrictions that may be asked of them.
Commissioner Stowe - what time restrictions?
Jim L. - there's an approval process - application is to be decided before a certain date, 60 days after the application - you will extend beyond that time if this matter is continued - we can't do that if you disapprove of it because the regulations require our decision within 60 days - if you approve of it, it can be continued... the BOCC feel the additional information would be significant and important - if you don't want to do it, that's O.K.
Commissioner McCown - we would move forward today with a decision based on the information we have.
Chairman Martin - we'd like to see the results of the HOA election - trying to avoid any litigation if we were to say yay or nay and the HOA said the opposite of us.
Commissioner McCown - when is HOA meeting?
Tom Sams - Mr. Stallion is out-of-town - Mr. Klaus is going to get the directors together - we're footing the expense for all of the mailings to notify all the HOA members.
John Martin - how many members are there in the HOA.
Tom Sams - didn't know - he's hoping to get this done within the next two weeks - the problem the HOA has is it always takes several weeks for people to mail back their votes - they have to have a certain percentage.
Commissioner McCown - that's why the middle of March would be a practical date.
Tom Sams - we still have to wait on the FAA - they could kill this too.
Chairman Martin - we would request that you agree to a continuance until the first or second meeting in March.
Commissioner McCown - would the 12th of March give you adequate time to get the results back from the HOA - would be approximately a month to six weeks.
Tom Sams - yes - if not will get a letter from the attorney and bring it back in.
Jim L. - would you agree that it is appropriate to continue this and take a look at it on another date.

Craig H. - yes.
Commissioner McCown - motioned that this issue be continued until March 12th at a specified time on the agenda in the planning time; Commissioner Stowe seconded motion; motion carried.
Craig H. - asked for clarification - does it need to be re-posted?
Commissioner McCown - no -that's why we opened it and continued it.

PUBLIC MEETINGS
REQUEST FOR APPROVAL: AMENDED PLAT. LOCATED: SADDLEBACK VILLAGE, LOT 6, BLOCK 12, BATTLEMENT MESA, COLORADO 81636. APPLICANT: BATTLEMENT MESA PARTNERS
Greg Butler - this is a request to vacate a five-foot utility easement on Lot 6, Block 12 Second Amended Plat of Blocks 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21, Saddleback Village Filing 1 - size of the lot will not change; however, the lot's building envelope will increase some 300 sq. ft. if this request is permitted - Battlement Mesa Metropolitan District had no objection to this request, planning staff recommends **APPROVAL**.
Commissioner McCown - that will happen on all of these lots?
Greg - just the lot on the plat, lot 6.
Chairman Martin - asked for public input - none.
Motion
Commissioner McCown - motioned the BOCC approve the vacation of the five foot utility easement on the Lot 6, Block 12, Second Amended Plat of Blocks, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21, Saddleback Village Filing 1; Commissioner Stowe seconded; motion carried.

REGULAR AGENDA

Intersection 116/117
Jim Leuthueser was present.
Chairman Martin - we want to get on the same page, legal staff as well the three commissioners, Mr. Green, and the City of Glenwood Springs, on exactly, at the Intersection of 116/117 what we have decided we wish to purchase - there are three sections that need to be discussed - do we wish to buy more than just the needed piece of the triangle, such as the right-of-way that runs along the Cator property and also the second lot next to the Cators to get our sixty foot access right-of-way.
Commissioner stowe- what does the City require for their right-of-ways - if they only require fifty as a maximum and they are going to take this over, why should we be buying sixty?
Chairman Martin - the City does not want anything south of Cators' property.
Jim L. - for the roundabout business we need some portion of this triangle - City said this is up to the County - it will be a County road, do whatever you want - the adjoining properties not necessary for the roundabout but rather additional property presently in the private ownership south of the intersection on 117 as it travels up toward Ski Sunlight - ownership of the triangle is yet to be determined - if the County needs to obtain this, the County holds all of this which is north of the property and the adjacent properties.
Commissioner Stowe- do we have sixty feet plus on that side?
Jim L. - I think it's 100' - the Cators are trying to sell and nobody wants to buy it - it's impossible to say what anybody has in mind until we see some fairly definite design work - how much of this is actually needed or not.
Chairman Martin - do we need to purchase the two pieces of property, each side of the roadway 117 south of the intersection, yay or nay.
Commissioner Stowe- at this point, no.
Commissioner McCown - can our engineers verify that they can build the road template in there that we need without encroaching on them.
Jim L. - should I ask - is that the next step.
Chairman Martin - the existing road is already there within that without purchasing that piece of property on either side.
Commissioner McCown - they paved wider and brought the shoulders in two foot as a temporary measure this winter.
Chairman Martin - that's not even in the construction area - the section that we're talking about is short of the construction area.

Commissioner Stowe- once we determine how much we need for the cul-de-sac, and we determine who owns it, for the roundabout, then talk to them.
Commissioner McCown - didn't we say that unless we own this anyway all we were willing to buy was whatever we needed for our design?
Jim L. - we're looking to see that when the City comes by and says this is what we need for the "T" intersection it is the same as what the County would need.
Chairman Martin - Thompson has said that's all he needed.
Chairman Martin - Jim, your direction is we only buy the portion of the triangle needed to do the "T" intersection - any other portion that is needed, the City has to buy - we are not buying anything south of that particular triangle on Road 117.
Jim L . - should I talk to Randy and the engineers to be certain - will get with Glenwood Limited - they may have claim to some part of the triangle.

Grand Valley Citizens Alliance - General Discussion
Those present included: Janie Hines - President of the Grand Valley Citizens Alliance in Parachute and Shirley Willis - Secretary/Treasurer of the Grand Valley Citizens Alliance in Parachute.
Janie - in packet given to BOCC, first item is Senate Bill 1-103 which is the conflict of interest bill - we are reluctant to endorse DNR bills - bills in some cases actually complicate the situation for surface owners - root of the problem is better addressed by Senate Bill 103.
Janie - notice that we haven't found a House sponsor for the conflict bill - still working on that - we are here to ask you to consider the merits of SB 1-103 - we ask for a letter of endorsement and support.
Janie - people sitting on the public utilities commission shouldn't be employed or making money off of the public utilities commission - they can make a fair judgment based on the needs of the service providers and also the needs of the public.
Commissioner McCown - do you agree that this board requires a higher level of expertise than a board or commission that is just setting policy, not making individual decisions.
Janie - yes - we do see every day in other commissions activities that there are some difficult issues - to balance public health and welfare and safety and the environment with extraction and beneficial use of the resource is a difficult mandate - it requires enterprising people - the fact that six out of seven currently draw a paycheck from the industry that's the real thing that we're trying to get at - there's the argument that if you created that kind of financial restriction then nobody would step forward to sit on the board - we had people testify from LaPlata and Los Animas Counties who are retired petroleum engineers who said that they owed it to the people of the state to come and volunteer to serve on this board.
Commissioner McCown - we looked for experts when we were in the litigation - hard time finding someone who was not involved with the industry to represent us - people who are retired from the industry cannot hold any stock as part of their retirement package.
Commissioner McCown - I never heard any of the seated commissioners excuse themselves from making a decision on Barrett - it's safe to assume that none of the seated commissioners are Barrett stockholders or are under contract to Barrett - that would exclude them from 90% of the activity in our area - they would still qualify.
Commissioner McCown - they haven't had to do that - it's safe to assume that they're not getting any kind of payment or aren't shareholders with Barrett - that's a conflict - when this board hears anything Fireside Lanes, I have to excuse myself - as would John if we were hearing the Shoe Shop - or Commissioner Stowe with Ace Roofing - I don't think any seated board person at state or county level would take that chance - they may be getting a check from Shell Oil Company, but the areas that they're hearing, I don't think that they're conflicted - maybe in philosophy.
Shirley - they said they need the expertise - that's what their staff is for - they have knowledgeable staff who can give them direction and information - they don't need any industry people on their commission.
Chairman Martin - we have to also consider that Garfield County's going to be a tremendous player/producer for natural gas in the next ten years - we're just trying to make them better by assisting them and also giving them - a more public oriented commission.
Commissioner McCown - asked if there are letters of endorsement from the other gas producing counties.
Janie - worked with statewide coalitions that have offices in these gas producing counties:

> **Las Animas** - no - they experienced the coal bed methane style of development where there's a lot of water pumped out of the ground - it's a very depressed economy - their commissioners had to consider the economic benefits of oil & gas production

LaPlata - yes
Weld - no response - but received endorsement from Rocky Mountain Farmers Union (many of whose members reside in Weld County and are very familiar with the amount of disturbance and devastation that has occurred on their land and has affected their ability to be productive agricultural producers)
Common Cause - they have signed on to this bill, promised to send a lobbyist to the capital building tomorrow to help us reach more of the Senators on the committee
League of Women Voters - has endorsed the bill
Other various big name environmental groups support the bill.

Janie - we aren't arguing whether Oil & Gas benefits have to go away if something like SB103 passes - we're just asking for a fair and impartial commission - we're asking that somebody oversees the responsible development of the gas resource in a way that doesn't devastate the local peoples' lifestyles, their ability to be productive agriculturists, our tourism, any of the far-reaching effects on the other natural resources that we consider valuable - not just the Oil & Gas resources.

Commissioner McCown - how does your group feel about other fossil fuels? - such as additional coal-fired generators that would alleviate some of the pressure on natural gas?

Janie - haven't really talked about fossil fuels except in the context of trying to get away from them - smaller more localized generation stations instead of centralized power generation.

Commissioner McCown - we know those smaller centralized plants are going to be gas-fired which increases the demand on gas - Moffat County sitting on a wealth of coal with the ability to expand coal-fired generators normally gets a lot of opposition from environmental groups - but they're willing to burn the natural gas - but it creates more impact on the area where the natural gas is harvested.

Commissioner McCown - we only have so much of every type of natural fossil fuel - burning natural gas in generation plants is not the greatest and best use of that product - it should be preserved for heating homes and more personal use when our vast coal reserves that are much cheaper have historically remained cheaper have fluctuated very little over the last fifteen years be used for the bulk of our power generation - that meets with a lot of dissent from environmental groups because of the possible pollution from the coal-fired generators.

Janie - the biggest factor is it contributes enormous amounts of sulfides into the air.

Commissioner McCown - that's all been corrected with the Clean Air Act and the scribers - now they are as clean burning as the gas-fired generators.

Commissioner McCown - historically the coal reclamation has been far more successful than the gas reclamation.

Janie - that's because they are much more heavily regulated.

Commissioner McCown - coal has been a heavier regulated industry than the gas industry.

Janie - people can see these acres piled together and see a big scar.

Commissioner McCown - you see it for awhile and then when you look behind it you see the reclaimed area with the cattle grazing on it and the people who owned the property prior to the coal mining are leasing that same property back to coal mine and say it's better pasture than it was before they mined it - you see a scar while there's mining.

Janie - we're just saying there's a lot of negative impacts that occur with it - we need a commission who will be responsive to those - who will look forward and be progressive about what sort of regulations they want to put in place to benefit the State of Colorado, its people, its landscape, its air quality, its water quality - go get the gas, but do it in a manner that's responsible to everybody.

Commissioner McCown - reluctant to take action and sign on your letter - would much prefer to make a motion to give the Chair authorization to sign a letter that would be drafted that we would support in theory the conflict of interest bill - it's not that you're not precise and eloquent, you are alluding to facts on percentages of interest and financial interest on the board that he didn't have personal knowledge of - reluctant to claim that he did - make a motion that the Chair would be authorized to sign a letter drafted that would show support in theory to the SB 1-103 conflict of interest bill.

Chairman Martin - the motion is to support in theory and to reword a letter of support for the Senate Bill 1-103.

Commissioner Stowe- will that be out by tomorrow?

Chairman Martin - will work with the legal staff to go ahead and do that today.

Commissioner Stowe- seconded motion; motion carried.

Janie - said formally for the record, thank you for taking a huge step to intervene on behalf of the Mackley group and the rest of Garfield County residents this past year.
Shirley - thank you also for supporting the Beanpole Project.
Commissioner Martin - asked if there was any other business to come before the Board of County Commissioners - no.

Adjourn

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

Attest Chairman of the Board

_____ _____

FEBRUARY 5, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:00 A.M. on Monday, February 5, 2001 with Chairman John Martin and Commissioners McCown and Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:00 A.M.

COUNTY MANAGER UPDATE

Ed Green gave his report that consisted of the following items:

Employee of the Month
Ed gave a presentation on Barbara Sunderland - Sheriff Department who was selected Employee of the Month. Barbara has been employed by the Sheriff's Department for 11 years and works as the office manager.
One of Barbara's coworkers wrote in her nomination that "she has always put the best interests of the Sheriff, the County and her fellow employees ahead of her own. Barbara has never wavered from her professionalism, commitment to excellence, and quality of service."

Roads Scholar Program
Ed stated the Road Scholar Program is a comprehensive and challenging training program sponsored by the State wherein Road & Bridge employees participate. This year Mike Davis received the award.

Pre-Trial Discussion
Guy, Dale and Colleen Truden (Chair of the Criminal Justice Services Board) presented.
Guy - presented a report with information received from Mesa County and their program
Colleen Truden - wanted the BOCC to know there is a great deal of support for this position and program by the Criminal Justice Services Board - the committee has looked at it, believes the program, as presented, will work for Garfield County - District Attorney's office is supportive, initially had concerns with INS portion of it, now believes program would be beneficial.
Dale - had meeting two weeks ago with INS official - INS was resistant to trying it - now willing to do a pilot program with some of their people.
Guy - it works the same way as a bond - the judge would issue the bond, and if the person could make bond, he would be released from the County Court - if there were an INS detainer, he/she would still be held - if a person qualifies for a Court bond, pretrial release, then it's the same kind of thing as if he posted money - he would then be releasable, but INS would then have to decide whether person could participate in the program or keep the person detained.
Dale - need an understanding at the start that 20 is the number of cases that can be safely supervised.
Guy - didn't think that would be a problem - have a meeting with the judges on the 13th, can ask them how they feel about it - routine that if a program is full, people get diverted.
Commissioner McCown - asked Don if he has a comfortable level with the County's liability with this program? - it is an acceptable program under the CAPP Pool - yes.
Guy - the judges do advisement - determining whether or not a person will qualify for a PR bond - make the referral to the office - we do our assessment and decide whether we want to take them on - judge explains first and what the responsibilities are - then we reaffirm that conversation - paperwork that must be signed - requirements, expectations, etc.
Guy - the grant process - first cut goes through next month - will get a letter to come down and do a presentation before the board - in May notification whether grant has been approved - grant doesn't take affect until July 1.
Motion

Commissioner Stowe - since Tom is willing to front funds for the first four months out of his portion of the budget and we all understand there are no strings attached for the continuation of the program - made a motion that BOCC go on a preliminary trial basis to go with the Pretrial Program that Guy has proposed today; Commissioner McCown seconded.
Discussion
Commissioner Stowe - asked what would happen to the people in the program if after four months it is determined that it's not working?
Guy - take them in under the current staff and work with them until they're gone - small expense.
Motion carried.
Stevens Hill Discussion
Ed - Commissioner McCown, Tom, Randy, and others met with Becky from Burlstone last week to finalize design for Steven's Hill Project - preliminary cost estimate from Becky.
Tom - proposed alignment and scope of construction that we'd like to perform on Steven's Hill - this appears to be the best one - there may be some savings.
Randy - original estimate on the cut was 14,000 yards with a fill of 15,000 yards - now that number is 19,000 to take shrinkage into consideration - the extra 5,000 yards can come from the landfill, assumed the dollar amount on that line can be removed, other than hauling costs - Class 6, is to purchase and haul also, County gets it for less, so can take $5,000 off there - unit costs for cut/fill seem high - if all the import and some of the Class 6 is taken out, estimate is $177,000 as a quick estimate.
Ed - 2000 Budget was $130,000 - $5,000 was spent - we're $50,000 short - will have to come out of reserves for Road & Bridge.
Commissioner McCown - Tom, Marvin, Craig, Randy thought there may be cost savings involved if we did this in-house - strictly up to us if we want to RFP - critical window involved with getting the culvert in Rifle Creek - right now there's very little water coming down because it's not flowing over the reservoir at the Rifle Gap Reservoir - up to BOCC on how to proceed.
Tom - talked about more equipment to get it done quicker, or less equipment and taking longer - voted for more equipment to get it done as soon as we can - culvert would have to be first.
Commissioner McCown - road is a safety hazard - we can't maintain it right now - new alignment is straighter, less incline, guard rail - either fix it or get rid of it.
Motion
Commissioner McCown - made a motion that Tom and his personnel under Randy's supervision be authorized to proceed with the necessary purchases and earthwork to complete the Steven's Hill Project with a $200,000 limit; Commissioner Stowe seconded; motion carried.
Rifle Shops Discussion
Ed - included in packet the site investigation status report Waste Engineering filed with the State - Randy and Craig Heydenberk (Project Manager from Waste Engineering) will discuss next phase of project.
Craig Heydenberk - initial Phase II investigation of soils and groundwater at the Garfield County Road and Bridge Maintenance Shop Facility site No. 6941 located at 200 East 18th Street, in Rifle consisted of eight bore holes and three monitoring wells - soil samples are collected from both the holes and the wells and submitted to the laboratory - wells also had groundwater samples collected and submitted for analysis - results of initial Phase II successful - evaluated the horizontal extent of contamination at the site - smaller than what we anticipated - monitoring well #12 is the horizontal extent of contamination at this time - contamination has migrated onto the city block south of the County Maintenance Facility - that block is occupied by the City Pool, City Maintenance Shop, tennis courts and ball fields - need to expand Phase II work plan for several reasons: State requires a specific outline reporting format for these situations - next step in this process would be to complete a Site Characterization Report - good start on that information, but need to collect more data in the field to complete report - in the County's best interest - if contaminated area is minimized we can limit the amount of area that would require remediation - new State guidance is called a Risk Based Screening Level, one can evaluate contaminated soils and groundwater and compare those results to the series of risk based screening levels, now one can justify leaving those materials in place whereby with the old method one would have had to have them removed - additional work plan geared towards that process - to evaluate the soil and groundwater in an effort to leave them in place or minimize the amount that needs to be remediated - contract amount was between $30,000-$33,000 - through January, estimated Waste Engineering's cost to be $28,200 - under budget at this point in time - projected the cost to complete the expanded Phase II work plan, $22,800 for Waste Engineering, $4,500 in

expenses, outside services, laboratory, drilling, surveying at $8,600, $7,400, and $13,000 respectively - total cost to continue this Phase II is $44,600
Commissioner McCown - migration has not gone south of bore hole #12?
Craig - correct - map has ISO lines which are the groundwater gradient lines and show the groundwater gradient at the surrounding area of the site to be towards the southwest.
Commissioner McCown - where would the second phase of this activity take place?
Craig - new bore holes and monitoring wells would all be located northeast of monitoring well #12 and the location of the former underground tanks at the County shop - new wells and bore holes would be west of existing wells - also required by State to provide an up-gradient well - a point of compliance well - well upgrading where the release occurred - demonstrates the site is not receiving contaminants from up-gradient source.
Randy - asked Waste Engineering to give cost estimate for getting corrective action plan, technical specs, oversight and final report compiled - additional $36,000.
Commissioner McCown - that does not include the remediation?
Randy - no - to put everything together so the remediation can go out for bid - and do final report.
Craig - the State has a process for reimbursement to applicants who have completed a corrective action plan - have to have your characterization done and a plan on how to remediate the site approved by the State - State has a list of reasonable cost guidelines- Randy and I can work on reimbursement application together - State has specific format required.
Randy - looking at completing the characterization report by early April - scope of work and specs by mid-May - get out the bid for this summer, completed this summer.
Craig - going to position one of the new monitoring wells just north of an existing City building - to get a better indication whether or not there is contamination under the building - based on groundwater gradient data collected, doubt if there's contamination under buildings owned by either Garfield County or the City of Rifle - groundwater gradient is going to the southwest away from buildings directly adjacent to old buried tanks.
Motion
Commissioner Stowe - made a motion the BOCC approve the contract in the next Phase II and III a total of $80,600.00 with Waste Engineering to perform the preliminary mediation and setup for the Rifle Plant; Commissioner McCown seconded; motion carried.

Rural Resort Region: Regional Revenue Sharing Contract
Ed - received letter from Don DeFord which raises concerns about agreement - needs to be pursued further before board takes action - two weeks.

Participation in State Office of Economic Development Program Discussion
Ed - met with Dale, Kenny and J.J. Johnstone at State Development Economic Office - JJ addressed Associated Governments Meeting which Commissioner McCown attended - State's seeking seed money in the amount of $2,500 from local Counties and municipalities to form a joint entity for Western Slope Economic Development - expectation that $25,000 will be collected - leverage that with pass through grants from the State one or two times - use money for targeted marketing for various program areas - use money for direct mail, web sites, ads, articles, site selection visitations by targeted firms, trade shows - JJ sees GARCO Airport as attractive area for introduction of clean industry into Garfield County - may be firms in California looking for multiple transportation options, reliable and reasonable energy, and a ready work force - Rifle area offers all of that - based on prospect for opportunities, requested the BOCC authorize payment of the $2,500 so Garfield County can participate in this initiative - also that BOCC sign a Resolution that JJ has proposed in support of initiative - Dale will be our appointed contact for any future interactions with JJ.
Commissioner McCown - Associated Government is made up of other governments and funded by dues, AG did not join at $2,500 because it could not be used to represent all of the town and counties in that organization - did endorse a letter endorsing this program - has good potential - geared specifically to Western Colorado.
Motion
Commissioner McCown - made a motion that the Chair be authorized to sign a Resolution entering into the agreement and that we provide $2,500 for membership; Commissioner Stowe seconded; motion carried.
Amendment to SEP Contract

Motion
Ed - adds funds to support the home health monitoring program within the SEP and provides a flat rate of $17.00 payment for each such contact - requested the Chair be authorized to execute.
Commissioner McCown - so moved; Commissioner Stowe seconded; motion carried.
Cattle Guard Request Application
Ed - Tom here to request cattle guard for County Road 222 a/k/a South Dry Fork.
Tom - Cattle guard previously installed there - another ranch owner took it out - current owner would like it back in - functional cattle guard - does have fences going to it - is needed.
Motion
Commissioner McCown - motioned that BOCC approve cattle guard on County Road 222 a/k/a South Dry Fork; Commissioner Stowe seconded; motion carried.

Update on Two Meetings
Ed - **first meeting** was with the DOE - week and one-half ago - Don and Ed met with reps from DOE and City of Rifle to discuss the cooperative agreement proposed - covered all items and all concerns registered in transmittal letter - DOE was tasked with redrafting the agreement in accordance with discussions - expects redraft to be forwarded to Garfield County this week - Don, Lee Leavenworth and DOE lawyers will meet to finalize it, and bring it back to the BOCC.
Commissioner McCown - if this is granted and waterline is put in, City of Rifle will annex a boulevard along waterline all the way to West Rifle exit - flagpole whole thing - water will not be provided to any individual there unless they annex into Rifle - City of Rifle does not have a clean annexation from Railroad Avenue west - City of Rifle does currently provide water to people who are not annexed into the City - charge at a rate double the amount they would charge an annexed individual - this looks like one of the largest, least inexpensive, land control ventures - DOE is footing the bill for the waterline - annexing a beanpole all the way to the West Rifle exit and controlling the land use on both sides of the highway without annexing it - if they're going to control it, let them annex it from day one.
Chairman Martin - maybe we should review our overall land use, zoning and comprehensive plan in that area.
Ed - that's an issue you would like Don and I to pursue with the City of Rifle.
Ed - **second meeting** was with County Health Pool attended last Friday- fund reserve has grown by about $2 million this year- NBA is converting to a new data system right now - experiencing delays in processing - once it's on, will make paper processing more efficient - new rules associated with electronic claims processing and privacy of medical records - will affect the Health Pool in the next couple of years - Segal, our consultant has taken on task of being responsible that changes are done properly and in a timely fashion.
Ed - also, needs an Executive Session on a personnel issue when the time is appropriate.

COUNTY ATTORNEY'S UPDATE
Don DeFord presented the following:

Update on DeBeque Gravel Pit Situation
Don - sent an agreement to the R&B supervisor of Mesa County - Marvin in contact with Mesa County - R&B Dept. of Mesa County will get agreement to their Commissioners and County Attorney - nothing further from Mesa County - will bring back to BOCC after Mesa County has executed agreement.

Agreement: Valley View Hospital
Don - drafted letter to Valley View Hospital - purpose is to satisfy concerns which arose between Correctional Healthcare Management and Valley View Hospital over what would happen to inmates if and when the contract between HCM and VV would terminate - Don requested Chair to sign letter which would commit the County to pay for the cost of care for inmates who are under current treatment at Valley View Hospital at the time any contract with Correctional Healthcare Management, Inc. is terminated or brought to completion - letter is explicit that Board would not bear the burden of costs incurred for inmates being treated prior to termination of the contract and who were not actually in the hospital - not intended to be a catchall agreement to make Valley View whole on anything that was left from Healthcare Management.

Commissioner Stowe - if we have an inmate who was receiving care for a month and there's a month's worth of arrears, then we take it over on that day 30 days hence - we should only be responsible from that point forward - 30 days of arrears should still fall back on the original care - we are responsible for those receiving care at the time the contract is terminated - letter doesn't really define if it's from that day forward.

Motion
Don - good point - will clarify letter - with the clarification brought to our attention by Commissioner Stowe, would like a motion to approve signature for the Chair.
Commissioner Stowe - so moved; Commissioner McCown seconded; motion carried.

Resolution Concerned with Garfield County Criminal Justice Advisory Board
Don - amendments requested by Al Maggard - housekeeping in nature - omissions in appointments in original Resolution - Al thought it should be clear that what the BOCC is appointing is the position, not the specific person, on the Advisory Board - the positions concerned with are County Commissioner.
Motion
Don said he will put in any serving Commissioners - also added Bob Ketchum in the position for Citizen Members at Al Maggard's request - if no other questions, would like a motion authorizing the Chair to sign the Resolution in the form presented with the alterations for County Commissioner and Citizen Members set forth in this meeting.
Commissioner Stowe - and correct spelling of Colleen's name in Item "H" - made that motion; Commissioner McCown seconded; motion carried.
City/County Correspondence - Detention Center
Don - various items on the IGA with the City of Glenwood Springs and the Garfield County Detention Center that remain outstanding - need closure on them this year/spring - discussed contents of letter with Theresa Williams so she would be alerted to the issues:

> **lst issue**; approximately $40,000 outstanding for payment on utilities - included itemization provided by Jesse and County Engineering Office - last Friday we received a bill from the electric department for work done last summer - Randy examining bill for breakout between our costs and relocation costs - under agreement with the City they were responsible for payment of all costs in excess of the $240,000 that City has already paid for relocation.
>
> **2nd issue**; transfer of the property - talked to Theresa a number of times about this issue - when City paid County the $240,000, County was supposed to transfer the property that the City would need for City Hall to the City, but we've been unable to do that because we've never received a description of the property that the City needs for City Hall - the diagram that John Martin referred to is a recent portrayal by the City of the property they may be seeking - Mayor Sam Skramstad was going to address this.

Chairman Martin - there's an extension of another 15,000 square feet for parking - they are going to put the Police Department in the future City Hall - need to have parking - will take care of City Hall parking - suggested instead of deeding it to the City, have a shared use of the parking around City Hall - does take up twenty plus feet of the commons area from City Hall to the Courthouse - one of the areas to be preserved according to our agreement.
Don - under the agreement County is required to first transfer the "dogleg," approximately 11,000 square foot property that is supposed to be deeded or dedicated to the City so they can extend 8th Street - County is also required to transfer to the City a footprint for a building of approximately 15,000 square feet - lastly County is supposed to transfer to the City necessary additional property for parking purposes - discussion many months ago was that there was a need for police and emergency parking in the vicinity of City Hall.
Ed - is that to be west of City Hall?
Chairman Martin - that puts the parking lot in the middle of the commons area which we want to make a courtyard area - no problem with the west side which we agreed to anyway.
Commissioner McCown - access may be a problem.
Chairman Martin - we do have it close to the containment fencing in that area - parking lot there might not be suitable.

Commissioner Stowe - did they extend that - didn't remember little triangle coming out back towards containment fence - thought it was area west of the building so the police could park their cars there - didn't know that was a problem.
Chairman Martin - we need to work with Police Dept. because they have a lot of vehicles.
Ed - wouldn't it make more sense to move the footprint further east than to have the parking on the east?
Commissioner McCown - would block the entrance to the jail.
Chairman Martin - but the sidewalk doesn't go in a direct line from 8th Street to the detention center - this is one of the items that Sam wanted to discuss - wanted to have discussion on this at next City/County meeting - on March 13th at 7:00 a.m. at the City - let's put our thoughts together and have our details/suggestions worked out.
Ed - the other detail with parking is when they start constructing City Hall the agreement stated they would be using the MOC site for parking - probably not going to be available.
Chairman Martin - Don pointed that out in his letter - see paragraph 3.
Don - paragraph 3 in the agreement states that they have to complete the parking at MOC prior to completion of City Hall - anticipation was they would start to get that underway so that at the time they started City Hall there would be some parking available over on MOC - the agreement does not literally state that.
Commissioner McCown - looks like their future City Hall is right in the middle of our lay down yard - we're not through with the jail yet.
Ed - talked to Mike Copp about that - it appears that they won't start their project until July or August of this year - by that time we will be essentially finished with the lay down area.
Don - in paragraph 4 - staging issue - we mentioned that with the Hazelden representative - it is critical that the City communicate with our contractor on that issue because there are some critical stages for our contractor at which it's no problem and at others which it is a great problem.
Chairman Martin - that request also came from Sam to have that representative to give information to the City of our meeting in March if that's possible.
Don - **5th issue** hits upon design in the common areas - parking is up in the air - what is the common area - what is their design for that.
Chairman Martin - it was to be mutually agreed upon - didn't want parking lot in the middle of the commons area - supposed to have a pleasing atmosphere for all employees and the public.
Commissioner McCown - is it safe to assume that there's a twenty foot offset between the footprint of the property as well as a twenty foot offset from the property line to the back of the future City Hall?
Ed - that is showing an easement around the containment fencing that that's twenty foot all the way around both sides of the containment footing - twenty foot area is inside the "L" shape around the containment fencing.
Chairman Martin - from the detention center to the requested property line of City Hall is twenty foot - all those details can be discussed and brought out in the March meeting or we can send a letter for clarification to Sam and his staff.
Don - **6th issue** in letter - under our agreement the City is supposed to redevelop the commonly owned parking lot that's immediately to the west of the Boyd Bail Bonds area - plus the lot that is adjacent to it - we own part of that - the City owns part of that - the City is supposed to bear the great majority of the cost of redevelopment of that- no communication with the County for what City anticipates for that.
Chairman Martin - one of the discussions should be the transfer of the lease agreement from the County to RFRHA for the parking area down below to the City - the City should lease that rather than the County.
Don - we could do that, but that lease expires about the time we finish the jail - it's really not of any great value.
Commissioner Stowe - asked Don, we want the MOC site parking, we need that as part of our overall plan - the signing over of the property is our only leverage, correct?
Don - yes - in part - we can discuss some of the remedies if you wish - the first thing is to find out what their schedule is for the MOC.
Chairman Martin - only schedule is what we've read in the newspaper that it's underway and should start in three months.
Commissioner McCown - maybe - they are not tearing down any buildings yet.
Commissioner Stowe - if we can get a clarification on their schedule for the MOC and the other parking lot - that would be critical for going forward with discussion.
Ed - Jesse brought up question whether we had any review rights as far as the actual design of that facility.

Don - no - our review rights are the same as any other adjacent property owner within the historic district in downtown - we can participate in the public hearing - we have no contractual rights to reviewing the design.
Ed - the concern is that it be complimentary to the other two buildings in the area.
Commissioner McCown - major concern when we were designing our - sure they will keep that in mind.
Motion
Don - asked if Commissioners wanted him to send the letter? - preferred that direction come from the Chair.
Commissioner McCown - moved that Chair be authorized to sign a letter to the City; Commissioner Stowe seconded; motion carried.

Additional notes:
Commissioner McCown - asked if there had been action on the Intergovernmental Agreement on the gravel extraction while he was outside.
Don - no did not act on it - waiting to hear back from Mesa County - latest information is that R&B from Mesa County will try to get it through their County Attorney and Board of Commissioners - told Tom Russell if no response from Mesa County R&B - will come back to Garfield BOCC and ask for help.

Additional Update from County Administrator
Ed commented that there is a virus in the County's e-mail system.
Jesse - ready to implement whole e-mail system last Friday for entire Courthouse as well as high speed Internet connectivity - doing it department by department - first department we picked when we activated Microsoft Outlook in that department it triggered a dormant bug that was residing on one of the desktop units - really a worm - doesn't destroy anything - the minute Microsoft Outlook came on, it attached itself and went straight to the e-mail directory on that computer and e-mailed itself to everybody on that directory and started a chain reaction - able to shut it down quickly - in process of installing anti-virus on every computer - will delay us a day or so.

EXECUTIVE SESSION
Don said he needed an Executive Session to discuss ongoing litigation concerning Archuleta and Lofton - asked for Ed, Jesse, Board Members, and Mildred - Ed's topic is personnel.

Commissioner Stowe - motioned that the Board go into Executive Session; Commissioner McCown seconded; motion carried.
Commissioner McCown - motioned that the Board come out of Executive Session; Commissioner Stowe seconded; motion carried.

COMMISSIONER REPORT
Commissioner McCown
- 4:00 p.m. tomorrow in Rifle, Barrett Oil
- passed Mayor Skramstad's concerns (about bussing) on to the City Manager of Rifle, said he'd never been contacted by anybody
- Associated Governments, Thursday 10:00 a.m. - 2:00 p.m. at Rifle City Hall
- Central Committee Meeting here 7:00 p.m. Thursday night
- next week unavailable - gone 12th through 18th.

Commissioner Stowe
- Humanitarian awards on Thursday
- Healthy Beginnings Committee tomorrow.

Chairman Martin
- requested to do a Colorado State Forest Service Questionnaire on the Landfill
- request from Glenwood Mayor Sam Skramstad to be appointed as a designee for the City of Glenwood Springs on the Weed Advisory Board
- Grand Valley Citizens Alliance and landowners, industry folks met in Battlement Mesa on Feb. 1st on the current seismograph operations and activities going on - requested that there be a follow-up on the meeting and also to try to establish a uniform concern or lease of seismograph entrance on lands if they are not covered on the already present oil and gas lease for exploration - March 21st, Rifle City Hall

- requested to sit and listen to Barrett Oil at 11:30 tomorrow morning at Sammy's in Rifle to see what the future holds for Barrett Oil
- met with Chevron Oil in this room on Friday, they may have a low profile oil shale development again maybe up to 400-500 employees coming back
- CIFCA Board Meeting Wednesday at 9:00 a.m.
- Mayor's Meeting on Thursday at 7:30 at Audrey's to discuss an intergovernmental agreement that will cover the expense, operations, locations, concerns of the bus service from Rifle to Glenwood Springs through all the other communities
- CCI Committee Meetings on Friday 9:00 a.m. in Denver
- interesting things on telecommunications and steps that Summit County and some other counties are using, rule & regulations for towers
- request to give back a twenty foot wide section of roadway expansion for future of Eagle Creek Subdivision lot - when they did split, there were four acres, asked by Garfield County to dedicate twenty feet along the roadway as future expansion, above ground, twelve foot high, irrigation ditch along it, not suitable for expansion for roadway according to R&B - owner of property would like to have it back so he can divide his lot evenly two and two - two houses on it - he owns one - son owns the other one - we received a letter requesting a hearing, is in Don's office
- not available from 12th to 18th of this month will be out of town.

Ed - coming up in the next couple of meetings, update on the Landfill Plan, which will include discussions with the Federal Government - we'll change the way we deal with Landfill areas.

CONSENT AGENDA

a. Approve Bills
b. Renew Liquor License: Trapper’s Lake Lodge 3.2 Beer
c. Renew Liquor License: Trapper’s Lake Lodge Hotel & Restaurant
d. Sign Elk Springs Filing 6, Final Plat and SIA
(Formerly Los Amigos)

Mildred Alsdorf gave the report on Trapper’s Lake Lodge with respect to the renewal licenses saying that there have been no reports filed with the Sheriff or her office against the establishment and therefore requested the two licenses be approved.

Don - Elk Springs - a condition of approval on the Final Plat - when Final Plat and SIA are recorded, they need to present to the Clerk & Recorder a stamped and certified letter from the engineers certifying completion of improvements and also a proper legal description for the subdivision - has not been included in the SIA to this point - asked that those be made conditions of approval on Final Plat.

Commissioner McCown - asked Don if he was recommending signing the Final Plat with those additional conditions - yes.

Commissioner McCown - with the corrections to "d" made a motion that BOCC approve the Consent Agenda "a" through "d" and the Chair be authorized to sign said documents; Commissioner Stowe seconded; motion carried.

Guy - Pretrial Program - amount of grant was $30,746 from State with County cash match of $10,255 - basically for indigents - goes Feb. 22nd to make presentation.

Chairman Martin - welcomed Marian Clayton back.

BUILDING & PLANNING ISSUES - PUBLIC HEARINGS:

REQUEST FOR APPROVAL: SPECIAL USE PERMIT - GLENWOOD SPRINGS TELECOMMUNICATION TOWER. LOCATED: 2829 CR. 117, GLENWOOD SPRINGS, CO. APPLICANT: AT&T WIRELESS SERVICE

Jim Leuthueser, Planner Greg Butler and Becky Glover for AT&T Wireless Service were present.

Jim Leuthueser determined that adequate notification was not available and the Public Hearing was continued.

Commissioner McCown asked that the applicant contact the Planning Department and arrange a date and re-notice.

The applicant selected to bring this back at a later date when all the notices were available.

REQUEST FOR APROVAL: SPECIAL USE PERMIT TELECOMMUNICATION SITE: LOCATED 3240 CORYELL RIDGE ROAD, GLENWOOD SPRINGS, CO. APPLICANT: VOICE STREAM WIRELESS

Bret Hawkinson and Joy Rutherford for the applicant, Jim Leuthueser, and Greg Butler were present.
Jim Leuthueser determined that publication and adequate notification to all adjacent property owners were in order and timely. Jim advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.

Greg Butler presented the following Exhibits for the record: Exhibit A - Proof of Legal Publication; Exhibit B - Return Receipts; Exhibit C - Application and Attachments; Exhibit D - Zoning Resolution of 1978 as amended; Exhibit E - Project Information and Staff Comments;
Exhibit F - Photo simulations of the site and the options Voice Stream is presenting to the Board.

Chairman Martin submitted Exhibits A - F into the record.
Greg - This is a request for a Special Use Permit for a Telecommunication Facility by Voice Stream PCS II, Corporation to construct a 55 foot community monopole near Carbondale in order to complete their coverage of the Roaring Fork Valley - two ideas for camouflage; 1st is flagpole design, 2nd is a simulated tree.
Approved on October 11, 2000, by the Garfield County Planning Commission - later it was denied by the Garfield BOCC.
Recommendation:
Staff would like to make a verbal correction to the Staff Comments - had recommended denial, but it was pointed out that this was what we were looking for - now recommending **APPROVAL** of the simulated tree with certain conditions.
Applicant Comments:
Joy Rutherford, with Voice Stream Wireless, 2323 Delvaney Street, Denver, CO - requested to pull all the testimony and exhibits from the hearing held in November 2000 into this hearing - indicated that flagpole or simulated tree would be the best aesthetic remedies - if flagpole was used, size of flag could be dictated by the Board - Voice Stream will replace flag when needed - the tree would be better for co-location - Voice Stream promotes co-location.
Magnus Fruerlander, Oref Engineering, Voice Stream Wireless - tree would be preferable option because there is more flexibility with antenna placements.
Jeff Warren, owner of the property, likes the flag better but stated he is not opposed to tree - Jeff was sworn in - Jeff indicated it was a good thing to obtain additional cell phone coverage and was in favor of the approval by the Board.
Conditions:
Greg - normal conditions would be co-location would be required if possible - if the simulated tree (site) becomes dormant for more than 6 months, has to be removed at Voice Stream or property owner's expense
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.
Commissioner McCown - made a motion, noticing the effort put forth by the applicant, and recommended approval of the Special Use Permit for a telecommunications facility, and in that recommendation included those made by staff as far as co-location, removal if facility becomes dormant for more than six months and choosing tree antenna due to maintenance flag would require; seconded by Commissioner Stowe; motion carried.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A RESORT: LOCATED 6471 CR. 117 (FOUR MILE ROAD), GLENWOOD SPRINGS, CO. APPLICANT: JIM AND SHARILL HAWKINS

Mark Bean, Jim Leuthueser, Jim and Sharill Hawkins were present.
Jim Leuthueser determined that adequate notification to all adjacent property owners was in order and advised the Commissioners they were entitled to proceed.
Chairman Martin 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 - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Letter from adjacent property owner Robert Jessup in support of the application.
Chairman Martin - Exhibits A-F were admitted into the record.
Mark - this is a request for review of a Special Use Permit to allow a Resort located approximately 4.0 miles south of Glenwood Springs (adjacent to the upper entrance to Oak Meadows Subdivision itself), on CR. 117 (Four Mile Road) on 5.5 acres where the property is currently occupied by a house, barn, shed, and one log cabin - water source is a single spring which supplies all habitable structures.
Applicants presently operate a bed and breakfast, an operation approved by Resolution No. 87-107 which allows use of the house and the five bedrooms as a bed and breakfast operation with a small sign identifying the business itself - the applicants propose a Special Use Permit to add the existing cabin on the site and build another cabin on site to the bed and breakfast - according to planning department definitions, it becomes a resort - there is an existing and approved Conditional Use Permit for a Boarding or Rooming House on the subject property - Planning Project and Staff Comments note that Resolution No. 87-107 was approved for " all proposals of the applicant..." - there is also a small shop, which applicants indicated it was for guests only.
Recommendation:
Staff recommends **APPROVAL** with the following conditions of approval:

A. 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.
B. Sections 5.03 and 2.02.448, of the Garfield County Zoning Resolution, 1978, as amended be complied with in the operation of the resort.
C. Prior to the issuance of a Special Use Permit and any building permits for the Special Use, the following conditions must be met:
    A. Information acceptable to the Board of County Commissioners (staff) be submitted which provides evidence that the spring proposed to be utilized can be utilized since it is to on the subject property.
    B. Evidence that sufficient quantity and quality of water is **actually flowing** from the spring proposed to be utilized must be submitted to the Planning Dept.
D. Water court case no. 96CW274, and West Divide Water Conservancy District Contract #FM961210JT(a) be adhered to as part of any approved Special Use Permit.
E. All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subject lot, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
F. Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this special use permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the special use permit.

***Plus the applicant discontinue the advertising of sale of arts and crafts and that any sales be only to guests of the resort itself - the shop would become an unsigned entity and would be available for guests only**.*

***Applicant Comments**:*
Jim Hawkins - thanked the Commissioners for hearing this and have no plans to build any kind of a resort, it's just that when the new cabin is built, it does fall into a "resort" category - this has been placed on the historical list, and they plan to keep the same colors and blend the new in with the present.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; seconded; motion carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Special Use Permit for a Resort located at 6471 CR 117 with the conditions listed by staff and the additional condition mentioned by Mark Bean; motion carried.

PUBLIC MEETINGS:

REQUEST FOR APPROVAL: AMENDED SB35 EXEMPTION: LOCATED NORTHEAST OF RIFLE, CO OFF OF CR. 233. APPLICANT: JACK & IRENE WIGINGTON/JAEDDRO, INC.
Don DeFord, Mark Bean, Jack Wigington and Ron Bell for Jaeddro, Inc. were present.
Don DeFord determined that adequate notification to adjacent property owners within 200 feet was in order and advised the Commissioners they were entitled to proceed.
Mark Bean - this is a request for an amendment to an Exemption from the Definition of Subdivision on a 40.451 acre tract of land located on the northeast side of Rifle, off of CR 233 - the parent tract of land was split into three tracts of 5.066, 10.0348, 25.3263 acres in 1982 by Resolution No. 82-275 - applicants are proposing to amend the configuration, so that there will be lots of 3.894, 3.198, and 33.359 acres.
Recommendation:
Staff recommends **APPROVAL** with the following conditions of approval:

A. 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.
B. A Final Exemption 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.
C. That the following plat note shall appear on the Final Exemption Plat:
   "Control of noxious weeds is the responsibility of the property owner."

Applicant Comments:
Ron Bell didn't have any comments unless there were questions from the Commissioners.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Meeting; carried.

A motion was made for approval by Commissioner McCown for an amendment to an exemption from the Definition of Subdivision regarding the property in question, Applicant Jack and Irene Wigington/Jaedro, Inc., with the recommendations of staff as included in the packet; Commissioner Stowe seconded; motion carried.
Commissioner Stowe - one note for clarification, it was a public meeting not a hearing, so it didn't have to be closed.

REGULAR WORK - ADDITIONAL DISCUSSION

Stevens Hill Road - CR 291
Commissioner McCown - regarding the realignment of Stevens Hill - there's going to be a parcel created - not newly created because it's already divided by the roadway, but it will be extended - if the new roadway creates a 2 acre parcel would that qualify as an exemption within itself?
Mark Bean - yes - provided the 2 acres is the portion that's split by the County Road and they can provide the appropriate building site, well permits, etc., for the 2 acre.
Don DeFord - clarified that it authorizes the applicant to come back to the Board to request a new parcel - it does not guarantee approval.
Commissioner McCown - it's partially severed by the road now - the parcel is already created - in its present state it is too small to qualify - by the realignment of the road, it's going to allow enough acreage to qualify for the 2 acres.
Don - and still leave enough acreage in the remaining parcel or parcels.
Ron Bell - the County Road creates three parcels as it is - the one on the north side of Stevens Hill has not been surveyed, not sure where the right-of-way is, or what its size is - interested in cooperative effort to establish a right-of-way that would create a two acre parcel.
Commissioner McCown - asked Don if the County would want a transfer of right-of-way.
Don - need description of where the new road is supposed to be located - see if County has dedicated right-of-way now - if not, prepare deeds to exchange right-of-way by acquiring right-of-way and vacating the old right-of-way.
Ron Bell - wanted to be sure that with new right-of-way there would still be a 2 acre parcel.

Commissioner McCown - County has to hit the alignment at the creek that they have right now because of the location of Scott Brynildson's property - County cannot encroach on that property because it would make it non-useable - don't have a lot of flexibility as far as alignment.
Commissioner McCown - County has been unable to locate records which indicate property was transferred to County - if it was, now it would be transferred back to property owner in lieu of the new right-of-way for the new road - property would be useable for acreage requirement.
Commissioner McCown - project will probably be done before the 1st of May.

PRESENTATION TO BOCC: SERVICE PLAN AGREEMENT- ROARING FORK WATER & SANITATION
Mildred Alsdorf, Don DeFord and Mark Bean were present.
Mildred Alsdorf submitted the Service Plan Agreement regarding Roaring Fork Water and Sanitation and said, according to statute, Amended Service Plan for Roaring Fork Water & Sanitation was filed with her on January 25 - within ten days after filing, need meeting to present to BOCC - then there are time-frames related to Planning Commission and return to BOCC for Public Hearing.
Don - matter has to be set with our Planning Commission within 30 days of filing with Clerk's office - once the decision has been made by the Planning Commission, no sooner than 10 days after that decision, matter comes back to Board of County Commissioners to be set again within 30 days.
Possible time frames - Planning Commission on 2/28/01 - back to BOCC on 3/12/01 - then set it for Public Hearing on 4/2/01 in front of BOCC.
Usually with a Service Plan there is question whether outside expertise is needed - Blake Jordan, on financial affairs - Wright Water (Michael Erion) for engineering and professional analysis - Mark, Commissioner McCown Green and Don discussed this today - Don stated he did not feel there would be the need for Blake Jordan to become involved as the applicant was not requesting to build anything at this time - proposing that any new capital improvements be brought to the District already constructed and paid for by any developer in the District - what we're talking about is Sanders Ranch and Rose Ranch - other areas are included in potential service area - such as H Lazy F Mobile Home Park - proposal is that when improvements could be paid for by the requesting party, they would be made available - financially there is not a burden on the existing participants in the Sanitation District.
Mark Bean - re: engineering expertise - more water rights than physical supply issues - Wright Water could address - Michael Erion is available for a quick turnaround - these are non-reimburseable expenses - a total of $250 is charged by Mildred for filing of amended plan - beyond that no way to charge back additional engineering or legal fees.
Mark - Service Plan currently in place only allows the water service for the Roaring Fork Water and Sanitation District to include the Aspen Glen Development - not allowed under current plan to take water beyond Aspen Glen boundaries - asking to expand it to include: Rose Ranch and Coryell Ranch and possibly Sanders Ranch, provided it receives the appropriate approvals - other areas would be subject to financing to pay for the improvements to connect the system to the overall system - final goal would be to take three stand-alone systems (Rose, Coryell, Sanders) and tie them into one - would manage the entire areas' water service under one entity.
Mark - would allow people in Mid-Valley area, i.e. H Lazy F Mobile Home Park, to get the physical lines in place as well as the appropriate tanks in place to become a part of a water system too - wouldn't have shortages as in the past.
Mark - the District has the ability and maybe should explore having bonded indebtedness, provided it's properly approved in the appropriate elections - not part of the proposal now.
Mark - right now the proposal is to take in two water systems that will be separate from Aspen Glen's into and combine them into one system - two additional storage tanks - there's a potential of 1,000 gallons per minute being produced out of the existing wells from Aspen Glen and Coryell Ranch - may preclude the need for additional wells being drilled in some of the other systems - becomes "point of diversion" issue - prediction is Aspen Glen uses 465 gallons per minute - would leave about 535 gallons per minute to accommodate the equivalent of Aspen Glen e.q.r.'s which is right now 640 plus some large water users, i.e. clubhouse.
Motion
Chairman Martin - BOCC needs to refer this issue to the P&Z.
Commissioner Stowe - so moved to refer this to the Planning Commission on February 28, 2001; Commissioner McCown seconded; motion carried.

Additional Items
Commissioner Stowe - requested Mark check into - at CMC turnoff, warehouses put in just off of CR 154 - there's a 5th Wheel Mobile Home behind warehouse being occupied on a daily basis.

Chairman Martin - asked Mark to check on graffiti on white fence across the street - Mountain Meadows Mobile Park on Highway 82.
Mark - property owners were going to have it painted and the graffiti removed.

Adjourn

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

Attest Chairman of the Board

_____ _____

FEBRUARY 20, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, February 20, 2001 with Chairman John Martin and Commissioners McCown and Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER'S UPDATE

Ed Green gave his update that included the following:

- ***Resolution concerning distribution of receipts from National Forest Reserves***

Ed - Historically the funds are divided into two parts: 95%=Road and Bridge; 5%=School District - have prepared a resolution reflecting that traditional approach - will direct $334,243.46 to the R&B fund - requested that the Board approve proposed Resolution and Chair be authorized to execute.
Commissioner McCown - so moved; Commissioner Stowe seconded; motion carried.

- ***Veterans Services Officer Agreement***

Ed - Joe Carpenter was selected last year for two year appointment - each year the Board is required to review and approve a new agreement - this year's agreement is essentially the same as last year's - provides for monthly compensation in the amount of $1,000 for performance of Veterans Services both here in Garfield County and in Pitkin County - based on his successful performance in 2000, recommended that the Board approve another agreement and that the Chair be authorized to execute.
Commissioner stowe- made a motion to approve the Veterans' Services Officer Agreement for the next year; Commissioner McCown seconded; motion carried.

- ***Dave Silvas - US Forest Service: Baylor Park Blowdown***

Dave - not really a change in approach - the ongoing discussion about use of Four Mile Road - received letter from Tom stating the County's concerns that the blowdown should be hauled down the West Divide drainage - that is still a couple of years away until needed repairs can be made to that road - more immediate needs are to begin in July or August of 2001 to haul down Four Mile Road.
Commissioner McCown - asked if there was money for the new bridge for the City of Glenwood?
Dave - don't have that forthcoming - working with City of Glenwood Springs to look for grant opportunities for the Sunlight Bridge - there are Federal moneys available through the Inner Surface Transportation Enhancement Act - would probably be 2-4 years away - hoping to haul across Sunlight Bridge with a reduced weight limit.
Chairman Martin - has the weight limit been posted on the bridge? - no.
Dave - received Tom's concerns about the use of the industrial corridor route - now waiting for Tom's and the Commissioners' concerns about hauling out the Four Mile route - received 48 comment letters on the draft Environmental Impact Statement (EIS) - in the process of moving the draft EIS into a final - hope to publish the final record of decision in late March 2001.
Commissioner McCown - what is the overall length of this project?
Dave - 4 years of hauling beginning July/August 2001 - depends on who the purchaser is - the earliest it could be completed would be 3 years - might go for 5 years - preferred alternative in the draft EIS recommended about 10 million board feet of spruce saw logs be salvaged - over the period of a 4 year contract, 2½ million board feet per year during the hauling season - four month hauling season is limited because of elevation - estimated 8-12 loads per day, five days a week.

Commissioner McCown - is additional blowdown should occur during the 3-4 year period, would that take a new EIS or would it be a continuation of the salvage operation? - could lead to this being a six year project.
Dave - if additional blowdown occurs within the analysis area we'd be covered with existing EIS unless it's outside of the analysis the Forest Service has already conducted - tried to anticipate more stands continuing to unravel - and it's there is a possibility the project would be longer.
Commissioner McCown - what happens for the haulers when they learn about the bridge weight restriction and they are hauling to Wyoming - they'll need a yard to reload their trucks or haul partial loads - that would be less than appealing.
Dave - as dead spruce dry out, the weight goes down - the haulers wouldn't need to reload.
Commissioner McCown - has the City given a firm number of the weight limit on the Sunlight Bridge? - no - could be 50,000 pounds - but Four Mile is still your choice?
Dave - route we have to look at because of the need to reconstruct the road between Elk Park and Reservoir Park and would eventually connect with the industrial corridor - hope to have that reconstructed and 2003 would be the earliest.
Commissioner McCown - even if Four Mile is the chosen route, the Forest Service will move forward with the other road? - yes.
Commissioner Stowe- is that because there is the possibility of future timber harvesting in that area - or does that road need to be rebuilt as part of your system?
Dave - could serve additional timber harvest - also some environmental concerns with reconstructing that route - in a wet area - does provide a loop route for recreationists - there are concerns that if Forest Service improves it, it would get additional use - a study will need to be done before improvement happens.
Commissioner Stowe- hauling down Four Mile will be an inconvenience and an annoyance for the residents - but so would be the spread of pine beetles if the timber doesn't get harvested - that will be more devastating.
Dave - there's still the possibility that the spruce bark beetles could spread no matter how much effort the Forest Service expends in trying to reduce that risk - there are pockets of blowdown that are in roadless areas that the Forest Service will try to treat by hand - other pockets that FS cannot get to - no guarantees.
Commissioner Stowe- this is a best attempt effort? - yes.
Tom Russell - will be putting together a letter for Dave to have for his file, so if Commissioners have anything to add let Mr. Green know.

- ***2001 Objectives & Improvement Projects***

Ed - Strategic Planning Committee met several times to review mission, vision, values and objectives and to arrive at Improvement Projects for 2001 in addition decided entire document should depict actual scenes from the County and from the work environment - will be on web site and hard copy - settled on 13 Improvement Projects - include a nice mix of facility, process, and systems improvements.

- ***Presentation & Update: Solid Waste Department***

Ed - had discussions with BLM, landfill consultant and others regarding future plans for area - constructed a cell in 2000 - will serve us well for a couple of years - concluded we need to take a different approach to the landfill site - Tom and Janie will present that approach.
Tom - introduced Janie Dike and Craig Kuberry - Janie does much of the administration work at landfill - Craig handles a lot of the operations - consultant from Montgomery Watson, Bob Peterson, could not attend today.
Statement of Goals:
To provide to our community an economical and hazard-free facility for the future that meets all State and Federal compliance.
To operate in such a way that creates an enterprising facility that will extend the life of the landfill into the future.
To promote recycling and enhance an environmental consciousness that will allow us to use our resources more efficiently.
Right now landfill uses a "Trench Fill" philosophy - means a hole is dug and trash is put into it - simple - used to have multiple pits - decreased efficiency because operators had to drive back and forth to check for contraband - Landfill has limited life - looking at ways to extend that life - currently receive about 45 tons per day of refuse - existing pit is about 750'x350'x45' deep - 198,000 cubic yards.

Proposed Recommendations:
Working towards an "Area Fill" status to extend the life of the landfill - won't dig small trenches - will fill in and mound over it similar to building a mountain.
In order to do that will have to change and file our Development Plan with the Colorado Department of Health
Determine the height of proposed "Area Fill"- 5 feet high could add 5 years to life of Landfill.

Commissioner McCown - given the other four pits that need to be done, what's the estimated span of time for capacity?
Tom - probably 2½ to 3 years per pit - 10 years before the "Area Fill" would start.
Commissioner McCown - will those pits generate adequate material to build the berm that will be required depending on whether we choose 30 or 50 foot - and provide backfill material?
Tom - spoke with technical advisor - appears that they would - County also owns some land to the east where dirt could be borrowed - more acres of developable space - want to utilize current area to its fullest extent.
Commissioner McCown - how long will the permit process take to change?
Janie Dyke, Landfill - entails doing a closure pro and we're working on that now - by the end of this year we should have that completed.
Commissioner McCown - can both types of operations be taking place at the same time? - yes.
Chairman Martin - State person Miss Stone has been out to look at the new Landfill.
Tom - report has been out - Miss Stone happy with the direction the Landfill is going.
Craig Kuberry - with mixing plant we're using now, we're putting less dirt back in the ground - before we were putting back in big rocks.
Tom - will get with consultant and go with the 50 foot plan - can get started with licensing and permitting - post closure costs based on square footage of land used - we can keep those down because we are going up instead of just spreading out.

Fairgrounds Rate Schedule
Ed, Toni Penton and Dale Hancock were present.
Ed - had meetings with Toni and various representatives of the horse community - included people from the Quarterhorse Association, Ropers, Dressage, 4-H, Little Britches, and High School Rodeo - soccer coaches also interested in using the indoor arena - integrated all concerns in new Fairgrounds Rate Schedule - key changes from original included bundling charges for use of multiple areas - modifying the rate for stalls and pens to make it reasonable so long as the area is clean - establishing a 2 hour block of time for reserved horse activities - establishing a 2 hour block of time for recreational activities such as soccer practice - differentiating commercial rates for gate receipts and activities that don't have gate receipts.
Chairman Martin - had many phone calls from people in the Rifle area concerned that they wouldn't be able to afford to use the facility - not everybody will be happy - want to be sure Youth activities continue - one of the reasons for the arena.
Ed - tried to integrate all suggestions from the Youth activities into this Rate Schedule.
Chairman Martin - is there a way to waive fees for an activity if we want to?
Toni - groups can always come to the Commissioners' meetings and request a waiver of fees.
Commissioner McCown - had a question on the marquee charge?
Toni - had outside groups that are not associated with activities at the Fairgrounds who would like to put an advertisement up on the marquee - told these groups that if it was available, because first priority goes to the activities at the Fairgrounds, the marquee fee is just for somebody who is not doing something at the Fairgrounds, but wants advertising - takes 2-3 hours to do that - if it is an event at the Fairgrounds, the marquee fee is already included.
Commissioner McCown - as use increases, prices may need to be adjusted - appreciated time and effort put into schedule.
Toni - received Certificate of Occupancy 3:30 p.m. Friday afternoon - good turnout for Barrel Racing - there are still things to work out - another meeting is scheduled with horse user groups to go over rate schedule - first time for big event since Fair - footing was O.K. - there are improvements to be made - the arena system purchased by Lee Moss, the gate isn't wide enough to allow the cultipacker to get in - ordered new piece of equipment which will fit through the gate and will work up the arena in a more timely fashion.

Chairman Martin - suggested a sled on which to put injured animals - one of the requirements of rodeo now - a piece of flat metal with a chain and straps will work too.

Motion
Commissioner McCown - made a motion to approve the presented Rate Schedule for the use of the Fairgrounds and the indoor facility; Commissioner Stowe seconded.
Chairman Martin - discussion is that the Board will review again if any revisions come forward after meetings are held.
Motion carried.

- ***Fair Book Contract***

Ed - Toni and Dale have been working with the Fair Board to develop that contract.
Dale - it's a work in process - the Fair Board opted to go with Swift Publishers, Inc. - preferred vendor for the Fair Book - went over articles with Don DeFord - Don okay with contract as to form, but there are about five more articles that need to be added on - asked that the Chair be authorized to sign the final document with the approval of the legal department.
Motion
Don DeFord - the substance of the agreement is okay - there is some boilerplate language that needs to be added - would like the Chair to be authorized to sign the agreement.
Commissioner stowe- so moved; Commissioner McCown seconded; motion carried.

- ***Arena Use Schedule***

Ed - major events scheduled for the indoor arena in 2001 - list provided for Board perusal - will try to schedule two open ridings per week to start.

- ***Purchase Approval: Culverts & Bands***

Tim Arnett - for Tom's various projects throughout the summer - Dodson Engineering was the lowest price this year - met all the specifications - changed the big culvert to 14 gauge instead of 16 gauge - all construction/maintenance culverts.
Motion
Commissioner McCown - motioned to approve the contract with Dodson Engineering in the amount of $31,642.76; Commissioner Stowe seconded; motion carried.

- ***Purchase Approval: Motor Pool: 2 Cars and 1 Van***

Tim - these are replacement vehicles for the Motor Pool - two (2) Ford Taurus LXs from Columbine Ford and one (1) GMC Safari Van from Berthoud Motors for replacement of the sheriff transport van - will sell old cars outright - can make more money than with a trade-in.
Ed - also may be able to sell the vehicle to Social Services program and acquire TANF funds in support of it.
Motion
Commissioner Stowe- made a motion to approve the purchase of the Safari Van and the two Ford Taurus LXs, total cost $53,083; Commissioner McCown seconded; motion carried.

- ***Purchase Approval: Road & Bridge Back Hoe***

Tom - we had not planned on this expense - back hoe from Silt District was due to be replaced this year but thought it could be pushed to next year - the reverse went out - that's what shifts it from forward to reverse - $6,000 bill to fix it - 1991 tractor with 5,500 hours on it - about spent out - had some money in the budget for the snuffy truck - the asphalt patching truck - will have to use some of that money for this backhoe - able to piggyback on a cooperative bid with a State bid on another John Deere.

Jesse Smith - the snuffy truck was budgeted at $155,000 and it's in the budget as a capital expense - $56,600 for the backhoe would come out of that line item leaving the remaining at roughly $100,000 to go back into fund balance in Road & Bridge - the screening plant, the loader, and the pressure washer would be purchased out of the Contingency line item in the landfill so that it can be capitalized and depreciated as part of the enterprise operation of the landfill - we told the Board we would not spend anything out of that without Board approval - need the Board to approve the funds out of the Contingency line item.

Motion
Commissioner McCown - made a motion to approve the purchase of the John Deere 310SG Backhoe Loader in the amount of $71,600 less $15,000 trade-in for a total cost of $56,600; Commissioner Stowe seconded; motion carried.
Motion
Commissioner Stowe- made a motion for alternate request for the landfill for a screening plant at the cost of $49,000, loader at $80,000 and pressure washer at $7,000 for a total of $136,000 - those funds to be taken from the Contingency Fund for the Landfill Project and then refunded as that enterprise project becomes profitable; Commissioner McCown seconded; motion carried.

- ***Henry Building Remodel***

Ed, Tim, Randy Withee, and Chuck Brenner were present.
Randy - on Friday, February 16, 2001, bids were received and opened for remodel of main floor and basement of the Henry Building - three (3) bids were received - Groth Construction was the lowest - the Henry Remodel was budgeted for $320,000 but additional scope of work was added to the original design for fire code requirements, ADA requirements, hot water heat to 2nd floor, and some minor improvements - additional changes were presented at prior Board meetings - we recommend that the Board of County Commissioners consider awarding Henry Building Remodel Project to Groth Construction for the stated base bid amount of $368,078 and the alternate #1 for $860 - completion would be in 120 days - if notice to proceed is on March 1st, completion would be July 1st.
Ed - bond could be replaced with a letter of credit - would be up to Don DeFord.
Don - will check statutory provisions - recollection that for any public works project bond is required.
Motion
Commissioner McCown - made a motion to approve the bid from Groth Construction in the amount of $368,938 which would include the base bid and alternate #1 and Chair be authorized to sign said bid; Commissioner Stowe seconded; motion carried.

- ***Suggested Projects with City of Rifle***

Ed, Tom, and Marvin met with Selby Myers and Bill Sappington to go over the list of projects to work on cooperatively:
Rifle Aquifer - continue the joint initiative to complete all tasks leading to aware of DOE Cooperative Agreement for Water Line Extension - DOE will provide a revision to agreement.
Whiteriver Road Improvements - provide level of effort contributions to the City in support of leveling and straightening of Whiteriver Road near the County and City shops.
Taughenbaugh Road Extension - perform survey work and preliminary engineering to determine the feasibility of extending Taughenbaugh Road south to intersect with County Road 322.
County Road 320 Repairs - complete resurfacing of County Road 320 following the installation of a new water line - per previous agreement, City to pay for half of the resurfacing costs.
County Road 293 and 294 Widening and Resurfacing - perform survey work, engineering, and construction to accomplish improvements to County Road 293 and 294 - such improvements will include widening and asphalt resurfacing of the road - City to investigate making improvements that will link their road system to create a bypass to the east of town.

Commissioner McCown - there will be sizable cost and right-of-way acquisition for CR 293-294 - there are irrigation ditches on both sides - in order to improve quality of that road, those issues have to be addressed - didn't think the width could be improved from a safety standpoint without right-of-way acquisition.
Commissioner Stowe- is there any interest, once the County paves it, for the City to take it even if there isn't a sixty foot right-of-way.
Ed - Selby and Bill did not express that - their only interest was enhancing the connection to that road.
Commissioner McCown - would Whiteriver Road straightening include moving or abandoning the City shop? - were they willing to do that?
Tom - talked about doing work on the creek side of the road - doing retaining wall - stabilizing.
Ed - our only agreement is to provide level of effort support in terms of equipment and people to that project.
Chairman Martin - suggested posting with all the cities the projects the County would like to identify.

- ***Update: Frost Law Road Closures***

Tom Russell - instituted weight restrictions on several of County Roads due to frost coming out of the roads - oil industry roads and traffic that is going to and from oil rigs - talked with Don DeFord before instituting any action and made sure what we were doing was correct - contacted the oil company representatives - when frost comes out road turns to mud - when heavy trucks are run over the roads, the roads break up - list of roads changes as conditions change - some of the road are: 301, 309, 320, 323, 336, 324, 331 and 311 - probably will be more roads to add on list - will meet again with oil company reps - they are offering to compensate the County or to repair the damage if they can continue to move some rigs in and out - will work closely with Commissioner McCown on this - will give an update at the Oil & Gas Meeting tomorrow - one suggestion made by oil reps: give them a set time in-between the months when the roads will be closed, i.e. February 15-April 15 - will be posting new signs this week - CDOT is working with County to regulate the trucks.
Chairman Martin - also notify the Sheriff's Office - they may be able to help with patrol.
Commissioner McCown - asked if Tom was aware of historic violations? - yes.
Tom - it is the responsibility of the trucking organizations to call the County to see if a road is weight restricted.

- ***Aviation Demand Forecast***

Ed - part of the Airport Master Plan Update - held first public meeting - first segment and provides baseline statistical data from which future decisions regarding airport use and infrastructure improvements can be made - gives a projection for the next twenty years as to what consultant Washington Infrastructure, Inc., thinks will be the demand for the airport - next phase is to explore and price out alternatives - eventually come up with a single priced alternative that both County and FFA can live with - expecting a $10 million project to improve safety of runway - Master Plan is an essential first step.

- ***Additional Note***

Tom - wanted to notify the Commissioners there was an accident at the Road & Bridge Shop - one of the District Foreman went off the road and rolled his pickup - he's okay - investigation is continuing - didn't see any significant wrongdoing other than it was 1:00 a.m. with slick conditions and fog.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

- ***Revenue Sharing Pass Through Agreement: Rural Resort Region***

Don DeFord and Jim Spahar were present.
Don - changed the designated representative from Jim to Ed Green - on revised Scope of Services Agreement, second paragraph of #1, "election" has been removed - Don specifically pointed out second sentence in second paragraph, "Failure to pursue implementation efforts will result in forfeiture of Heritage grant funds." - said State is firm that they want to see some follow through on this project - on Agreement for Revenue Sharing Program that Don drafted, efforts of implementation will be done within the amount that is currently budgeted - $25,000 maxi fund will be paid within ten days from Rural Resort to the County because the County has to administer the funds of the project - repayment to Rural Resort of both the $25,000 and $50,000 at the same rate the County received the $50,000 from the State - eventually all the funds end up in the hands of Rural Resort with the County acting as a pass through.
Jim Spehar - intent of both contracts is to work through the 4 step process outlined in the grant application - Rural Resort Region is incorporated as a 501C4 corporation - two of the five signatures bind the organization - $25,000 is in the bank - separate from operating fund - would like to earn some interest on the $25,000.
Don - County is responsible to State to administer the finances for this agreement - mechanism for assuring that the matching funds will be paid in coordination with the State funds is important as well - if Board decides to let Rural Resort hold the $25,000, Don would need to alter original agreement to provide that Rural Resort would pay all costs of implementation.
Commissioner Stowe- by taking the funds, we're giving ourselves an extra layer of security - ultimately Rural Resort is responsible - which in turn makes the 5 counties responsible.
Jim S. - the way the grant works is a four step process - three of the four steps all occur in this calendar year - as the steps are completed, the State will reimburse Garfield County, which will reimburse the Rural

Resort Region for each of those steps - the $50,000 in the grant application is to accomplish those first three steps - the $25,000 is intended to be for the implementation piece next year - at the end of the year the State will still be holding $5,000.
Commissioner McCown - didn't have underlying fears if the $25,000 stays with the Rural Resort Association - being part of another organization understood how limited association budgets are - asked Don how much trouble it would be to reword contract.
Motion
Don - does not have the original contract - would ask for a motion authorizing the Chair to sign a Revenue Sharing Agreement with the Department of Local Affairs and an agreement with Rural Resort Region in the form amended pursuant to the discussion today.
Commissioner stowe- so moved; Commissioner McCown seconded; motion carried.

- ***Discussion: General Election Billing for Open Space***

Charlie Willman - received a copy from Mildred Alsdorf of the billing form - didn't know how the breakdown was arrived at - the District was approved and had everything but the money - the final organization of the District has not yet been completed and approved by the Court because we have been relying on volunteers - Garfield County is helpful in printing out the excluded properties - working on final paperwork for Court approval - hope to have organizational meeting later this month to begin looking at how to raise revenue both by donations and other sources - can't speak for the District because it is not organized yet - can reach agreement with the County on payment once the District figures out how to generate revenue - would like an opportunity to sit with Mildred to understand what the numbers are.
Mildred provided the Board and Charlie a the breakdown of the expenses and explained the bill by saying the total number of registered voters in the district was determined and then prorated out the cost for each person and each entity on the ballot.
Charlie - once officially a board member of the new district will have a duty to the people in new district to make sure the numbers are correct.
Mildred said, the fact is, in the Board meeting where this was originally discussed, it was said, "if the initiative passed, the District would pay for the cost of the election." Mildred stated she gave the itemized cost to the Commissioners first to see where they wanted to go with it; she also talked to Eagle County - they have a bill too.
Charlie - has not received a bill from Eagle County - at this point, the District has no money.
Chairman Martin - has there been a legal discussion or decision on the interpretation - the funding was passed in Eagle County - but it has to be a district-wide funding source - if you can collect as a District those funds that were approved in Eagle County?
Charlie - discussed this briefly with Don DeFord last week - hadn't thought of it that way - thought it had to pass district-wide to collect any money - not presently collecting any money in Eagle County - will discuss this with bond council.
Commissioner Stowe- at this point we wait and see how District goes - and wait for Charlie to get back to this Board.
Charlie - should be able to get back in March - will talk to Mildred - looking (informally) at whether the District comes back in November 2001 with some identified properties and try to sell the project on identified properties basis.
Chairman Martin - obviously the citizens wanted the District - they just didn't want to fund it the way it was suggested.

- ***Building Inspection Agreement: New Castle***

Don DeFord and Mark Bean were present.
Don - provides for building inspection services for the construction of a new water treatment facility - have done this in the past with Rifle where the County allows the City inspector to actually conduct inspections on behalf of the County pursuant to an indemnification agreement.
Mark Bean - Michael Watts is the Town's inspector and would be responsible for all of the inspections on behalf of the Town since this is a Town-wide project will have to be very careful - Michael will be responsible for doing virtually everything - County will be the technical issuance of a Certificate of Occupancy - he will do all of the plan review and inspections - County's cost will be negligible - had not discussed whether there would be a charge for any County services.

Chairman Martin - on our list of things to accomplish as County and City - number one with the Town of New Castle - get together with the mayor.

- *New Employee - Building and Planning - Randy Russell*

Mark Bean - found a gentleman to accept job of senior planner - out of Denver - background is very strong in working with organizations and groups doing long range planning - would plan on having him taking over a lot of these discussion in particular from the urban growth area discussions that we will get into with all the municipalities - experience goes back to Region Ten Economic Development - name is Randy Russell.

Motion

Don - needs a motion authorizing the Chair to sign the original of the letter agreement of February 7th with the Town of New Castle.

Commissioner stowe- so moved; Commissioner McCown seconded; motion carried.

- ***Conveyance of New City Hall Property*** - Located on the UPL Property - Adjacent to the new Jail and the existing Courthouse

Don - received a request from the City of Glenwood Springs on February 7th formally requesting conveyance of the site for the proposed new City Hall - provided BOCC copies of request which includes a legal and a schematic showing the area that is covered by the legal description that is consistent with what BOCC has seen before - City Attorney is not available for at least another week or so.

Commissioner Stowe- would not personally approve this footprint.

Chairman Martin - had a letter from the mayor, also a detailed map - as far as parking lot on the east - has not been discussed - other than the parking is on the west of their building - it's a common area that is supposed to be landscaped.

Commissioner Stowe- understood that the County was giving the City the footprint for the building and a little sliver of land - now the City has encroached up into a triangular area and have also added another 20-30 feet to the east of the building - not within the original agreement - if we don't let them annex this then in fact the courtyard does become a joint cooperation and we can work that out.

Chairman Martin - discussion on the triangular piece - it needs a secondary fence that has to be visible - one has to see through it for the protection of the detention area and also the evacuation area which hasn't been discussed.

Don - would it be O.K. to write back to the City and say this is an item which needs further discussion at the next City/County meeting? - yes - that is set for the 13th of March.

Chairman Martin - will forward other letter of Feb. 7 to Don with the agreement which addressed the payment of $38,034.13 received from the City of Glenwood Springs for utility relocation.

- ***Flex Benefit Bank Authorization***

Don DeFord and Georgia Chamberlain were present.

Don stated that after discussion with Georgia and another bank - decided it would be better to stay with Alpine Bank - prepared a Resolution consistent with the original received from Alpine Bank with necessary changes to account for the fact that the County is not a true corporation - need to execute the original signature cards - unless the BOCC has questions on this, would like a motion authorizing the Chair to sign the Resolution approving Alpine Bank for the Flexible Benefit Plan Account and authorizing the Chair to execute the signature cards to implement that plan.

Commissioner Stowe- asked what the cost was.

Georgia - no bank charges - incorporated with the $650 monthly fee for all the County accounts.

Commissioner Stowe- is it common practice to only have one signature to be able to withdraw funds?

Georgia - the way this plan works they tell us the amount of the checks they are going to issue and then the County puts that amount of money into the account - the only money in the account is when they are reimbursing people - limited funds in the account.

Commissioner Stowe- is there any possibility an individual could take funds out of the account with a check that the County might lose track of - are we being prudent and safe - do we need two signatures?

Georgia - it's always more prudent to have two signatures.

Don - put that provision in there to track Alpine's request as closely as possible - that was one of their specific requests.

Commissioner Stowe- said he'd have a higher level of comfort if there were two signatures - didn't know if it would matter because it was a facsimile signature.
Georgia - most of this new flex plan made a request of the participants to have direct deposits - will be a limited amount of checks - asked Commissioner Stowe if he wanted her signature on the checks? - doesn't have to be.
Motion
Commissioner McCown - made a motion the Chair be authorized to sign the Flexible Benefit Plan Account Authorization Resolution with Alpine Bank with the change recommended by Commissioner Stowe that two signatures be on said checks and a corrected Federal Tax I.D. Number; Commissioner Stowe seconded; motion carried.

EXECUTIVE SESSION - TWO PERSONNEL ITEMS

Don - for first session would like Georgia, Jesse, and the Board - Georgia won't be needed for the second item.
A motion was made by Commissioner Stowe to go into an Executive Session.
Commissioner McCown - made a suggestion that given the fact that an Executive Session was scheduled at 10:00 a.m. to discuss other issues, would it be prudent to take care of other items on the agenda for the benefit of the press, and then go into Executive Session?
Commissioner Stowe- withdrew his motion.

COMMISSIONER REPORT

- ***Appoint Library Board Member***

Chairman Martin - we have a compiled list of qualified people - there is one opening.

Commissioner McCown - said he had no particular preferences - asked if anybody preferred a particular candidate.
Chairman Martin - strong business background as well as government involvement - Mr. Steele - business person as well as being the mayor of Silt - very interested in the library.
Commissioner stowe- made a motion to appoint John Steel to the Library Board; Commissioner McCown seconded; motion carried.

- ***Appoint Three Housing Authority Board Members***

Chairman Martin - spoke to the Housing Board Authority last night - they request that the Board withdraw that - they want to do more research and review of the applicants - do not make any appointments until they come back and meet with Board.

CONSENT AGENDA:
1. Approve Bills
2. Sign Resolution of Approval to Amend Garfield County Zoning Resolutions
3. Sign Resolution of Approval and Exemption Plat for the VIX Ranch Exemption
4. Sign Final Plat and Subdivision Improvements Agreement for the Ukele Acres Subdivision
5. Sign Resolution: Voice Stream Wireless Telecommunication Site Special Use Permit
6. Sign Final Plat Documents for Riverview Ranch Subdivision

Motions
Commissioner Stowe- made a motion to move Item "d" of the Consent Agenda to the 1:15 p.m. schedule; Commissioner McCown seconded.

Commissioner McCown - made a motion to approve the Consent Agenda Items a, b, c, e and f and that the Chair be authorized to sign necessary documents; Commissioner Stowe seconded.

Chairman Martin - point of order - first motion was to approve item "d" - made an executive decision to move it to 1:15 p.m. and then the motion to approve the Consent Agenda except for "d" is now on the floor - asked for a second - Commissioner Stowe seconded; motion carried.

OTHER ITEMS:

- **CONTRACTS FOR PROFESSIONAL SERVICES- BOOKCLIFT SURVEY SERVICES AND WASTE ENGINEERING**

Chairman Martin - have two contracts for professional services that were relayed up from Mr. Withee - Bookcliff Survey Services and Waste Engineering.
Commissioner McCown - authorization has already been given.
Chairman Martin - just wanted to make sure.

- **OIL AND GAS**

Chairman Martin - another item is a letter re: oil & gas - want to make sure the Assessor's letter has been forwarded to all of the Commissioners.

- **VISA - UNDER SHERIFF** - Limited Increase

Chairman Martin asked if there was any objections to the Sheriff's office increasing the Under-Sheriff's Visa limit from $1,000 to $2,000. None - The Board agreed it was all right.

- **ANIMAL CONTROL - EMERGENCY PLACEMENT OF ANIMALS**

Chairman Martin said he had a request from the animal care facility that they will give County some special privileges if the County gives them a contribution - they will allow emergency placement of animals by the sheriff's office within the County not to exceed six (6) at one time - the sheriff has said that he would support that if the Board would be willing to donate the $24,000 to keep the facility open up at CMC - asked Board to give serious consideration to this - already gave them $75,000 to keep the project going - they are in danger of losing it - would hate to see our money wasted as well - sheriff has not had any place to put vicious animals or quarantine animals at this time.

Don - made a suggestion that instead of calling this a donation, treat it as a contractual agreement - sheriff could be involved with discussion since he would need to be here - will prepare a draft agreement if the Board wishes to proceed.
Ed - there is no additional funding in the budget - it would come straight out of fund balance.
Commissioner Stowe- should at least have the discussion - move ahead with draft agreement - make sure the sheriff is truly in agreement.
Motion
Commissioner McCown - made a motion to donate $24,000 in the form of an agreement for six (6) dog spaces to the Care Facility at CMC; Commissioner Stowe seconded.
Discussion:
Don - does that include direction to me to draft an agreement with the care people - yes - six spaces at any given time - yes.
Chairman Martin - letter from care people will line out what is required.
Commissioner Stowe- is this for a full year? - yes - 12 months.
Motion carried.

Information
Chairman Martin said he had another request on the lot line adjustment on the ditch. The plat has been given to the Road and Bridge who will officially review and send an official notice to the Board. He also received a letter guaranteeing an easement for the ditch but the Board needs to have a public hearing on this issue.

REGULAR AGENDA
EXECUTIVE SESSION - PERSONNEL ISSUES
Georgia, Don DeFord, Ed, Jesse and Board required.

- ***Letter to Insurance Bonding Company***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.
Motion

Don DeFord - asked for authorization to send a letter to the Bond Insurance Company with respect to the discussion held in Executive Session.

Commissioner McCown - so moved; Commissioner Stowe seconded; motion carried.

EXECUTIVE SESSION: CODE VIOLATION - LEGAL ADVICE
Steve Hackett - Code Enforcement Office, Mark Bead, Jim Leuthueser, Don DeFord and Ed Green were asked to be in the meeting with the Board.

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

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Cheryl Hurst, Director of Garfield Legal Services stated that they do an annual fund raisers called "The Jail House Rock." She said, they would like to do the fund raiser right before the new jail opens; spoke with Sheriff Dalessandri. The advantage would be that Legal Services is experienced at running the fund raiser and organizing this type of event and therefore to be mutually beneficial to both the new jail and Legal Services, she asked the Board for comments and feedback on Legal Services waiting until Fall (normally fund raiser is held in April) and holding this as a join event. Cheryl commented that she needs to make the decision soon. At last year's Jail House Rock they raised almost $13,000 - the goal for this year is $20,000. Cheryl explained how the event functions - usually get ten "Most Wanted" people (volunteers) to raise a set amount for Garfield Legal Services - the ten people get charged with "heinous" crimes, i.e. John Martin was accused of crimes of high fashion - there is a silent auction - food.
Discussion
Chairman Martin said the Sheriff sent the Board a letter after talking to Cheryl - Sheriff was proposing a similar type of event - he was going to have an open house and a sleep-over - would allow people who paid for the facility to see exactly how it is going to operate - the two events could be done together as long as it's done properly.
Commissioner McCown - would support it in concept as long as there are not liability issues.
Chairman Martin - that needs to be researched - we need to work as a team to get things done.
Cheryl - offered to speak with Don DeFord in reference to liability problems and come back next week with additional information.

PUBLIC RELATIONS IN THE COMMUNITY - ELECTED OFFICIALS ROUNDTABLE DISCUSSION
Mildred Alsdorf asked the Commissioners if they would sit down at a roundtable discussion with the rest of the elected officials regarding developing this issue.
It was suggested to bring to the next week after the short regular Board of Commissioners meeting.
This was agreed upon by the Commissioners.

BUILDING & PLANNING ISSUES: PUBLIC MEETING
REQUEST FOR APPROVAL: AMENDED PLAT - SUZY Q. LOCATED: NO NAME: APPLICANT: SUSAN QUEVEDO
Greg Butler, Don DeFord, Mark Bean and Susan Quevedo were present.
This is a request for three lot lines on two pieces of property to be adjusted to provide the residences of these parcels with better driveway access and a more useable side and back yard. No additional lots will be created if this lot line adjustment is granted.

If this lot line adjustment is permitted, Lot 3 will acquire a corner of Lot 1 making their side yard and backyard more useable. Lot 1 will acquire from Lot 3 greater access to the driveway shared by both parties.
Recommendation:
Staff recommends **APPROVAL** of the request for these lot line adjustments.

Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a lot line adjustment as presented for Susan Quevedo in No Name and for the Chair to be authorized to sign the plat when these adjustments are made; carried.

UKELE ACRES FINAL PLAT
Mark Bean - this matter was before the Board this morning - thought it was going to be resolved - the applicant has entered into a Subdivision Improvements Agreement with County that says applicant will be responsible for $274,490 worth of improvements - the SIA shows they have completed $147,000 of this but there is no signed statement from a certified engineer. There are two options: 1) Certification by the engineer, or 2) they need to give us the revised check for $274,000.
Don DeFord requested this be set over until February 26, 2001 under the Consent Agenda.
The Commissioners agreed.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR AN SB-35 EXEMPTION FOR EDWARD E. SMITH LOCATED 9 MILES SOUTH OF NEW CASTLE ALONG CR 313.

Don DeFord, Greg Butler, Robert Ramsey and Edward Smith were present.
Don determined that proper and adequate notification was given to owners of land immediately adjoining and within 200 feet of the proposed exemption, mineral owners and lessees of minerals of record and advised the Commissioners that they were entitled to proceed.
Chairman Martin swore in the speakers.

Greg Butler presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Green and White Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Zoning Resolutions of 1978 as amended; Exhibit E - Garfield County Subdivision Regulations of 1994; Exhibit F - Project Information and Staff Comment; and Exhibit G - Letter of concern by neighbor Shirley Sullivan.
Chairman Martin entered Exhibits A - G into the record.

The Smith family owns approximately 927 acres in this area. In order to provide home sites for their children, they would like to divide out three parcels, two-5 acres in size and one 2.48 acres in size.
Recommendation:
Staff recommends **APPROVAL** of this request for an Exemption from the Definition of Subdivision with the following conditions:

B. All representations by the applicant whether written or spoken shall be considered conditions of approval.
C. All school site acquisition fees will be paid and a copy of the receipt made part of this file.
D. All road impact fees will be paid and made part of this file.
E. Prior to signing of the Exemption Plat the applicant will show proof that they have applied to the proper agency for well permits or that a legal entity has been created to share the water from the existing wells on the property and the ditch water rights. All wells will meet the following criteria.

1) That a four 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 acquifers and the static water level;
3) The results of the four hour pump test indicating the pumping rate in gallows per minute and information showing down draw and recharge; 4) A written opinion of the person conducting the well test that this well should be adequate to supply to the number of proposed lots; 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallows of water per person, per day; 6) The water quality be tested by an approved laboratory and meet State guidelines concerning bacteria, nitrates and

suspended solids; 7) A water sharing agreement will be filed with the exemption plat that defines the right of the property owners to water from the well.

F. Prior to approval of an exemption plat, the applicant shall demonstrate that there is a building envelope meeting the criteria identified in Section 5.04 of the zoning resolution. The building envelope will be determined by a surveyor and certified by the surveyor.
G. Parcels A and B will have a common boundary-line and Parcel A will be extended down CR 313 to the property-line, as shown on the exhibit attached to the staff report.
H. Since Parcels A & B will have a common boundary line, a shared driveway is recommended.
I. Plat Notes: The following issues will need to be included in the covenants of the proposed subdivision:
   "One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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 property in question does not own all of the mineral rights and a mineral rights owner has the right to access the property for the purpose of extracting mineral rights, subject to the appropriate local, state and federal regulations."

Edward Smith commented on Parcel A & B, Plat A can be bulldozed out and a certified engineer look at. He discussed two concerns with the Commissioners: BLM and DOW have requested access to Divide Creek and the fact that this is a working ranch and one dog will not be enough to control the ranch portion of this property.
Mark Bean said they have acknowledged that ranch property is not limited to the one dog.
Robert Ramsey responded to Shirley Sullivan mentioned that these concerns have been addressed and there are no concerns as of this date.
Mark explained that the property be merged together in order to prevent a split by the County Road.
Don DeFord mentioned that an additional plat note could be added that the property cannot have any more exemptions from the definition of subdivision.
The applicant agreed this would work better from them.
Section C is a moraine from the glazier and not suitable for farm ground. It would be more than acceptable for a house.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner to approve the request for the SB-35 Exemption for Edward E. Smith with all major issues and concerns and the recommendations 1 - 8 by the staff and to delete 6 & 7 and add a plat note that no other exemptions on the property would be allowed; carried.

HUMAN SERVICES COMMISSION - AGING SERVICES - DEB STEWART
Deb Stewart - because of our discussions on Aging Services, I've asked a couple a agencies to come in and give you a report on some issues that are very important with what is going on in Garfield County. We're going to have Legal Services go first because they do have open intake today, Cooper Corner will go next because she needs to get back, and then we'll see the video and I will do the other part of the report.

LEGAL SERVICES - OMBUDSMEN - VALLEY NURSING HOMES
Lori Daniels and Laura Bartola presented.
Laura Bartola - Basically during this past year, I'm sure you people all read the newspapers and have seen that the Valley nursing homes have been getting a lot of press about their conditions. So what we have been doing, serving in a part-time capacity as the ombudsmen, is increasing our contacts to the various nursing homes. We do not have any real investigative arm; all we really have is the ability to be there and be a presence that the nursing home staff is aware of and that they're also aware that the State contacts on a

regular basis. So that's where our focus has been in the last six months, is to just really increase as much as we possibly can our contact to the nursing homes and be more of a presence.
They attend resident meetings, also family meetings with staff. They are trying to get volunteers to help by visiting the residents and let Garfield Legal Services know of problems when they aren't there.
Chairman Martin - And you've had a good response?
Lori Daniels - They certainly know that we're there more often.
Chairman Martin - Is that a positive encounter or not sometimes?
Lori D. - We always want it to be a positive encounter but it can't necessarily always be a positive encounter because of the differing roles obviously. I don't think we have any problems with the local nursing homes in terms of lack of cooperation. But they certainly do know that we have tried to become more of a presence now.
Chairman Martin - That's great.
Commissioner McCown - Have you had contact from the residents?
Laura - We do have some contact from the residents --- not as much as I would like to see. In fact, one of the areas that we've also been doing...as ombudsmen we have to go to resident council meetings once a month at each of the facilities. At the resident council meetings they bring in as many of their most cognisant residents as they can. The ones who are able to speak. The concern is how do we address the needs that people who can't speak may have. We've been trying to go to family council meetings now as well where interested family members come and participate so we can find out if any issues are affecting those residents who can't be vocal.
Commissioner McCown - Is there any other ombudsman's authority that's visiting the nursing homes, or is it just you?
Laura - It's myself, its' Laurie Bennett, it's Cheryl Hurst, it's Garfield Legal Services is the ombudsman.
Commissioner McCown - There are no other organizations serving as an ombudsman program?
Laura - Correct. Not in this county.
Lori - I'm just here to speak about...because of the negative attention that we received with...or maybe not necessarily that we received, but that the nursing homes have received, we at the time when all the nursing home stuff blew up, we were going to do a big newspaper article on the ombudsman program calling other people in the Valley to come in and do volunteer work. That, we decided to let kind of sit low key until the Glen Valley and other nursing home incidents had come to light and settled down and that's what we're back onto for April is we're going to be working on exposing the ombudsman position and what we do and asking for volunteers to come forward and assist in nursing homes, so that's our next big project because they find that a lot of people if you've got volunteers in there they are the ones that can be ears and eyes and then get back in touch with us and see things and get to know the people a little bit better as they're doing volunteer time in there and they're in there more often. So that's where we're at for now.
Chairman Martin - Good. Questions?

COOPER CORNER
Dorothy Ault provided an update. Last year the center was taken over by Columbine Health focusing on a social group with more than one activity going on at any given time.
Cooperate Program with Public Health
Laurel Little gave a presentation of the wellness projects provided to seniors. Included are healthy snacks, exercise, sing along with each month having a theme; dances, paraffin was on hands, reflexology, and issues related to health promotion and wellness. Guest speakers have been included in these projects. They are emphasis is not on health without illness but wellness instead. Discussion on future direction promoted jointly with Grand River Medical on issues like Alzeimers and depression. Laurel said there is an average attendance of 35 has been the average.
Board of Commissioners - Public Health Action
Colorado Department of Health - Case Management refunds for those with TB
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Colorado Department of Health for a grant for $7,764.00; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Health; carried.
BOARD OF HEALTH
Mary Meisner gave the report.
Significant and improvement projects were contained in her report including:

Senior Wellness, Flu Vaccines, Retreat to plan agency's activities, Chickenpox initiative, Communicable Diseases, Provided In-service to CMC, Day care providers, and received 500 toothbrushes for the WIC program. (The complete report is on file in the Clerk's Office)
Mary said the Tetanus vaccine shortage has not affected this area yet.

HEALTHY BEGINNINGS
Lisa Pavlisick reported on the following:
Update - 20 babies in January February 14 - total 34
Enrolled 45 patients
Several low birth babies and updates.
Nurses busy - 164 active patients; 60 postpartum
She thanked the Commissioners for their support of the Human Services Flashlight sales.
Lisa included in her report the highlights of 2000.
Moving date to the GMA building is scheduled for April 1.
May 5 - Black tie activity at the Hotel Colorado - Dinner Dance and Auction - 3 items for auction. Pearl necklace, 2nd edition of the bronze statue, and a marble carving.
CSBG Grant and Block Grant focuses on homeless - $34,830.00 - this application will be submitted next month. She said it was based on the Census.
Valley View still not on board with Community Health. - The Contract is completed but she doesn't favor moving forward at this point until she is certain regarding the entities in the community. Conversations began with Valley View last October. A lot depends on a provider for Medicaid/Medicare. This may go beyond July 2001.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.
Commissioner McCown moved to go into the Board of Social Services. Commissioner Stowe seconded; carried.

BOARD OF SOCIAL SERVICES
Margaret Long was present.
Caseload and other reports were submitted as follows:
Child Support Collections projected for 2001 - $3,662,312.00 for both Pitkin and Garfield Counties.
Recap of Child Support Collections - 2000 - $3,244,075.14 for both Pitkin and Garfield Counties.
Thus far 2001 - $254,539.18.
Referral - 35 families and 51 children with 16 families and 23 children investigated.
Colorado Works/Gateway Ending Summary for 01/01 - 62 participants.
Placement types for Child Welfare for the 56 children in placement for the months February 2000 to February 2001.
Out of Home Placements from 1995 through 2004 on a graph showing the projects and past history.
Caseload Statistic Reports - Aid to Needy Disabled - Jan. 2001 - 434; Colorado Works - 1086; Old Age Pension - 371; Food Assistance - 520 and a dollar layout of $86,089.
Discussion Items:

- *TANF TRANSPORTATION*

Janice George was not present due to illness.
Margaret Long explained, with limited public transportation in our county getting to work sites and schools continues to be one of the major barriers for some of our TANF clients. We do provide a conservative mileage reimbursement to clients who own their own vehicles or to pay others who transport them. On occasion we pay for car repairs and less frequently when a client has progressed well we assist in the purchase of a used car. The gap that we haven't filled is for the client whose car has broken down and who needs a loaner or for the client who does not have a car and is not far enough along in her/his program for the department to invest TANF funds in purchasing a car.

One solution is to create a mini TANF motor pool with one or two cars. The cars could be one or two of the county cars that have high miles but are still running well. It would be nice if we could find another agency

to run this mini motor pool but we have not found one. Janice George is exploring how the county might develop and run such a resource and planned to discuss her findings with the Board today.
Commissioner McCown stated the Board has discussed this and the County will be having 3 vehicles available.
Margaret stated that this is more work and Janice George will continue when she returns to work.

CHILD WELFARE AND ADULT PROTECTIVE SERVICE AFTER HOURS SERVICE
Margaret explained that by statute BOSS must provide intake services to protect children and adults on a 24 hour basis.
The proposed change is to improve the response to after hours calls. Within the next several weeks, Margaret stated her department will be putting into place a new component to the system - a back-up lead worker. The plan will be to utilize the four of five workers they have identified as having the necessary skills to perform the job. They will be paid a flat rate. Margaret said this money is in the budget for CORE services plan in an unutilized contract with Colorado West Mental Health.
One of the aspects to this improved crisis/after hours services will be to provide mediation services to families immediately.

RURAL RESORT REGIONAL CHILD CARE PROJECT
Margaret reported there were several concrete projects ready to bring to fruition in the next several months that will bring direct benefits to the children, parent and providers in the county.
1) Improve the quality of care in the department's licensed homes by hiring and training several part-time temporary staff to assess the quality of care currently being provided and helping the providers to create an individualized plan to improve quality. 2) To explore county wide a survey on child care needs.
These projects can be paid out of the original TANF dollars that were transferred to the project. Margaret added that the original dollars must be spent by 10-01-01 or they revert to the TANF reserve accounts in Garfield and Eagle County.

NORTHWEST COLORADO OPTIONS FOR LONG TERM CARE
Linda Byers submitted a memorandum regarding information to service providers and agency updates. She commented that this information distribution was discussed since November 2000 and the need has been addressed.
The hard core resources for the disabled for home services is difficult to provide. Some help is appreciated and going well.
Other issues included:
Margaret Long stated she would approve funding a legal training dealing with teens for the County Attorney's Office in her budget for $1600.

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

EXECUTIVE SESSION - PERSONNEL ISSUE
Ed Green and Jesse Smith were present.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into Executive Session; carried.

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

Adjourn

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

Attest Chairman of the Board

_____ _____

FEBRUARY 23, 2001
PROCEEDINGS OF THE COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
WORKSHOP - ENERGY IMPACT - JAIL

The WORKSHOP with the Department of Local Affairs Tim Sarmo, Bob Brooks, Deputy Sheriff Jim Sears, Operations Dale Hancock and the Board of County Commissioners was held on Friday, February 23, 2001 with Chairman John Martin and Commissioners Stowe and McCown present. Others present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

Chairman Martin called the meeting to order at 11:30 A.M.

The following items were part of the Workshop:
Walk through of the Jail and the connecting portion to the Courthouse; Energy Impact Grant discussion on CR 319 - Airport South; Hunter Mesa surfaced like Mann Creek at a cost of between $350,000 and $375,000 - including working with the oil and gas industry on upgrading when they go off of the main arteries - additional standards such as weight restrictions in seasonal problems such as the frost law; Mountain Top Communications sites in the future; and Glenwood Springs City Hall Application during the April 2002 cycle.

Adjourn - 11:50 A.M.

Attest Chairman of the Board

_____ _____

FEBRUARY 26, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 26, 2001 with Chairman John Martin and Commissioner McCown and Commissioner Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER UPDATE

Ed Green gave his report that consisted of the following items:

- ***Mag Chloride Bid Award***

Tom Russell and Tim Arnett presented the justification/background for applying Magnesium Chloride and recommended the Board approve Harry's Heavy Haulers, Inc. who had the lowest bid of $17,206.00. Tim stated that the other bid was for $18,060.00.
A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bid for Harry's Heavy Haulers, Inc. for $17,206.00; carried.

- ***Coryell Road Estimate***

Ken Kriz and Nick Goluba with Road and Bridge Director Tom Russell presented the estimate for upgrade that includes drainage, gravel and earthwork, and paving. The estimate is for .4 mile including a turnaround. The estimate does not include the utility relocation (if necessary), right-of-way for turnaround, nor drainage easements. The total cost was estimated to be $82,041.99.
Nick Goluba said that the road was deeded to the County several years ago.
Ed stated this money could come from capital expenditures.
Commissioner McCown stated he was willing to authorize the expenditure for surveying to see how much right-of-way is necessary to implement a turnaround, adding that the legal survey is necessary and all those landowners affected need to be involved in these plans to upgrade and negotiations.
Chairman Martin added that something needs to be done.
Commissioner McCown made a motion to authorize the survey and utility location and right-of-way needed and then come back to the Board with a dollar figure. Commissioner Stowe seconded; motion carried.

- ***Road & Bridge Project Schedule***

Tom Russell provided the Board with the 2001 road and bridge schedule consisting of maintenance and the projects to specified roads.
Tom said that last year they broke down the crews. This year he is doing something different and will be keeping the trucks on gravel only, and the rest on construction should be able to get more gravel out that way.

- ***County Road 109 Construction Update***

Tom Russell, Jesse Smith, and Randy Withee were present.
Commissioner Stowe mentioned some surveyor flags on the road and inquired about adjustments to the road.
Tom met with Gould Construction - Richard Nash, project manager - they have the utilities to put in from the river up to realign road, golf course underpass. Issue a permit for each phase. There would be some

road closures a couple of times a day for two days to put a significant culvert in. Tom mentioned he was concerned about that. Tom said he required a schedule for posting and a time-frame.
Commissioner Stowe mentioned if they were only going to close the road for a couple hours a day then it would be okay.

- ***Cattle Guard Approvals***

Tom mentioned this was on CR 252
Commissioner McCown made a motion and Commissioner Stowe seconded to install two (2) cattle guards per the request of Big Mountain Ranch.

- ***County Road 245***

Tom said the applicant would like to abandon the easement and added that it was on a very steep hillside and advised the Board that he favored abandoning.
Don mentioned this was an issue that would need notification and public hearing.
Tom was directed to notify the property owners.

- ***County Road 311 - Letter from Hugo Cartaya***

Tom mentioned this was to inform the Board that Calpine is willing to accept responsibility for damages incurred for the portions of CR 311 which may be damaged as a result of the moving of equipment necessary to continue their oil and gas operations over the roads that in the frost area.
Tom mentioned that he recommended lifting the weight restrictions regarding the frost law.
Commissioner McCown mentioned he would like to adjust those weight limits this year and see if others for oil and gas.

- ***Four Mile Road - Speed Limits***

Commissioner Stowe requested that Tom check out the speed limit signs and request the Sheriff's Department to enforce.

- ***CCI Wilderness Guide***

Mark Bean mentioned they were looking for a resolution from the County, if the County wants to take a position. They need it by the first part of March.
The Commissioners mentioned their concerns on specified areas.
Commissioner Stowe said he was not in favor of designating specific lands. Once it is designated, the Congress is the only entity that can change the designation.
Mark asked if the Board wanted him to draft a Resolution that addresses the fact that the Board is not in favor of designating and closing the land to other activities.
Commissioner McCown made this in the form of a motion and added that the Chair be authorized to sign; Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord presented the following:

- ***DeBeque Gravel Agreement***

Don gave the report on the progress of the agreement. There were just a few minor word adjustments necessary. The Mesa County Commissioners are very interested in getting the agreement authorized.
Motion
Commissioner McCown - made a motion authorizing the Chair to sign the agreement when Don DeFord finishes drafting changes; Commissioner Stowe seconded; motion carried.

- ***Four Mile Road - Contract***

Don provided the Board with a document - topic - provisions in SIA for Four Mile Ranch over non-payment of contractors and subcontractors. One provision requires a new cost estimate and security to complete the improvements. To date funds have not been deposited.
Does the Board want to set this for revocation - should there be a public hearing, the developer given notice and set a date.
A letter received today from Lee Leavenworth stated they intend to made whole on their responsibilities to the County and the Contractors/Subcontractors by the end of this week.

Bill Vezzoso was told the County would be wired the funds and he added that he has been told this for months. The lack of follow through of funds has him in a real bind.
Don said two other subcontractors have faced the same dilemma and he recommended starting the process.
Commissioner McCown stated his concern over the payment to these individuals.
Chairman Martin commented the County needs to hold the contractor's feet to the fire.
$630,000 is the estimated cost to complete the project. Based on this, the County would be approximately $250,000 short if it had to take over the project.
Motion
Don mentioned to stop the conveyance of properties in the Four Mile Development.
Commissioner Stowe said he was in favor of putting pressure on them and starting the public hearing notification. A date was set for March 12, 2001 at 11:00 A.M. to hear the matter in a Public Hearing.
Don said, the motion should include that the Public Hearing Notice is to be sent to the developer, the public and the City of Glenwood Springs.
Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

COMMISSIONER REPORT
-- Commissioner McCown - Thursday, February 22 - Oil and Gas - Barrett Resources reported on the seismograph testing procedures. He was very impressed with their presentation. The only areas where dynamite will be used is in the steep hills. Associated Governments - Thursday; and CMC Luncheon - Friday.
-- Commissioner Stowe - Rural Resort last week - Garfield will take control. INS Summit Meeting in November; Ruedi Water and Power - last Thursday; North West COG - Water Quality.
Some source testing is in progress.
-- Chairman Martin - Scouts and their fund-raiser; Petition to allow Automobile Race Track in the west end of the County. COVA Annual Meeting - March 16. CCI past president for the livestock sale and request of a challenge to put up $100 each into the livestock entry for the State Fair.

- ***Request for the Automobile Race Track***

Mark was asked to send a letter to Mr. Barbee suggesting that the property owner make application and initiate a request for rezoning for the 42 acre parcel.

- ***Rifle Shop - Contamination Issues***

Letter from Waste Engineering identifying the location of the monitoring bore holes as related to the old Rifle Shop and the contaminated ground.

- ***Rifle Aquifer Project***

Letter from Bob Brooks, at Department of Local Affairs, saying they would be willing to support a grant with $300,000 match toward the Rifle Aquifer project.

- ***Jail - Grand Opening with Jail House Rock***

Cheryl Hurst, Director of Legal Services, continued the discussion from the last meeting with the Board. She said her department would be willing to carry the liability insurance policy. This is a great potential to work together with Sheriff and County to provide a grand opening for the County Jail, if the Commissioners approved. Her request was to do the annual Jail House Rock at the new County Jail.

Chairman Martin asked Cheryl to put this together and he would volunteer to assist, as well as a volunteer from the Sheriff's.

- ***Personnel Committee -Restructure***

Commissioner Stowe reported that the restructuring would included 3 elected officials voting. Also, Administration Jesse Smith, Social Services Director Margaret Long and Road and Bridge Director Tom Russell. Commissioner Stowe will sit on the Personnel Committee but not formally vote. Don DeFord is the ex-officio member along with Ed Green. The Board is the final decision maker on all matters.

- ***Approve Extension of Time for Review of Planning Application for:***

Sterling Ranch Preliminary Plan/PUD
Robert Boruch SB-35
Mark Bean submitted a request that the Board approve an additional 15 working days beyond the present deadline Robert Boruch SB-35 and an additional 30 days for the Sterling Ranch PUD/Preliminary Plan. Mark stated that this was needed to complete the review for technical compliance.
The Board approved the extensions.

CONSENT AGENDA

a. Approve Bills
b. Renew Liquor License: Rifle Creek Bar & Grill
c. Renew Liquor License: Grand River Grill

Mildred Alsdorf gave the report on Rifle Creek Bar and Grill and Grand River Grill with respect to the renewal licenses saying that there have been no reports filed with the Sheriff or her office against the establishment and therefore requested the two licenses be approved.

Commissioner Stowe made a motion and Commissioner McCown seconded to approve items a - c; carried.

Barrett Oil - Heads-up

Don reported on Barrett Oil - the concern is that the normal oil and gas procedures will not apply and there will not be a formal public hearing process regarding this application. Don inquired if the staff should be involved as the process is being designed. This is all federal property. The oil and gas would not have control on the depth of the holes.

Chairman Martin requested our local designate be at any meetings they have.

Dan Sokal is the contact with whom Don has been speaking. He has not heard any comments from the public on this. These meetings would be held in Denver. The area of the lease was designated in 1999; the federal government has more control than the Oil and Gas Commission.

Steve Anthony was approved to sit in on these meetings but not to spend a great deal of time in this endeavor.

- ***Executive Session - Legal Advice***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss some legal advice; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out Executive Session; caried.

Regular Agenda

- ***Colorado River District Update***

Richard (Dick) Hunt and Eric Kuhn were present.
A handout was given explaining the activities of the Board (see Board, Colorado River District).

Annual precipitation was in the report from Colorado, Arizona and California. There is likely to be below average run-off this year. All the reservoirs are in good shape but tributaries may look bad by mid summer. Eric said the variable would be the amount of moisture this Spring and Summer.
As to Lake Powell and Lake Mead they may be 20 to 30 feet lower this year. Some beaches and rocks will be visible due to the low participation levels.
Dick said for the last 15 years, California's water flow has been limited due to Lake Powell and Lake Mead.
Eric said the agreements have limited overuse of water by California for 15 years. Arizona was not using their maximum. Baja, California - some sensitive environment concerns.
State Issues - the governor has proposed a water bank for agricultural use. It is a pilot project lasting 4 - 5 years. If this works, the Platte River would be the source of water. He didn't see this as a need for the western slope. This is likely to create the need for an additional reservoir. Gravel ponds can be lined and they can drain it directly into the river.
Local Issues - Ruedi Reservoir
The facility still owes approximately $8 million for the original construction. The oil shale boom was estimated to use more water when it was developed.

The Colorado River District serves 15 counties - this year the priority in the Gunnision - rights the government holds in the Gunnision River. Chris Treese is a very strong presence in the Legislature.

- ***Quarter Horse Association Report to Commissioners***

Toni Penton, Mark Gilbertson, Michael Erion, Pam Saday, Dale Hancock, Phil Vaughan, Casey Binger, Kenny Latham and Page Vaughan were present.
Mark Gilbertson and President of the Association Michael Erion presented the feedback requested by the Commissioners on Fairground Activities.
Fairboard Membership - The Fairboard members need additional members and Michael is trying to get some horse people to serve. Michael submitted Mark Gilbertson as a member.
Ed suggested that Mark submit a formal letter of request for the appointment.
Handout - Fee Structure. They proposed a lump sum fee for 2, 3, and 5 day shows. $1000 for a 2 day rental; $2000 for 3 days; and $5000 for 5 day shows. These are proposed for 2001.
The Commissioners stated they would review this proposal.
Quarter Horse Association - Michael thanked the Commissioners for the covered arena saying it will be used by the Quarter Horse Association as well.
Page Vaughan, Vice President Colorado Show Horse Association. - List of concerns submitted to the Commissioners with respect to the use of the arena, levels of clay/sand for safety of the horses and other problems at the fairgrounds.
4-H Leader - Casey Binger said the Barrel Racers had a tremendous race this last weekend.
Commissioner McCown received a complaint saying they were not included in the fee structure of the Fairground Arena. Commissioner McCown mentioned that at the present time there is a fight to keep the Fairgrounds open. He wants to make it clear that there needs to be fees to keep this operational. No other improvements can be made with Lottery Funds. He appreciates everyone who has input into the use of the structure and the fee schedule.
Page said the pricing structure of the Fairgrounds is overwhelming. She compared it to Eagle and Grand Junction. She offered their assistance to work with the Fairboard.
Commissioner McCown said he was under the impression that a pricing structure was based on a survey of other facilities.
Casey Binger with 4H commented on the pricing structure.
Commissioner McCown stated this was a work in process and all of the agencies and personnel involved were working together.
On February 12, 2001 the Commissioners adopted a fee schedule and asked if everyone present today took part in the discussions and preparation of the document presented to them.
Only a few of the audience had participated.
Kenny Latham gave his input.

Pam Sayday - this is not a meeting here today to work on the fee schedule. She didn't even get an agenda that the fee structure was going to the board. She said all the entities are willing to work out the details and then come back to the Board.
Commissioner McCown mentioned there needed to be more work and revisions during the year.
Pam said they would like to be an ad hoc advisory meeting to discuss this with Ed Green and Dale Hancock.
Chairman Martin suggested setting up a meeting date and time to work on input and working on the fee schedule.
The levels of sand is the same as the Stock Show in Denver.
Pam said this was not true, that the Stock Show uses a clay/sand mixture - 30% sand into the clay mixture and 18" deep for the footing. All facilities use this clay mixture. They can be lowered to 6" for the Barrel Racing, etc.
Casey Binger recommended a list of individuals to contact versus calls to the Commissioners.
Ed Green, Dale Hancock and Toni Penton will meet again with the Committee.
Michael Erion requested this be named as an advisory committee.
Commissioner McCown said the Board does not have a problem with what they call themselves but the Commissioners have the final say. This was built as a multi-user arena. All the users should be involved in the formulation of these advisory terms and recommendations.
A sign-up sheet was passed around for those present so they would be informed.
Michael stated that the soccer people should also be included.
Commissioner McCown suggested subcommittees representing barrel racing, team roping all under the Horse group. The committee should advise the Commissioners of who is serving and what subcommittees are set up. The Commissioners are wanting balance.
Toni Penton will spearhead the sign-up list, setting up the meeting, etc.

- ***Roundtable Discussion with all County Elected Officials Regarding: County Wide Public Relations Program - Objectives in 2001 for Garfield County***

Dale Hancock, Margaret Long, Georgia Chamberlain, Steve Rippy and Mildred Alsdorf were present with the Commissioners for the discussion.

The Vision
Embrace Change to Assure Service
Teamwork and Excellence
Values - People, Openness, Public Service
Continuous Improvement
Teamwork, and Integrity
The Mission
The staff and elected officials of Garfield County are dedicated to managing and enhancing County resources to provide high quality services for the benefit of our fellow residents and for the public good of Western Colorado.
Jesse stated he suggested that the community participate in the budget process.
Dale Hancock explained the County Wide Public Relations Program

Dale is Chairman of the Committee - the goal is to let service clubs and citizens be aware that the elected officials and the staff are willing and available to speak about the various department, services and objectives.
Georgia said she wanted coordination and should know what has been previously stated in order to demonstrate shared concerns.
Mildred mentioned when she was asked to speak at Rotary that she speaks only about her department.
Jesse stated the presentation given by he and Commissioner McCown was on the budget; asking the public to vote on the kinds of issues they wanted the County to address next year.
Commissioner Stowe suggested spots on Channel 12 to make the Community aware of County activities.
Dale suggested a video that would explain the various departments within the County.
Steve suggested if the public had an educational process to make them aware of what each department does would solve a great deal of questions.

Commissioner McCown favored the concept of a video.
Ed said the budget and the objectives were ready for production in a video.
Georgia and Steve should be first. To answer tax questions were deemed as valuable.
Commissioner Stowe suggested that the educational field could be used to inform students of county government.
Jesse said he envisioned a library of video tapes that would be updated- one should be an overview of Garfield County.
Mildred already has some information she takes to the schools when she speaks.
Margaret commented that the Web site should also be utilized.
Mildred stated the Consensus was to have each department provide a video presentation available to the public.
Time Frame to accomplish the video tapes
Dale said according to the schedule, it needs to be completed by September.
Commissioner McCown requested this be completed by June, 2001 and to have a follow-up meeting in August to report on how this is being received and used.

- ***Executive Session - Personnel Issues***

Commissioner McCown moved to go into an Executive Session to discuss a Personnel Issue.
Commissioner McCown seconded; motion carried.
Commissioner Stowe made a motion to come out of Executive Session. Commissioner McCown seconded. Motion carried.

Adjourn

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

Attest Chairman of the Board

_____ _____

MARCH 1, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 4:00 P.M. on Thursday, March 1, 2001 with Chairman John Martin and Commissioner Stowe present and Commissioner McCown on speaker telephone. Also present were County Administrator Ed Green, Assistant County Administrator Jesse Smith, Human Resources Judy Osman, and Accounting Joanne Nelson, and Clerk & Recorder Mildred Alsdorf.

EXECUTIVE SESSION - PERSONNEL
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

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

Motion - Promotional Pay Request - Sheriff

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the promotional pay requests for the Sheriff's Office, also for the Sheriff to submit the request in writing to the Commissioners; carried.

Secure Two Attorneys - Judy and Joanne

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize an attorney to work with Human Services Judy Osman and Accounting Joanne Nelson to_____ ; carried.

Adjourn - 5:12 P.M.

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

MARCH 1, 2001

PROCEEDINGS OF THE COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners was held on Thursday, March 1, 2001 at 4:00 P.M. with Chairman John Martin and Commissioners Walt Stowe present. Larry McCown on speaker phone. Also present were County Administrator Ed Green,
Assistant County Administrator Jesse Smith, Human Resources Judy Osman, Accounting Joanne Nelson, and Clerk & Recorder Mildred Alsdorf.

EXECUTIVE SESSION
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Motion - Promotional Pay Request - Sheriff

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the promotional pay requests for the Sheriff's Office, also for the Sheriff to submit the request in writing to the Commissioners; carried.

Secure An Attorney - Judy and Joanne
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Don to contact an attorney to work with Human Services Judy Osman and Accounting Joanne Nelson; carried.

Adjourn - 5:12 P.M.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest: Chairman of the Board

_____ _____

MARCH 5, 2001

PROCEEDINGS OF THE COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners was held on Monday, March 5, 2001 with Chairman John Martin and Commissioners Stowe and McCown present. Others present were County Attorney Don DeFord, County Administrator Ed Green,
Associate County Administrator Jesse Smith and Clerk & Recorder Mildred Alsdorf.

Chairman Martin called the meeting to order at 9:00 A.M.

Conference with Sheriff on Budget - Postponed
Dan Hall submitted a request from the Sheriff asking not to have this today. Sheriff Dalessandri requested his attorney to be present when the budget is discussed.
Recess
Commissioner McCown made a motion to recess until 10:00 A.M. Chairman Martin stepped down as Chair to second the motion; carried.

SCHEDULED WORK SESSIONS:
COUNTY ADMINISTRATOR UPDATE - ED GREEN
a. Employee of the Month - Steve West - Road and Bridge
Tom Russell was present for the award to Steve West.
Ed Green commented that a coworker writes, "Steve is a person who believes every job should be done to the highest quality. Steve has been called out many times for floods, downed trees, snow plowing and many other emergencies. He is also happy to help out doing what is needed. Steve has volunteered for fund raisers for County employees, members of his church, or anyone needing help. The hours he has donated to these causes are countless."
b. 2001 Engineering Services for West Garfield County Landfill
Tim Arnett and Tom Russell were present. The justification and background to support the 2001 engineering services were given as well as a proposal at a total cost of $45,013.00 with Montgomery Watson.
Tom said this agreement is based on time and material with not-to-exceed fee and shall not be adjusted without the prior consent of Garfield County.
The proposed work consists of: Task 100-Environmental Monitoring; TASK 200-Update D&M Plan; TASL 300-Well Abandonment; and TASK 400-Out of Scope Support.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the 2001 Engineering Services for West Garfield County Landfill to Montgomery Watson for a not to exceed amount of $45,013.00; carried.

c. Personnel Committee Changes
Judy Osman presented the issues. Change - Voting Members & Payroll System
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to change Section 1.01 of the Personnel Policies and Procedures Manual, Personnel Committee section from "Recommendations and approvals are made by a majority vote, a quorum being three of the five voting members" to "Recommendation and approvals are made by a majority vote, a quorum being four of the six voting members. The Clerk & Recorder, Treasurer, and Assessor will each have a vote; others voting will include Director of Road and Bridge, Director of Social Services, and Assistant County Administrator. Ex-officio members include the Sheriff, County Administrator, County Attorney, Director of Human Resources and one member from the Board of County Commissioners.
Motion

Commissioner Stowe made a motion and Commissioner McCown seconded to change the payroll system to round the hours to the nearest 100th digit changing the accrual rates to 8.66, 12.00, 14.66 and 18.66 for Paid Days Off (PDO); motion carried.

d. Cattle Guard

Tom Russell stated the staff received a request from Big Mountain Ranch. The staff performed a site visit and recommend approval of the cattle guard as proposed on CR #252 aka Pieance Creek. Special requirements: 9/10 mile west of CR 252 property boundary line to control live stock.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Cattle Guard on CR 252 - Big Mountain Ranch; carried.

e. Approval of Travel - Susan Hayward, Senior Caseworker - Social Services
Jesse Smith presented the request to approve out-of-state travel to Austin, Texas to attend the National Conference that would expose Susan to treads on Transitional Living (Independent Living) Pathway to Adulthood across the nation and would train Susan on how to implement the changes. They do have the money in the budget.
Motion
A motion was made by Commissioner Stowe and Commissioner McCown seconded to approve the travel to Austin, Texas for Susan Hayward. Chairman Martin included to send a letter saying this was the perfect example that the Board would like followed when submittal for travel requests. Motion carried.

f. Two New Positions - Board - Housing Authority
Motion
Commissioner McCown made a motion to approve the increase by two new appointments to the Housing Authority and that the Board be authorized to further advertise for these two positions. Commissioner Stowe seconded. Motion carried.

g. Riding Arena
Ed Green submitted a request from Dale Hancock to determine the County should pursue an Energy Impact Grant in the April cycle for completion of the office area at the new Events Center (Fairground Arena). Ed mentioned the conceptual design isn't done and our budget estimate for it is around $250,000. The Commissioners felt it was premature.
Tom Russell is going for a grant in this cycle for Hunter Mesa Road CR320.

h. Sheriff's Budget - Executive Session - Personnel Discussion
Don suggested that the Sheriff was not available and this may be premature.
A decision was made not to have the Executive Session.

COUNTY ATTORNEY UPDATE - DON DEFORD
a. Discussion of City Hall Site Conveyance
Don DeFord submitted maps and documents that outlined the Commissioners wishes.
Ed talked to Sam Skramstad and a parking area was not in their plans.
Don asked the Board to sign the Quick Claim Deed and authorize the Chair to sign.
Discussion was held and a decision was made to hold this until the City/County meet next Tuesday, March 13.
b. Arnold Annexation - Impact Report Waiver
Don had asked to have the areas on Whiteriver be annexed. Rifle has agreed to annex Whiteriver and additionally was asking to waive the impact fee. It's a 22 acre property.
Mark Bean added it was usual to ask them to annex the road as well.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to waive the annexation impacts as long as they are going to annex the road as well. Motion carried.

c. Executive Session - Legal Advice: Western Slope Aggregate Hearing -Procedures
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT
Commissioner Stowe - Healthy Beginnings on Tuesday, March 6 to plan the dinner dance.
Commissioner McCown - Thursday, March 1 - Associated Governments in Palisade; March 2 - a noon meeting with the Directors and staff at CMC that met on Campus Meeting; March 9, a meeting at the Fairgrounds - a Water Training Seminar.
Chairman Martin - Tuesday, March 13 - Meeting of the Monorail in Denver and Idaho Springs; March 13, RTA Meeting at 6:00 P.M.; Rifle City Hall; Wilderness Study - War in the West on Weeds - BLM on 7:00 P.M. March 7 at Town of Carbondale - Town Hall.
Next Tuesday, March 13 - City Hall - Joint City/County Meeting - 7:00 am.
County Administrator Ed Green - Fairground Arena - Meeting with all the horse people - Wednesday - March 7, 2000 - rate structure for the Arena; Representatives from COERA here to discuss retirement planning for folks who haven't attended before - March 7 Glenwood; 8th in Rifle.

CONSENT AGENDA
a. Approve Bills
b. Refer Klein Zone District Amendment Application to Planning Commission for Review and Recommendation to rezone approximately 30 acres located near Cottonwood Mobile Home Park from Agricultural Industrial (A/I) to Commercial General (CG). Staff recommends that the Board of County Commissioners refer the application to the Planning Commission for discussion at their regular meeting on Wednesday, April 11, 2001.
c. Sign Final Plat & SIA for the Ukele Acres Subdivision
Building and Planning submitted the SIA with documentation for the Board's approval and authorization of the Chair to sign the final plat & SIA. Jean and Ronald Smith submitted a deposit agreement as well.
d. Sign Resolution of Approval concerning the Ramsey Exemption request.
e. Sign Exemption Plat
Commissioner McCown made a motion and Commissioner Stowe seconded to approve the Consent Agenda Items a - e; carried.

REGULAR WORK SESSIONS

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Shirley Willis came to the Meeting just to say hello.
Rules for the Forthcoming Public Hearing - Western Slope Aggregates
Chairman Martin submitted the Rules made by the Commissioners which included: Respect, Rules and Procedures; advisement that there is a Court Reporter present.
REGULAR AGENDA: BUILDING AND PLANNING ISSUES - PUBLIC HEARINGS

TO CONSIDER REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND PROCESSING (CONCRETE BATCH PLANT). LOCATED: APPROXIMATELY 1 MILE EAST OF SILT I-70 INTERCHANGE, OFF OF THE RIVER FRONTAGE ROAD. APPLICANT: WESTERN SLOPE AGGREGATE
Mark Bean, Planner, Attorney Don DeFord, Applicant Bill Roberts, Sean Mello; and Attorney for Silt - Steve Beattie were present
Don DeFord reviewed the submittals that included the Public Hearing Notification; mailings to all adjacent property owners and the returned receipts. He questioned the applicant if notification was mailed to all mineral owners and owners of public lands.
Having received the correct answers, Don stated that the notices were complete and timely and advised the Commissioners that they were entitled to proceed.
Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proofs of Publication; Exhibit B - Returned receipts; Exhibit C - Application and Supplement Information; Exhibit D - Project Information and Staff Report; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Garfield County Comprehensive Plan of 2000 - Study Area 1 - 3; Exhibit G - Letter - Steve Beattie with attachments; Exhibit H - Letter - William & Roanne Bradford dtd 1/30/01; Exhibit I - Letter - Brad and Ruth Mollman dtd 1/30/01 with petition of 91 signatures; Exhibit J - Letter - Dorothy & Ken Else, Neva & Steve Hiscock, Bob & Mona Koper, Ben & Debra Menu, Connie & Greg Selvage, Michelle & Oliver Whiting; Exhibit K - Letter - Becky Ross; Exhibit L - Letter - Jeffery & Alicia Bell-Shetter; Exhibit M - Letter - Paul Klomhaus/Neva Hiscock; Exhibit N - Letter - William & Donna DuBois; Exhibit O - Letter - M. Dale McCall; Exhibit P - Letter - Paul & Pam Lauman; Exhibit Q - Letter Annie & David Nicholson with Petition of 178 signatures; Exhibit R - Letter - Rob Regulski with photo; Exhibit S - Letter - David Miller dtd 2/28/01; Exhibit T - Petition with 110 signatures;
Exhibit U - Memo - Concerned Citizens Againist the Pit dtd 2/27/01 with map; Exhibit V - Letter from Bureau of Reclamation dtd 2/28/01; Exhibit W - Letter - Follow-Up - Bureau of Reclamation just received; Exhibit X - Letter - Neva Hiscock with Attachment; Exhibit Y - Letter - Calvin Lee dtd 2/7/01; Exhibit Z - Letter - Western Slope Aggregate dtd 2/14/01; Exhibit AA - August Paln Order dtd 2/9/01; Exhibit AB - Petition with 296 signatures; Exhibit AC - GIS Flood Map; Exhibit AD - GIS Wildlife Checklist; Exhibit AE - Letter - Ron & Karen Nadon; Exhibit AF - Memo from County Administration noting the names of those opposed who can not be present; Exhibit AG - Letter - Bettie & Chadwick dtd 3/5/01; and Exhibit AH - Settlement Case No. 00CW028.
Chairman Martin entered Exhibits A - AH into the record.

Continuance Proposed

Don DeFord was notified that Attorney Glenn Harsh had a serious family matter and asked for a Continuance.
Bill Roberts, president of Western Slope Aggregates - said Glenn's wife gave birth to a baby girl last Friday evening in Aspen; there were some complications - wife and baby flown to Children's Hospital - pressure on brain - blood and fluids. Due to the complexity of the Application, Bill Roberts asked the Board to issue a continuance in order to have his Attorney present.
Don explained that this will create an extension of time and since it is the applicant, the Board need only to approve it.
Commissioner Stowe, Commissioner McCown, and Chairman Martin all agreed to a continuance.
Bill Roberts requested to have enough time for Glenn Harsh to be present; and notified the Board that Gamba Engineering also had a scheduling issue.
Don said he was contacted by Calvin Lee regarding a rescheduling issue. And Steve Beattie has a request for time consideration.
Bill Roberts mentioned they would have new Exhibits pertaining to new information.
Calvin Lee - Room packed and 90% are against this, requested to have a Public Hearing in the evening beginning at 7:00 P.M.
Steve Beattie - The Town of Silt has no objections to the continuance. Hoped it would only be continued for a week. The Town's witness, Davis Farrar has advised out-of-state on April 2 through the 9th.
New Date was set for April 10th at 6:00 P.M. Continued Meeting for Western Slope Aggregates
Bill Roberts on the behalf of Glenn Harsh thanked the Board.

Adjourn

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

Attest | Chairman of the Board

_____ | _____

MARCH 12, 2001
PROCEEDINGS OF THE COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners was held on Monday, March 12, 2001 with Chairman John Martin and Commissioner Stowe and Commissioner McCown present. Others present were County Attorney Don DeFord, County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

Chairman Martin called the meeting to order at 9:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Doug Grant - Grant Brothers Gravel Pit - voiced a concern as to the proliferation of gravel pit resources. He suggested the Board have a meeting with all gravel pit owners. USGS came out with a report in 1998 - Garfield County/Mesa more gravel per person than Southern Calif. He further suggested that people perceive gravel pits by what they see. He is the smallest producer around and showed some photographs of a gravel pit in Silverthorne where the owner made changes to his operation to control noise and dust by putting in a conveyor system. The town literally grew to where it was located and he realizes the growth issue has created the need to compromise - he will need to have another pit fairly soon to keep up with the need for gravel. Doug explained how the painting of buildings, berms, etc. were an attempt too make the gravel pit more acceptable. In this area, he said the main problem is the lack of participation by the County; therefore the problems continue. He said he feels left out as a small gravel pit owner and this is the first time he's had an opportunity to speak to the Commissioners. He identified some gravel pits that were out of compliance. Additionally, he said had photos and documentation of the gravel pits of concern.
Chairman Martin suggested that he take these to Steve Hackett, Code Enforcement Officer for the County and let Steve take it from there.

SCHEDULED WORK SESSIONS:

Budget Discussion with Sheriff
Sheriff Tom Dalessandri, Barbara Sunderland, and Attorney Barbara Case-King as legal counsel for the Sheriff, were present.
Chairman Martin stated we do have a presentation and asked Tom if he wanted to go first.
Tom said there are a number of issues that I think we need to talk about today. I guess the most important one or at least the one that led us to this place, is an apparent dispute over the understanding of the Budget of the Sheriff. Our budget figures versus the figures of the County Finance Officer and definitely confusion on my part as to how they arrived at the figures that would lead anyone to believe that we were over our allotted budget or would be over our allotted budget. So it's a question that I actually have for you all. There's really three issues that I want to talk about here today that I pointed out to the media earlier in the week. First one was actually on more of a positive note - the award of $93,405 by the "SCAAP" program through the INS and two - a former request from us to have that money re-appropriated back to the Sheriff Budget since it was not anticipated revenues for the year. We had actually budgeted about $5,000 from that fund, not knowing what the outcome would be since it was our first year to apply. 3) the 3rd item speaks to the issue of the construction budget and the status of the furniture and equipment budget which was the date of April 24, 2000 appropriated as $225,000 and kitchen small wears of $40,000.
Regarding the INS award funds - Tom relayed how he was pleased to find out the award was substantially higher than that. And it was not without substantial work on the part of his staff to take all the material information off inmate records, etc. to support that award. And we anticipate now since we have basically learned what their needs are, we can generate at least that much next year, if not more in continued funds from the INS. Tom outlined how he proposed to use the award money - $93,405 from INS: 1) $9,620 to be appropriated toward contract labor for the Pretrial Program. 2) The second is for $15,000 to be appropriated toward overtime for the transition team. 3) Operating supplies that's relating to basically equipment directly and specific to the training needs to move into the new facility there. There are video tape components, manuals that need to be done, new policy procedures need to be done, there's substantial things that are very specific to transition. 4) The next line item is $10,000 toward uniforms including attack

resistant vests for detention deputies. 5) The next area is under recruiting which is $8,000 and our proposal there is that we absolutely increase and attack aggressively our issue of recruiting new employees. 6) The next area is other professional services and that's $8,000 - for consultant fees - experts in the field of jail, jail operations, transitions not unlike Warren Cook who actually provided the consulting services for free as a result of a grant that we applied for through the National Institute of Corrections. And, 7) The last issue is under the budget of office computers - it's the purchase of a lap top and power point presentation for transition and training not only through the transition but also training for all the staff once we move in and as we move through the first year of learning and settling into the facility.
Tom stated that the balance of that $22,785 and we would propose since there's some concerns and questions about our ability to provide furnishing for the facility, that the remainder of that be placed in a furniture budget so that we can get some office equipment, supplies for the new facility.
Ed said the INS funds of $93,405 were as characterized as a grant and the funds were put into the treasurer's office. The question remains - are there any hooks associated with that grant- is it indeed a grant?
Tom clarified that it's not a grant, rather an award on the work by his staff. It is to reimburse jails for housing under INS, so it's actually funds versus a grant; but it's not the INS reimbursement fund - that is separate.
Don DeFord confirmed it was not a grant.
The Commissioners held a discussion with Sheriff Dalessandri, Jesse Smith handouts regarding the budget discussions and decisions on December 11, 2000; handouts from Ed Green; and how the conflict of issue between the Sheriff and the County Commissioners could best be resolved. The Commissioners made it clear that they had concerns that Jesse Smith had made them aware of regarding line item discrepancies between his figures and those of the Sheriff.
Barbara Case King, legal counsel for the Sheriff offered some suggestions - a determination as to who's figures are accurate - and once that's determined, may I just make these few comments - this clearly involves a conflict between two Constitutional Offices - the Office of Sheriff and the Office of County Commissioners - in your duties as County Commissioners, you have the authority and the responsibility to set a budget which you have done. It is now the Sheriff's responsibility in exercising his Statutory authority under the Executive Branch of the Government to decide how to best spend that money that has been allocated to him. Very clearly the Colorado Supreme Court and Colorado Court of Appeals and Circuit District Courts have said that once the Board has adopted a budget, a Sheriff may adjust the salaries, hire additional personnel, reclassify personnel, and do that type of thing as long as he stays within the budget and so I encourage the Board, both for the Board's benefit as well as the Sheriff's benefit to try to get the figures, if the Sheriff has adjusted some of the figures, I don't know whether true or not with regard to certain individuals - that's not the Board's concern - that's the Sheriff's responsibility.
Chairman Martin - Commented that it was his understanding during the budget process that there were conditions of this budget - such as not moving salaries for new hires for the jail to be used for any other purpose.
Barbara Case King - agreed that it would require looking at that approved budget.
Chairman Martin - we're trying to solve this and find the compromise to make this work so we can allow the Sheriff to fulfill his obligation as Sheriff and also do our duty and to be the Chief Budget Officers of Garfield County and then also have a working relationship - hopefully we still have.

Other references were regarding the April 24, 2000 meeting where budget issues related to the Reilly Johnson Project Cost Model; the Jail Project Budget Analysis and the Sierra Steel Progress Report Payment Request that's dated 4/30 with Detention Furnishings.
Ed commented that the final cleanup version of the cost estimates was provided to the County on April 26, 2000. These estimates were included in the April 24,2000 *Sources and Uses Document* specifically noting a summary of costs including the cost for computers, kitchen items, and furniture. These costs align with those items placed in the Sources and Uses Document and the Jail Project Budget Analysis. In summary, Ed said, it's clear that the source for requiring furniture, kitchen supplies and computers was always identified as a Sheriff's operation expenses - this was collaborated by the Sheriff's actions in acquiring the computer system in December of 2000 using funds at his disposal and if the Sheriff is unable to acquire the remaining items out of operating funds, then we need to explore other alternatives and bring those to the Board for consideration.

Chairman Martin - the bottom line is we need to get a list together to see what items that you have and items that you need so that we can continue to go ahead and define a way to purchase the items to open the jail.
Tom - defended his budget figures saying there's been an allegation made here that the Sheriff's been indifferent for months in providing this list of items. Also, that discussion with Tim Arnett, Purchasing Agent for the County have taken place; his staff is busy presently at gathering facts of what is needed to provide the accurate information and get a formal request to the Commissioners.
Tom added that the discussions at the last two Jail Construction Meetings were focused as to the intent, purpose and time frame relative to who prepared what for when and who was directed to do what and what time frame - there's a significant difference of opinion which has led to a lot of the conflict.
Chairman Martin - we are trying to figure that out now Tom, that's why we have to go ahead and get down to bottom line - what do we need to open this facility - what can you furnish - what do you need us to find and how much is it going to cost us and that will be up to us to find how we're going to pay for that - so, if you can work with us on that issue, I think we can resolve that one pretty easy. We really want to make sure that this facility is operated safely and on time.
Jesse - clarified that the $225,000 figure - April 24, 2000 - came from Reilly Johnson as part of their original estimate of the work - upon reviewing this list he concluded that is was extremely pricey and suggested some could be purchased at Home Depot. Therefore, he said the $225,000 is probably extremely high.
Tom - stated that he disagreed with that comment.
Chairman Martin - asked Tom to submit a list of things that can be taken over to the new facility and the list of items that are needed to operate the facility. He strongly encouraged the Sheriff to get this list together, continue working with the Commissioners and get those things in the pipeline.
Chairman Martin said there are three things in front of us: 1) Review for the Award; 2) A request from the Sheriff for re-appropriation; what we need to do there is to go ahead and make sure we read the documentation so there's is nothing hidden in there, make a decision, review the request and make that decision. He specifically requested - concerning the flexibility of the facility project - if Tom would be willing to commit to how he will use these funds if the Commissioners were to grant this $93,000 back to the Sheriff's budget, to provide the Board with an itemized list of specific things he would spend the $22,000 and realizing what funds the Board re-appropriated to the Sheriff's budget that he wouldn't do whatever you want to with it. Therefore, asking Tom if he would be willing to submit a letter of understanding to this commitment.
Tom - commented that he didn't have a problem committing to the funds as outlined today and if there's excess funds, I'd have no problem returning those to the County.
Commissioner Stowe - added that the letter of understanding will help in making the decision next week. Previously, Sheriff Dalessandri had agreed to have an independent auditor perform an audit on the County's and the Sheriff's budget figures to determine the discrepancies.
Chairman Martin - confirmed with the Sheriff if necessary that he would agree to an audit?
Tom - yes
Commissioner Stowe - stated another concern - just for your information that it is not how Tom handles his whole $2 million some odd budget, but his concern obviously is the jail portion of that. And with the money we allow for the new hires, I don't want to come up in July and find that the money is not there and need to apportion more money. So that's really what this is about.
Tom - gave his personal assurance that he will not exceed this budget nor will we short ourselves in our ability to hire the appropriate staff.
Commissioner Stowe - asked Tom a pointed question - do you feel it's realistically that we'll be ready to staff that jail in September with the budget you've got?
Tom - with the budget I had, yes. With the ability to staff, I don't know.
Chairman Martin - emphasized again that we're at a critical time and the need is present to do everything we possibly can collectively to pull this off and to do it in the spirit of the commitment that we made to the citizens who are concerned.
Tom - agreed and he was especially concerned about those citizens who voiced having the location of this facility here in Glenwood Springs - we must provide them with an absolute that we are able to open the facility in the safest, most reasonable manner, safe and consistent for everybody, not only the inmates and staff but the public. There is a need to really work double time over the next few months to assure that we can do that. If we can't we need to be accepting of our responsibility, everyone of us, to know that if we

have to delay the opening of this project for any of the reasons, that we need to do that and that may meet with some disdain in doing so, but it's in the best interest of the public, if that becomes the case.
The Board asked Don DeFord to review the document prepared by the Sheriff on the INS Award Funds of $93,405 to make sure there's no little hooks involved with the federal government and to be prepared to have his input ready for the special meeting scheduled for Thursday, March 15, 2001 at 9:00 A.M. The Board made it clear that this would be the only issue regarding the budget that would be handled at this Special Meeting.

REGULAR WORK SESSIONS
COUNTY ADMINISTRATOR UPDATE - ED GREEN

A. *Mineral Leasing Funds Distribution*
Ed submitted a letter from Mike Coffman, State Treasurer notifying the County to have twenty-five percent (25%) of Mineral Leasing Funds distributed to the school districts within the Garfield County boundaries. A breakdown was shown as School District, Students, and Percent. The County needs to approve the state doing this.
Motion
Commissioner Stowe moved to approve the funds as provided by staff. Commissioner McCown seconded. Motion carried.

B. *Tobacco Control Program Grant*
Colorado Department of Public Health and Environment issued a Contract for a sum not to exceed One Hundred Twenty Thousand Dollars ($120,000).
Motion
Commissioner Stowe so moved and seconded by Commissioner McCown to approve; carried.

C. *Letter of Support - US Forest Service - Road Improvements Buford - Trapper Lake Rd*
Tom Russell reported on Federal Grant Money from the Forest Service to work on roads - CR 245 - Buford Road - realignment on the lower 5 miles of the road to straighten - A 3- 6 Project; Commissioner support is needed. And Trapper Lake Road - minor realignment, gravel and cleanup.
Motion
Commissioner McCown made a motion to authorize the Chair to sign a letter when corrections are made in the agreement for the Forest Service on the two roads - Buford Road and Trapper Lake Road for the improvements as stated by Tom Russell. Motion carried.

D. *Letter of Support - Town of Parachute - Grants for CR 215*
NEW CYCLE - SUMMER 2001
Tom recommended the Board support the Town of Parachute with a letter for the Energy Impact Grant for improvements on CR 215.
Motion
Commissioner McCown made a motion to authorize the Chair to sign a letter of support for the Parachute project; Commissioner Stowe seconded; motion carried.

E. *Parachute and Garfield County Joint Projects for 2002*
Tom Russell submitted a memorandum to Ed Green stating that the meeting he had with Juanita Satterfield, the Town Manager for Parachute identified two projects:
1) Replace the Carnel ditch culvert that passes under CR 215.
Chairman Martin favored moving ahead with this as formerly discussed with Parachute.
2) The sale of one of the counties used Ford trucks to the Town.
Tom explained this was a used dump truck - an older Ford - the Town of Parachute can't pay $15,000 - he recommended to allow them to pay the County the $15,000 with 1/2 in the year 2002 and 1/2 in the year 2003.
Tom said he recommended that the Board of County Commissioners work with the town 1) budget for and schedule the culvert for 2002; and 2) to make the transaction possible regarding the truck.

F. Thursday, June 7 11:30 - 2:30 County Picnic

Ed said he had a request to bring before the Board the date set by the Employee of the Month Committee for June 7 from 11:30 A.M. to 1:30 P.M.; they are asking for the Commissioners support of this date and time.
The Commissioners agreed.

G. *DOE - Water Line Survey*
Ed gave the update on the water line survey and provided to the Board for consideration saying we have been talking with the City of Rifle about the controls issue and zoning issues and one clarification that we decided we need to accomplish was to have DOE give us their position on whether they'd agree to a situation in which a property owner would have an independent water supply inside the water line service area. Their response is what he handed out to the Board - essentially they're not real thrilled with that concept and they've said if the DOE would not pay for such a separate system and they would expect the City or the County to be responsible for monitoring it and for assuring that the treatment system remain in good working order. Selby's memo - we may want to decide and Rifle needs to decide whether or not they should annex in concert with the water system installation as well.
Commissioner McCown said there was some question of Rifle's ability to annex - it's a State Road.
Ed say they will get back together and discuss it some more.

INFORMATION
H. *Gordon Group Hangar Lease*
Ed said that Kenny made note of a check in the amount of $3,906.58 for payment for one half years ground lease at the Airport. Also, a copy of correspondence related to the Gordon Consulting and their desire to proceed with negotiations for a ground lease for installation of a row T Hangars and also Kenny included in there a document where he wrote to the Denver Traffic Control Center requesting a change in designation. It will allow for more than 6 arrival slots per hour at our Airport and will affect our opportunity to increase landings of rerouted aircraft.
Discussion continued regarding commercial flights from Aspen that were rerouted to Grand Junction and what the possibility would be for aircraft to automatically reroute to Rifle. Ed said the aircraft pilot would have to coordinate with the Denver Traffic Control Center and that's why Kenny wrote the letters so that they would have that information and would allow for those reroutes.

COUNTY ATTORNEY UPDATE - DON DEFORD

a. Set Public Heating Date for the Roaring Fork Water and Sanitation District Service Plan Amendment
Mark Bean was present. A date was set for April 2, 2001.
Motion
Commissioner McCown made a motion to have the public hearing for the Roaring Fork Water and Sanitation District Service Plan for Monday, April 2, 2001. Commissioner Stowe seconded. motion carried.

b. Public Hearing - Consider Revocation on Four Mile Development Company
The Four Mile Ranch Subdivision located within Garfield County and that certain loan from MidFirst Bank in the original principal amount of $7,250,000 which loan is secured by the project was the subject of discussion.
Don reviewed the notices and stated the Board could proceed.
Don stated during the last week there has been discussions.
Don DeFord, Randy Withee, Tom Russell, Lee Leavenworth, Mark Bean, Georgia Chamberlain, President of Four Mile Ranch Development Company Peter Burgess, MidFirst Bank - Mike Langley, and Attorney Bob Holme - Holme Roberts Owens, were present.
Lee stated a letter was provided to the Board. He stated no lots have been purchased to date. The Company didn't start until late in the Fall - subcontractors walked off the job - winter came - met the deadline for the road but it will be Spring before the sewer can be put in. Lee added that the new cost estimate of $103,000 roughly is needing to be re-deposited to the County. He admitted that there is a cash flow issue. He argued

against the vacancy of the plat. The bank has worked with them and submitted a Letter of Intent for $575,000. Lee requested this be continued until April 2, 2001 in order to complete the transaction. Release the County hold of their cash deposit of $475,000 is the best solution; the County will have letter of credit and will allow the project to move forward.
Peter Burgess - the first they could start would be April 2, 2001 and work finished by June, 2001; and bills paid. They have $800,000 cash into this - fees to the County paid - now a lender has agreed to help then out. Apologized for the inconvenience to the County and to the Subcontractors.
Mike Longley of MidFirst Bank commented that they are agreeing to commit to a Deed of Trust and a Letter of Credit to the County noting that the road (CR 117) will be completed as originally planned. Mainly that all subcontractors can be paid.
Commissioner Stowe asked for a commitment from Lee to pay the subcontractors.
Lee said on April 2, 2001 they will come back with an assurance that they have been paid or will be paid - the Commissioners have control to not go forward.
The lender said the funds would be submitted to them and they were going to pay the people who have done the work. The letter of intent has control of the funds and not the developer.
The supervising engineers will review and advise them.
Don said he has a faxed copy dated March 8 of the Letter of Intent, signed and executed.
Lee agreed it was a binding agreement.
Public Input
Steve Smith - commented regarding the on-the-ground delays. The lack of completion is a mess and a loss of healthy vegetation, as well as a personal problem. 35 years ago Bert Cator rerouted the Sommers ditch under the road. This Spring there is already heavy mud from the thawing and due to excavation of the Four Mile Road the pipe is almost sealed off. The silt in accumulating in the pipe. There is 3" of mud to the top of the pipe creating a sheet of mud in his orchard. Something needs to be done by the developer, the County or him. Suggested straw bales to prohibit the runoff of mud into his orchard. Please find someone to stop this mud within the next several days.
Don DeFord - asked Tom Russell to comment.
Tom said he asked the project manager to put straw bales in last winter. He has recently spoken to Lee Leavenworth - this needs to be done.
Chairman Martin - suggested that the County go ahead and put the straw bales in and then get reimbursed from the developer.

c. Four Mile Restrictive Covenants
This Restrictive Covenant was submitted by the Four Mile Ranch Development Company. A list of six (6) conditions were discussed.
Lee tendered to Don and Mildred a Restrictive Covenant and recording fee - restricts the sale of lots until the documents are submitted to the County.
Don said the Restrictive Covenant will be recorded.
Motion
Continue the Public Hearing until April 2, 2001 - 11:00 A.M.
Commissioner Stowe so moved; Commissioner McCown seconded. Motion carried.
Don stated the Restrictive Covenant will be recorded.

COMMISSIONER REPORT
Commissioner Stowe and Commissioner McCown - City of Glenwood - City Hall; meeting Tuesday 9:00 with Sheriff and BOCC.
Commissioner Stowe - had three citizens come in and talk to him about the possibility at some point about our reopening our consideration on the Wilderness/Land Use. Thursday 9:00 AM - Continued meeting of the Board.
Chairman Martin - last week - CCI and I discussed legislation for agriculture/wildlife and rural affairs. Also discussed items from the land use and natural resources. Some information in reference to an annexation plan that is being proposed where the County is required to review all land annexations from cities; also a Resolution from House of Representatives concerning roadless areas in Colorado that was sent to the President and Congress; a Bill now at (2) two Bills looking growth initiatives - a 3rd one is out of Grand Junction by Representative Smith that's getting a lot of attention; the Wilderness Resource Discussion on this Bill as well as the County's that are affected and all the responses; a National Weed Ordinance being

proposed which will need to coordinate and the agricultural group support ite - this will be in Congress which deals with public lands/wilderness areas, etc. on how to handle the weeds. A meeting on weeds last week in Carbondale by the spokesman for B/W - thanked the press for the coverage on it. We're losing about 4,600 acres per day in the West on public lands which also includes a lot of wildlife issues, water issues, air control, plus a few other items.

Consent Agenda

a. Approve Bills

b. Sign Resolution of Approval and Special Use Permit and Permit for a Resort - Jim and Sharill Hawkins

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the Consent Agenda Items a - b; carried.

EXECUTIVE SESSION - PERSONNEL ISSUE

Commissioner McCown made a motion to go into Executive Session to discuss a personnel issue. Commissioner Stowe seconded; motion carried.

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

REGULAR WORK SESSIONS

REGULAR AGENDA: BUILDING AND PLANNING ISSUES - PUBLIC HEARINGS

REQUEST FOR APPROVAL: CONDITIONAL USE PERMIT FOR A BOARDING SCHOOL: LOCATED 3000 CR 342, SILT, CO 81652. APPLICANT - MICHAEL A. AND JANICE E. BENNETT

Don DeFord, Mark Bean, Janice and Michael Bennett were present.

Don DeFord proceeded to inquire as to the notices mailed, published and posting for the Conditional Use Permit. Being satisfied that these were timely and complete, he advised the Commissioners that they were entitled to proceed.

Chairman Martin 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 - Staff Report and Project Information; and Exhibit E - Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin submitted Exhibits A - E into the record.

Mark Bean stated this is a request for a conditional use permit for a boarding school located on 40+ acres with an access of CR 342 about 12 miles south of Silt.

The applicant proposed to use the existing structure as a nonprofit boarding school for up to four (4) adult teachers and six (6) students. The agricultural use of the property will continue, and will provide the students with ranch work experience.

Recommendation

Staff recommends APPROVAL of the Conditional Use Permit, with the following conditions of approval:

1) That all representations made by the applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners. Those representations include (but are not limited to:

a) No more than six (6) students shall attend the school, or reside on the property. No more that four (4) teachers shall work or reside at the school; b) The school shall be a boarding school, and shall not accept day students; c) The school shall maintain a residential and agricultural appearance at all times, and shall not create a commercial impact whatsoever;

2) Parents, families and other visitors of the students shall be permitted on the property by school invitation only, and such visits shall be kept to a minimum. In the event that traffic becomes excessive in the opinion of the Board of County Commissioners, the Conditional Use Permit may be revoked after a noticed public hearing.

3) That all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, shall be fulfilled;

4) That the applicant shall comply with the Colorado Department of Health, and shall obtain a permit to improve the ISDS and shall make any necessary improvements, prior to issuance of the conditional use permit;
5) No more that ten (10) people shall reside at the boarding school at any given time. The school shall not be physically expanded, nor shall a larger number of teachers or students ever reside there without first obtaining an amended conditional use permit from Garfield County;
6) This conditional approval shall be valid until 3/12/02. If the applicant fails to meet the conditions by 3/12/02, and subsequently a conditional use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners. Once a conditional use permit is issued, the school use of the property shall commence within 120 days from date of issuance, unless an extension is granted by the Board of County Commissioners.
7) The applicant must complete the following prior to issuance of a conditional use permit;

- A licensed professional structural engineer (or someone of similar qualifications must inspect the building improvements and create building plans and specifications of the improvements. The engineer must certify that all improvements meet the building code.
- Said plans and specs must then be submitted to the Garfield County Building Department for review and approval. If the building improvements do not meet current building code, they shall be removed (after obtaining the necessary permit to do so).
- All applicable building permit fees shall be paid. When illegal building has occurred, building permit fees are double the normal fees.

8) The Driveway serving the property shall be maintained in good condition at all times of the year. The driveway shall be improved and maintained in such a state that it may sustain heavy emergency apparatus. The applicant shall submit a driveway design with an all-weather surface for approval by the County Engineer. The conditional use permit shall not be issued until the driveway design is approved, and the driveway is built to the approved specifications.
9) Prior to issuance of the conditional use permit, the applicant shall submit proof of a legal supply of water for the use described. Said proof shall consist of written documentation from the Colorado Division of Water Resources.

Applicant's Response
The applicant submitted a response to the conditions the Building and Planning Department proposed in the recommendation of approval.
Chairman Martin entered this as Exhibit F - Applicants Response to the Conditions, into the record.
Michael said they have chosen to serve young wayward men. They think this is the County's business - it's intended for trouble youth. They discovered that other schools like they are proposing have resulted in the youth being restored back to normal life. The kids will be assigned by their parents to the school. They are asking for some lenience. Michael questioned if this even needed a Conditional Use Permit - they will be guardians for these children and provide home schooling.
Chairman Martin explained the BOCC has to protect the land.
Michael stated in Condition Numbers 7 & 8 that they had objections in the tone. Asked to soften the language, wants the house updated to code; agreed it definitely need adjustments.
Mark Bean explained the normal course when buildings are added to a property.
Michael said double permit fees seem harsh. They did not make the original alterations and yet they are being charged for the previous owners remodeling and now their own.
Mark explained they have no recourse but to go after the current owners.
Michael did acknowledge that the driveway does need some improvements. He plans to remedy this situation and will submit his plans. At first he didn't understand the condition.
Mark said he felt this would meet with the County Engineer's requirements.
Commissioner McCown said the key evidence is the emergency access for those vehicles.

Public Input
The speaker was swore in by Chairman Martin.
Jean McPherson from Bennett. She is in favor of the project and asked for the BOCC to approve.
Jennifer Mathews - 1126 Cooper - representing several others. Agree with what they are trying to do. They are committed and will volunteer to assist.
Commissioner McCown asked a question on water.

Michael responded by saying this issue can be resolved. They are currently working on this. They have an assurance from their attorney that it can be resolved and show there is less impact that historical.

A motion was made by Commissioner Stowe to close the Public Hearing; Commissioner McCown seconded; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request by Michael and Janice Bennett for a Conditional Use Permit for a Boarding School with the major issues and concerns, suggested findings and recommendations 1 - 9 with a change in Item 7 - "to make all permit fees paid at a regular rate, not double," and to make the road repairs as discussed by Mark getting information from the Building and Planning Department.
Discussion
Commissioner McCown stated on the well issue, he wanted to see the conditions on the well testing that are in the boiler plate - 4 hour pump test, test of the water regarding nitrates.
Michael stated the water has been tested.
Commissioner McCown said as long as they have the test results.
Commissioner Stowe amended his motion to include the additions. Commissioner McCown amended his second. Motion carried.

CONTINUATION OF REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TELECOMMUNICATION SITE: LOCATED BETWEEN CR 315 AND CR 331, APPROXIMATELY ONE-MILE SOUTH OF SILT. APPLICANT: NTCH COLORADO, INC.
Don DeFord, Greg Butler, Craig Hoff - NTCH were present.
Greg Butler submitted that on January 22, 2001 Clear Talk came before the Board seeking approval of a Special Use Permit that would allow the placement of a communication tower on Lot 8 of Grass Mesa. Before staff could address the concerns of the Grass Mesa Home Owners Association and access, they would need the permission of the Homeowners Association.
Staff received a call and fax from the Grass Mesa's legal representation which, in brief, states that while Clear Talk as been in contact with the HOA and citizens of the area they have not gained approval by the HOA to construct the telecommunication tower or access to the site. Therefore, staff recommends **denial** based on the concerns raised
Craig stated that he was working with the Grass Mesa's Homeowners Association. There is a ballot issue out and 25 have been returned. They are working to improve the road and have entered into a large commitment. Therefore, they requested this can be approved as long as they show access or a continuance until the ballot tally can be finalized.
Don stated if it goes over the 120 days, then a clear waiver will be necessary by the applicant.
The applicant agreed to waive the 120 day requirement.
Continued until April 16 at 10:00 A.M.
Motion
A motion was made by Commissioner McCown to schedule this continuation until April 16 at 10:00 A.M. Commissioner Stowe seconded; motion carried.

PUBLIC MEETINGS

REQUEST FOR APPROVAL: AMENDED FINAL PLAT CORYELL RANCH MIDLAND POINT: LOCATED LOT m-22, MIDLAND POINT SUBDIVISION: APPLICANT TERRY AND JULIE KIRK.
Mark Bean explained that the request to amend the building envelope on Lot-M22 in the Coryell Ranch Midland Point Subdivision. He said they want to move the northwest edge of the building envelope out to the edge of the utility easement that will be located 20 feet from the northwest property line.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the change to reflect the boundary line adjustment as depicted on the plat as explained by Mark Bean; carried.
UPDATE ON GOCO GRANT APPLICATION STATUS BY LOVA TRAIL GROUP PRESENTATION
BRIAN BROWN
Brian Brown - Silt Trustee gave an update on the future plans for a trail on the GoCo Grant application by LOVA Trail Group. He said this would eventually tie into the Glenwood Springs Canyon. There were 25

applicants requesting GoCo funds which amounted to over $1 million in - GoCo gave LOVA $45,000 from the current cycle. They are now requesting a grant that will cover the total needed of $73,000 to develop a master plan. They anticipate having a Planning Board helping to meet their time line. Community input obviously does not mean just coming to the meetings, rather to get the public in to provide input. Another thing of excitement is COT has contacted them to facilitate a proposal under the funding cycle for 2004 - 2005 - estimated 2.5 million.

REQUEST FOR APPROVAL - AMENDED FINAL PLAT TAMARISK SUBDIVISION, FILING #2, LOTS 1 & 2, BLOCK 3. LOCATED WITHIN BATTLEMENT MESA PLANNED UNIT DEVELOPMENT. APPLICANT: BATTLEMENT MESA PARTNERS

REQUEST FOR APPROVAL: AMENDED FINAL PLAT TAMARISK SUBDIVISION FILING #2, LOT 3, BLOCK 4. LOCATED WITHIN BATTLEMENT MESA PLANNED UNIT DEVELOPMENT. APPLICANT: BATTLEMENT MESA PARTNERS

Mark Bean explained that these were two separate requests and two different mylars. Mark requested the Board sign the amended plats.
Motion
Commissioner Stowe made a motion to amend the plats for Lot 3, Block 4 in the Tamarisk Subdivision, Filing 2 and Lots 1 & 2, Block 3 also in the same subdivision, as explained by staff. Commissioner McCown seconded the motion; carried.

New Planner Introduced - Randy Russell
Mark explained that Randy Russell was the new senior planner.
Randy addressed his plans of getting acquainted with the rules and regulations and the people involved in the County.
Affordable Housing Regulations
Mark explained that this will most likely be brought to the Board to refer to the Planning Commissioner as soon as April 2, 2001.
Recess
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue this meeting until Thursday, March 15 at 9:00 A.M. to make a decision regarding $93,000 plus on the Sheriff's budget.

Attest | Chairman of the Board

_____ | _____

MARCH 15, 2001
PROCEEDINGS OF THE COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The ***Continued*** meeting of the Board of County Commissioners was held on Thursday, March 15, 2001 with Chairman John Martin and Commissioner Walt Stowe and Commissioner McCown present. Others present were County Attorney Don DeFord, County Administrator Ed Green, Assistant County Administrator Jesse Smith and Clerk & Recorder Mildred Alsdorf.

Chairman Martin called the meeting to order at 9:00 A.M.

DECISION ON THE AWARD FROM IMMIGRATION AND NATURAL SERVICES (I.N.S.) OF $93,000 - SHERIFF'S BUDGET
Sheriff Tom Dalessandri, Jail Director Dan Hall, Deputy Sheriff Jim Sears, and Transition Director Les Beckman were present.
Chairman Martin introduced the purpose of the continued meeting today - 1) The I.N.S. "SCAAP" money; and 2) the Personnel Action Requests (PAR)
These are pending issues that the Board committed to Sheriff Tom Dalessandri on Monday, March 12,2001 to answer regarding budgetary items.
Jesse Smith mentioned on the PAR Forms that the Sheriff had filled these out completely and Jesse, responsible for budget and accounting, was pleased this time with those.
Chairman Martin stated that Tom Dalessandri was very cooperative in filling out the PAR Forms and acknowledged that the Board had not made a decision on them because they felt a discussion was in order as well as the forms needed to filled out completely in accordance with the Accounting Policies and Procedures. It was a matter of bookkeeping items that the requests were either a wage/salary or an hourly rate of pay.
Jesse added - based on whether these positions were exempt or nonexempt.

"SCAAP" Award from I.N.S. to the Sheriff
Chairman Martin stated that on Monday, March 12, 2001 Don DeFord, County Attorney, was scheduled to complete the review of the I.N.S. "SCAAP" award to the Sheriff.
Don reported that he prepared a brief memorandum on his findings regarding the "SCAAP" Award. In summary, he finds no exceptional conditions - the Award according to Federal Regulations very carefully state that it is not a reimbursement - it is not a grant - it is an award of funds based upon simply a calculations on officers and funds so there are no conditions attached to it other than you accurately report the number of officers - that's it.
Tom stated the $93,405 funds from I.N.S. "SCAAP" was a recognition.
Don added that we have the usual problems with all the myriad of Federal Regulations you have to comply with but this is the same on all Federal Funds the County receives. He stated he didn't see any reason to hinder the Board from proceeding.
Chairman Martin - regarding the breakdown on the Sheriff's request to allocate the $93,405 and possibly the savings of $22,785 go into the furniture budget that the Board and the Sheriff will need to continue working on.
Tom stated he didn't have any objections to these figures.
Commissioner McCown asked if there were other funds allocated for these items in his normal budget.
Tom said the only items allocated in his existing budget are for mattresses, pillows, blankets, inmate uniforms, some television sets and things like that.
Jesse stated the $93,405 will need to be titled from Grant to Award. It was deposited as a Grant.
Commissioner McCown said for Jesse to then roll it back to the Sheriff's Budget under these particular items as outlined in the Budget Discussion with the Sheriff held on Monday, March 12, 2001.
Chairman Martin stated the $22,785 should be earmarked for furniture.
Jesse said the $22,785 could stay in that Grant Line and then when we bid the furniture, we could then apply it to the furniture.
Chairman Martin commented the Board wanted to keep this as simple as possible.
Tom stated he didn't have any objections to Jesse's method.
Motion to Award Appropriations of $93,405 Back to the Adjustments of the Title

Commissioner McCown made a motion that the $93,405 Award from the I.N.S. be reallocated back to the Sheriff's Budget in those items as indicated on proposed expenditures for "SCAAP" 2001 funds that the Sheriff presented to the Board on Monday, March 12, 2001, leaving a $22,785 excess above the Sheriff's noted items that would be earmarked for furniture/purchases for the Jail.
Commissioner Stowe seconded the motion and for clarification asked the Board if this means releasing the $70,620 back into the Sheriff's budget and then hold the other in the General Fund on the assurance that it will be used for furniture.
Commissioner McCown clarified it would just stay under that Award Item until the bids for the furnishings come in.
Tom said that Tim Arnett would be expending that money anyway since we'll be doing a purchase research.
Chairman Martin indicated this would still be coordinated with Tom to make sure this is what he wanted.
Jesse will take care of the title change.
Motion carried.

PAR Forms
Chairman Martin stated the Board was just holding some of the requests but had not denied them to make sure everything was coordinated. He asked Tom if he was going to be able to keep within his budget line item on the salaries if the Board approve these PAR Forms throughout the year? And would Tom be able to hire the personnel needed to open the Jail with staying within Jail Budget?
Sheriff Dalessandri stated yes he has the financial ability to hire however, whether or not the labor market permits. Tom made a statement saying it was important to note that those positions were never in jeopardy and some misunderstanding had occurred about this. The funds speaking relative to these PAR Forms are only related to savings that already existed at the beginning of the year - they did not impact funds available from the date they were submitted from this date forward. If 15 people walked in tomorrow, the Sheriff could hire them all and still be within budget due to vacancy savings not only in the new year but also in the previous year 2000. This is something he wants everyone to understand - there was no dipping into future funds.
Tom stated he expected more PAR forms for the new hires. If there were other adjustments he would discuss this with the Board.
Chairman Martin summarized that the Board has the Sheriff's word that he is able to stay within his wage line budget and able to hire people if he can find the bodies to put into those position.
Commissioner Stowe inquired if the Sheriff expected to put in a large number of PAR Forms this year?
Sheriff Dalessandri responded yes in the sense of new hires. His commitment to the Board was if there were any other restructuring that is identified in this process between now and the end of the year that he will sit down and discuss it with the Board.
Commissioner Stowe stated the Board needs to believe what Tom is doing and if he says he needs those promotions and situations for training of the new staff, then it is incumbent upon the Board to approve them.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the PAR forms as corrected and presented with the assurances that the Sheriff has provided for future cooperation. Motion carried.
Chairman Martin thanked the Sheriff for his cooperation, business is business and mentioned that this has turned into a working relationship.
Tom wanted the press and the citizens to know and understand that everything they do - the dynamics get energetic but as indicated to the media most recently that the Commissioners and the Sheriff have the same goal in mind - that is to get this Facility done and get it done properly and safely - there's one indication here that we all need to realize and that is the Commissioners and the Sheriff need to communicate closer and better on this project as well as other projects. This has been a tough ordeal of the entire project and he said he knew where the hearts of the Commissioners were and there's a lot at stake - we all need to be on the same page as we move into the finals of this project because the intricate challenges can be some of the biggest.
Adjourn

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

Attest

_____

Chairman of the Board

_____

MARCH 19, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 19, 2000 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
Commissioner Stowe was absent.

CALL TO ORDER

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

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:
Advocate Safehouse Project Support Letter
A motion by Commissioner McCown and seconded by Chairman Martin to authorize the Chair to sign a support letter for the Advocate Safehouse Project; carried.
Dale submitted the Site Agreements for the following: KRMJ, KREX and KTVD for the annual agreements and requested the Chair be authorized to sign.
Commissioner McCown so moved; Chairman Martin seconded; carried.
ByLaws - Garfield County Fair Board By-Laws
Toni Penton and Dale Hancock presented the Fairground By-Laws Agreement formerly presented for their review.
Commissioner McCown made a motion to accept the proposed ByLaws for the Fair Board. Chairman Martin stepped down as Chair to second the motion; carried.
Toni mentioned the Operations Manual will be forthcoming that shall be similar to the manual at the Airport.
CTSI - Payment of Claims Submitted
Judy Osman presented information with respect to a meeting with CTSI. There was a change January 1, 2000 at Sloans Lake. They only process hospital bills; all other claims are being discounted and processed by NBA. It is now to be a 14 day procedure. Allan Chapman stated he would look into the late processing of claims and remedy the situation. Judy further explained that the claims for November are just now being processed. Some dentists are requiring payment up front then the patient is responsible to turn in claims for insurance. This item will be taken to the Health Pool Board.
Information
Ed Green mentioned he has a meeting with the Gates Foundation - April 2, 2001; Jesse Smith will be Administrator in charge.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Quit Claim Deed for the property for the Glenwood Springs New City Hall
Bob Zanella, Robin Milyard, Mayor Sam Skramstad and Chair Protem Rick Davis were present from the City of Glenwood Springs.
Don DeFord presented the Quit Claim Deed that the Board of County Commissioners of Garfield County unto the Grantee - the City of Glenwood, to allow the City to place their new City Hall with the deed restriction on parking and any future expansion of the new City Hall prohibited in the area north and east of the new City Hall and north of the Eight Street right-of-way east of the east wall of the new city hall - Exhibit B.
Chairman Martin and Bob Zanella agreed after a 20 plus year of discussing and working, this is finally a reality.
A motion was made by Commissioner McCown for the Board to execute the Quit Claim Deed to the City of Glenwood Springs for property to build the new City Hall and authorization given for the Chair to sign. Chairman Martin seconded the motion. Motion carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

a. Extension of Banking Agreement

Don met with Treasurer Georgia Chamberlain to finalize the RFP for the Banking Agreement and those will be mailed out this week.

A motion was made by Commissioner McCown and seconded by Chairman Martin to sign the extension of the current banking agreement until the RFP's are in and a decision is made; carried.

COMMISSIONER REPORT

Commissioner McCown - 9:00 Tuesday - City of Rifle; 3/21 - Communication Board and will hold their meeting in the new Communications Center.

Chairman Martin - Mayor's Meeting - Tuesday - New Castle - RTA, land reviews, etc. and John said he'd be in Salida the remaining part of this week.

March 30, subcommittee meeting with CCI on land use, tax, etc.

Ed - meeting this week with Pat Tucker - DOW - Boat Dock - Harvard Bridge

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution and Exemption Plat for Wigington/Jaedro, Inc. Subdivision Exemption
c. Sign Resolution and Permit: Special Use Permit for Barbara Hauptli
d. Sign Resolution of Approval: Amended Plat for the Lansburgh Subdivision Exemption

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the Consent Agenda Items a - d; carried.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER. LOCATED - 2829 CR 117. APPLICANT: AT&T WIRELESS

Don DeFord, Greg Butler and were present.

Don determined that notification was shown as March 6 and under our Code it requires publication 15 days prior to the Public Hearing.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER. LOCATED - 3 MILES WEST OF CARBONDALE IN THE CRYSTAL RIVER RANCH. APPLICANT: SBA COMMUNICATIONS

Mark Bean stated this was postponed to a date not certain.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER. LOCATED - ON THE GRAND HOGBACKS JUST SOUTH OF NEW CASTLE. APPLICANT: NTCH COLORADO, INC. CLEAR TALK

Don DeFord, Greg Butler, Renelle Garcia and Craig Hoff were present.

Don determined that notification and posting were timely and accurate. He advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Greg presented the following Exhibits for the Record: Exhibit A - Legal Proof of Publication; Exhibit B - Green and White Return Mail Receipts; Exhibit C - Application and Attachments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E Project Information and Staff Comments

Chairman Martin entered Exhibits A - E into the record.

Greg stated this is a request for a Special Use Permit for a Telecommunication Facility located on Webster Mesa approximately 3.5 miles west of the City of Rifle. The proposal consists of a cellular telephone

repeater station consisting of a 100-foot lattice tower, a 100' x 100' enclosed equipment area at the base of the tower, and a concrete pad to support the base transmitting station equipment. The location is on the Grand Hogbacks between the Grass Mesa site to the east and the Webster Mesa to the west.
Greg reviewed the staff report mentioning the suggested findings and the Recommendation as follows:
Staff recommends **Approval** of this Special Use Permit based on the findings, staff comments, and the following conditions:

1. The applicant will allow future co-locations.
2. This facility, including the tower, will be painted to blend in with the background, the color will be approved by the planning department.
3. If the tower becomes dormant for more that six months either the tower owner or the landowner is required to remove the tower at their expense.
4. That all representations of the applicant, either written or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
5. That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

Discussion was held with the applicant regarding the County's view on co-locations that were included in the Zoning Resolution.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the Special Use Permit for a Telecommunication Facility located between Grass Mesa and Webster Mesa with the recommendations by staff Conditions 1 - 5 ; carried.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER. LOCATED - WEBSTER MESA. APPLICANT NTCH COLORADO, INC. CLEAR TALK

Don DeFord, Greg Butler, Craig Hoff and Garcia were present.
Don determined that notification and posting were timely and accurate. He advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Greg presented the following Exhibits for the Record: Exhibit A - Legal Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Zoning Resolution of 1978 as amended; and Exhibit E Project Information and Staff Comments.
Chairman Martin entered Exhibits A - E into the record.
Greg explained that this was a proposal that consists of a 125 foot self-supporting lattice tower on Webster Mesa..
Recommendation:
Staff recommends **Approval** with the five conditions listed below:

1. The applicant will allow future co-locations.
2. This facility, including the tower, will be painted to blend in with the background, the color will be approved by the planning department.
3. If the tower becomes dormant for more that six months either the tower owner or the landowner is required to remove the tower at their expense.
4. That all representations of the applicant, either written or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
5. That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

Applicant Input - included the facts that the site formerly chosen was replaced by this site which they feel is a much better location. This will not stand out that much. It is lattice, non-lighted and will blend into the background - it is also CO-locatable. This is an unmanned facility and need to access once or twice a month. There is an existing road they will use for access.
Discussion was held with the applicant.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the Special Use Permit for a Telecommunication Facility for Clear Talk PCS at the Webster Mesa location with the 5 conditions as recommended by staff; carried.

PUBLIC MEETINGS:

REQUEST FOR APPROVAL: SITE APPLICATION FOR WASTEWATER TREATMENT FACILITY EXPANSION. LOCATED - SOUTH OF RIFLE. APPLICANT: CITY OF RIFLE

Don DeFord, Kit Lyon, Engineer Louis Meyer from Schmueser, Gordon, Meyer and City of Rifle Public Works Director Bill Sappin were present.

Kit explained that the review of the Rifle South Wastewater Treatment Facility Application for Site Approval and the three factors that necessitate the need for proposed expansion include: first, hydraulic grade line of the groundwater changed when Touey Lake was expanded in the direction of the ponds; second, an algae bloom caused high suspended solids in the effluent of the tree ponds; and thirdly, Rifle has expanded its service area to include the Garfield County Airport and surrounding areas, which has necessitated the need for additional capacity.
Kit reviewed the issues and concerns, the water and sewer services goals relevant to the Comprehensive Plan and the comment she provided saying the project is within the boundaries of the Helmer Gulch designated flood plain. In summary, Kit explained that the Planning Department does not have an approved Garfield County Floodplain Special Use Permit and in checking into the recorded Board of County Commissioner Minutes, could not find any evidence to support the approval.
Conclusion:
Staff recommends approval of the proposed site application with the following comments:

1. The City of Rifle shall obtain a special use permit to place the existing and proposed improvements in the flood plain.

Louis stated the footprint would not be changed. In order to expand the plant, an influent lift station will need to be installed.
Louis stated they will apply for a Special Use Permit.

Board of County Commissioners

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the review for the proposed site application with the recommendation made by staff; carried.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to go into the Board of Health; carried.

Board of Health

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the review for the proposed site application with the recommendation made by staff; carried.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to come out of the Board of Health; carried.

REQUEST FOR APPROVAL: WEINREIS EXEMPTION. LOCATED 5454 CR 346, SILT CO. APPLICANT: JOSEPH AND VELMA WEINREIS

Don DeFord, Kit Lyon, and Attorney Dan Lemoine were present.
Don determined that notification to adjacent property owners, public lands and posting on March 1 were timely . He advised the Commissioners they were entitled to proceed.
Kit explained this was a request for an exemption from the definition of subdivision on a 120+/- acres southeast of Rifle with access off of CR 315.
The applicant proposed to create two lots about 9 and 111 acres in size.
Kit reviewed the staff report with all the major issues and concerns, suggested findings and recommendations.
Recommendation:
Staff recommends **Approval** of this application with the following conditions:

1. 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;
2. 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;
3. That the applicant shall have 120 days (until 7/19/01) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption.
4. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.
6. That the applicant shall comply with the recommendations of the Garfield County Engineering Department as listed in their memo to Kit Lyon dated 2/26/01 prior to final approval of the exemption plat.
7. That the applicant shall retain a qualified professional engineer to identify a building envelope on the plat, at least one acre in size, which lies outside the required live stream setback ("greenbelt" area), identified wetlands area, areas of 40% or greater slope, and 100 year floodplain area. If the building envelope must occupy the floodplain, the applicant shall obtain a floodplain special use permit prior to final approval of the exemption.
8. The applicant shall provide an easement or reservation for the greenbelt area for private use by deed restriction, and include the following plat note: "The area identified as greenbelt on this plat shall be retained in an open and unimproved condition, except for agriculture, for the placement of landscape materials, including trees, shrubs and grasses and structures limited to foot paths, bridges, irrigation structures, erosion protection devices and underground utilities. Ownership of such land shall be private with an easement or reservation for greenbelt use by deed restriction. Designation of greenbelt does not imply provision for access by the public."
9. The applicant shall identify the slopes that exist on the property. If a building envelope smaller than one (1) acre is proposed, the specific provisions of section 5.04.02 of the Zoning Resolution shall be met prior to any finalization of an exemption plat.
10. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
11. Prior to approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that all water supplies will meet the following:

a. That a four hour pump test be performed on the well to be used;

b. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

c. The results of the four hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

d. 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;

e. An assumption of an average or no less that 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

f. If the well is to be shared, a legal well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs will be filed with the exemption plat;

g. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;

h. An off-site legal well agreement which guarantees access to the well for maintenance purposes shall be submitted and the exemption plat shall identify the location of the maintenance easement and off-site well. The easement needs to come into existence prior to the creation of the lots. Also, a legal entity must be created to hold the easement (such as an unincorporated homeowner's association) prior to finalization of the exemption.

12. That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."
"No further divisions by exemption from the rules of Subdivision shall be allowed."
"Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."
"The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."
"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."
"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Attorney Lamoine stated that the Weinreises are willing to work with staff and fulfill the recommendations made by staff.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve an exemption from the definition of subdivision for Joseph and Velma Weinreis with the major issues and concerns, suggested findings and conditions 1-12 as recommended by staff; carried.

REGULAR AGENDA:

RURAL RESORT REGION: CHILD CARE PROJECT UPDATE PROCLAMATION

Margaret Long and Lorie of the Rural Resort Region gave information on the Proclamation.
Lorie explained this as a project kicking off a number of things - April Provider Appreciation Month - some information for April 29th have been sent to the Commissioners.
Home Quality/Standards - focused on improving the quality of home day care providers saying that she and Margaret are working on this jointly.
This is a Pilot Program for the Five-County Rural Resort Association - the Pilot was slow to get started but they received $60,000 in grant money for the Pilot. Now Denver and other Front Range Counties are interested in looking at this regional child care agreement and may use this as their model.

HUMAN SERVICE COMMISSION

Behavioral Health Services - Crisis Team and Sheriff's Department M-1 Transportation
Renae Brown - Division Director - Colorado West Mental Health
Renae gave some statistics for Garfield County that indicate high suicide rates for residents of Garfield County and outside the area. These are illnesses identified that would result in death; acute care in hospitals have doubled and currently they are into 20 individuals for hospital stays from 30 - 60 days.
Issues - Colorado West - has been subsidizing with $150,000 - 150 detox patients were referred to Colorado West in the year 2000. Discussions have been ongoing with the Municipalities and the State

Patrol. They are looking at a bill able amount for these entities to pay for detox services - Input from primary stakeholders would be received. Another solution is passage of HB 1273 which Kay Alexander introduced that would increase funds for Behavioral Health Issues and related services.
Renae asked the Board to contact their Representative if they wanted to support the funding issue as related to Behavioral Health Services.
Glenwood Springs stated they would be in favor of having Colorado West having some property on Wulfhon Ranch; Rural Resort would get involved in purchasing the land. Aspen is looking into a support issue as well.
Chairman Martin mentioned other Municipalities would need to have participation.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to go into the Board of Health; carried.

BOARD OF HEALTH

Mary Meisner gave the report:

Executive Director Shelly Molz - Valley Partnership Prevention (VPP)- said the mission is to promote the prevention of alcohol, tobacco and other drug use among the Roaring Fork Valley youth by providing resources, education and leadership to schools, families and the community. The Goal of the VPP is to focus primarily on young people and work to organize the community in supporting youth in making wise choices. She gave some handouts on the Tobacco Settlement for Tobacco Prevention Programs and added that the Master Tobacco Settlement is for $25 billion into the State of Colorado over the next 20 years.
Shelly commented that they have been serving the Roaring Fork Valley going into their 20th Anniversary and have moved into services throughout Garfield County and into Eagle County.
Legislature allowed $20 million each year for the Tobacco settlement to the Counties. These funds to individual counties will be allocated based on the Census 2000 and the basic Needs Assessment as part of the Settlement Grant.
Chairman Martin mentioned a full discussion on the Tobacco Settlement was held at the March meeting for CCI.
Shelly gave statistics from the Centers of Disease Control who identified substance abuse as the nation's #1 health problem. Additionally, the State of Colorado's Alcohol and Drug Abuse Division found the triangle from Vail to Grand Junction to Aspen as having the highest rates of substance abuse in the state. Even more locally, the Four Rivers Community Health Assessment also identified alcoholism, tobacco use and drug abuse as priority issues in the Roaring Fork Valley. It is estimated that 60% of youth between the ages of 11 - 17 smoke.
Mary Meisner commented that Public Health will be the pass through agency for the Tobacco Settlement Funds and it will require that she attend a lot of meetings in Denver. Shelly will be the mentor and Mary said some of the Public Health staff are interested. Part of Mary's job is to make sure all the communities are involved. There will be a Coalition of Community Members building on the structure already developed by Shelly. There is a need to have someone involved from Rifle and Parachute.
Shelly stated the initial funds over the next 14 months are specified to do the Needs Assessment and to meet other requirements that are attached. The Master Supplement dollars will be coming into Public Health and a full time staff person will be needed to work with those hired in the Valley Partnership Program. She added that Public Health needs to be the gatekeepers of the grant.
Mary stated the $350,000 for Garfield County from the Tobacco Settlement will help build the Infrastructure in Garfield County.
In other programs - Mary reported that the Handicap Children's Program (HCP) Program received a grant of $1,600 to provide for the clinic. They also received a Laptop Computer from the Department of Health and also some Bio-Terriorism Funds they applied for.
Mary reported that the Dental Program is doing well.
On an Agency Wide Profile - Mary said they were looking at each program and did a schematic flowchart that has proved to be a tool for the staff. The gray areas indicated the areas that they are working on in Public Health. In relation to the flowchart there are some things that can not be changed such as the WIC program.

HEALTHY BEGINNINGS

Lisa Pavislick gave her report that included the statistics: 19 deliveries this month and expect another 10. They have 58 enrollees since January 1, 2001; 46 postpartum; and 141 active prenatal patients.

Community Service Block Grant (CSBG)

The grant is for $34,830 and they should receive it by April 2, 2001. The National Goal is for 6% of low income people, especially vulnerable populations achieve their potential by strengthening family and other supportive systems.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to go into the Board of Health; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the Community Service Block Grant for $34,830; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to go into the Board of Social Services; carried.

SOCIAL SERVICES

Margaret Long, Colette Barksdale and Janice George were present.

Memorandum of Understanding (MOU) for Colorado Works Program and Colorado Child Care Assistance Program

Margaret presented the MOU for the state fiscal year 01-02 adding that it is the same as last year's. It has been reviewed by County Attorney Don DeFord and he recommended approval.
This MOU fulfills the statutory requirement of CRS 26-2-715 for an annual performance contract between a county or a group of counties and the Department of Human Services. This year's MOU refers to required federal participation rates. Colorado must meet the following participation rates for calendar year 2001 in order to avoid federal penalties: 90% for two-parent families and 45% (Jan-Sept) and 50% (Oct-Dec) for all families. The Garfield County Board of County Commissioners are entitled to set higher rates. If lower rates are set, the need would then be to negotiate with another county or counties for them to set higher rates in order to make up the difference.

Caseload and Other Reports

Recap of Child Support Collections

Through February 2001 - $261,337.76 Garfield and $16,457.87 Pitkin

Report of Placement Type for Child Welfare

11 - Foster Homes; 21 - Child Placement Agency Foster Home; 3 - Out of State Foster Home; 4 - Independent Living; 13 - Residential Treatment Center; 1 - Relative Placement for a total of 57 Placements

Breakdown of Referrals/Investigations in to the Program Areas

Rifle: 32 Referrals and 15 Investigated; Glenwood: 22 Referrals and 12 Investigated.

For a total for Families - 54 Referrals and 27 - Investigated. The number of children this involved was 99 Referrals and 49 Investigated.

Out of Home Placements Graph from 1994 through 2004 - clearly depicting the ups and down trends of the number of placement

- Caseload Statistic Reports through February 2001
  - -- Aid to Needy Disabled - 344
  - -- Colorado Works - 1092
  - -- Old Age Pension - 362
  - -- Food Assistance $84,253 for 502 Cases

Child Care Expenditures and Statistic Report

-- Payment to 151
-- Cases - 78
-- Total Children - 132

Discussion Item :TANF TRANSPORTATION

Margaret commented that Janice George is exploring how the county might develop and run such a resource as TANF transportation.
Janice explained her efforts by first of all stating that this item was postponed from last month's agenda; and that today she wanted to present the TANF Transportation and a preliminary discussion. She has spoken to Don DeFord, regarding insurance, and it is evident that the client will need to purchase their own insurance. The County car pool insurance policy would cover the time the car is not being used by another TANF participant. The following information is in the original executive summary. With limited public transportation in our county, getting to work sites and schools continues to be one of the major barriers for some of our TANF clients. We do provide a conservative mileage reimbursement to clients who own their own vehicles or to pay others who transport them. On occasion the department pays for car repairs; and less frequently when a client has progressed well, the department assists in the purchase of a used car. The gap that isn't filled is for a client whose car has broken down and who needs a loaner or for the client who does not have a car and is not far along enough in her/his program for the department to invest TANF funds in purchasing a car.
One solution is to create a mimi TANF motor pool with one or two cars. The cars could be one or two of the county cars that have high mileage but are still running well. It would be nice if we could find another agency to run this mini motor pool, but we have not found one.
Janice explained that in the area of resource information for the insurance that she was running into regarding coming up with an appropriate plan.
Commissioner McCown mentioned the problem Janice would run into with regard to the insurance regarding County owned vehicles.
Janice said she will continue to work on this issue and keep the Commissioners posted with updates.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to come out of the Board of Social Services; carried.

CONTRACTS REVIEW & SIGNATURES

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the MOU for Colorado Works Program; carried.

DISCUSSION: SAND AND GRAVEL RESOURCES IN GARFIELD COUNTY

Mark Bean, Randy Russell, Glenn Harsh and Bill Roberts -Western Slope Aggregates, Doug Grant - Grant Brothers LLC; Dick Stephenson - Roaring Fork Sand and Gravel; Fred Frei - Flag Sand and Gravel; Aggregate; Steven Korn - Lafarge Sand and Gravel; and Dick Casey - Casey Concrete.
Chairman Martin mentioned this is a nonspecific discussion and a fact finding discussion and not related to one specific gravel pit or application for a gravel pit special use permit.
Commissioner McCown took responsibility for the meeting today saying in fact that the County has the aggregate resources. The Commissioners need to know how much is there and for the benefits of pit owners/operators and County, the County must come up with a plan for reviewing gravel extraction permit requests. The public does not want to see these plants but they are needed. Therefore, today's discussion is just a conversation as to what we can all live with.
Chairman Martin stated the Comprehensive Plan identifies the location of the gravel resources.
Various gravel pit owners and operator/managers gave input into the resources including potential locations, the amounts available within their current permits, future plans and some recommendations for the County Resource Management Guide.

Commissioner McCown mentioned there is not a black and white remedy but agreed with comments made by Glenn Harsh that we need to identify the resources.
Chairman Martin mentioned a review process will be developed and these gentlemen would be re-contacted.

Adjourn

A motion was made by Commissioner McCown seconded by Chairman Martin who stepped down as Chair to adjourn; carried.

Attest: Chairman of the Board

APRIL 2, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 2, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

ASSISTANT COUNTY MANAGER'S UPDATE

Jesse Smith gave administration's update that included the following:

a. Employee of the Month - Roseanne Shelton - Social Services

Roseanne has worked with the department for three years in the administrative department working with accounts payable and service representative for the "quest card" - client assistance program. Her coworkers comment: "terrific sense of humor" - "diligent worker" - "she's my mentor."

b. Hardwick Bridge Parking Area: Road and Bridge and Division of Wildlife

Tom Russell and the Division of Wildlife representative Pat Tucker presented the parking area improvements that focuses on improved safety and a reduction of congestion.
The Division of Wildlife will provide current survey and property owner permission including lease information- Road and Bridge will provide materials and labor to build improvements.
Tom stated that as far as the safety issue - the recreational and sportsmen cross CR 154 to access boat ramp and fishing - a concern; plus, overcrowded and undefined parking results in “double parking” and a blocked boat ramp access.
Tom discussed the following options:
Prohibit parking on the Northeast side of CR 154
Widen Southwest shoulder of CR 154 to allow for additional parking. Approximately 10 spaces
Widen and delineate existing parking area to control parking. Approximately 8 spaces.
Improve road to ramp area and slightly enlarge.
Improve overflow parking area on Northwest side of bridge. Approximately 5 spaces
Widen Southeast side of CR 109 and build path over old bridge. Approximately 10 spaces.

Recommendation

- Review cost estimate
- Fill material can be obtained from Cattle Creek - Construction site
- Estimate does not include labor or equipment costs.
- Address areas 1 - 5 as shown on the map

Pat Tucker, from the Division of Wildlife, said there is a lease in place at the boat ramp; he is currently working with the landowners to ensure that the lease remains in place.
The Commissioners commented that they were willing to proceed and asked Tom Russell to work with the Sheriff on parking control.
Sheriff Tom Dalessandri was in the audience and verbally agreed to monitor the parking and enforce the terms.

c. Sign (Highway Users) HUTF Agreement

Tom Russell handed out the Colorado Department of Transportation Highway Users Report for Garfield County showing: 396.20 miles of arterial roads; 333.84 miles of local roads ; 730.04 total miles of HUT eligible roads; 216.48 total miles of non HUT eligible roads; and 11.79 miles of non maintained roads.

Tom said that this mileage, plus changes made during calendar year 2000, were with respect to widening roads, but no addition of miles - these are the certified totals as of December 31, 2000.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the HUTF report with maps as submitted by Tom Russell and authorize the entire Board of Commissioners to sign; carried.

d. (1) Sign Division of Parole Contracts

Guy Meyer and Dale Hancock.
ISPS - $8,000 and Urine Screens $3,000.
Guy stated there was an increase in the dollar amount for these services in the contracts.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Parole Contracts and Urine Screens as presented and authorize the Chair to sign; carried.

(2) Update on the Grant - Workenders and Pretrial Officer Position

Division of Criminal Justice approved the Workenders Program but the anticipated funds for the Pretrial Officer were denied; the State commented that it is a local issue.
Chairman Martin said that Guy wants to know, after the Workshop on Friday and Saturday - April 6 - 7; if a decision needs to be made by the Board as to County support to implement this new program.

(3) Bureau of Reclamation

Guy Meyer reported on cracks discovered at the Dam at Rifle Gap. There was a sinkhole and that the they filled it in. However, they discovered several cracks in the Dam that are above the water line. At this point they haven't determined if they will fill the cracks in the Dam or not and are waiting until they complete their investigation. There is no danger to the public.

e. Landfill Discussion: Additional Screens for Screener - Informational Item

Tom Russell talked to Randy Russell of Building and Planning and Toni Penton - Fairground Manager regarding the screen. The smallest screen is 1/4" and it is too large. Tom said he will get with Randy and Toni and continue working on this.

f. Award Bid for Airport Slurry Sealing - Ramp Apron Area

Jesse Smith and Tim Arnett present.
Tim Arnett submitted the award competitive bid from Asphalt Specialists and Supply, Inc. for slurry sealing the ramp apron area at a total cost of $32,294.00. Tim reported that Ken Maenpa said there was $41,000 in the Airport Budget that includes the State grant. This was the only bid.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid for Airport Slurry Sealing to Asphalt Specialists for $32,294.00; carried.

g. Award Competitive Bid for Winter Road Sand Supply Contract

Tim Arnett and Tom Russell presented the bid results for sanding material. This is a budgeted expense. Roaring Fork Sand & Gravel was the lowest bidder - $42,000 - this is for next winters sanding material.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid to Roaring Fork Sand & Gravel for $42,000 for the sanding material to be used the winter season 2001 - 2002; carried.

h. Assistance Dogs of the Rockies (A.D.R.) Fee Waiver Request

Jesse submitted a request from the Assistance Dogs of the Rockies, Leslie Simmons, to use the Events Center at the Fairground. This is an organization founded by Leslie Simmons to teach teens to train service dogs for the disabled. They have requested the No Fee Waiver, use of a key, and is it permissible to charge for admission.

Commissioner McCown stated he was opposed to waving fees because once you start, others will expect the same; also he would not agree to a key being released; but said it would be okay charging fees for the proposed low cost spay/neuter/microchip clinics once or twice a year to raise funds.
Commissioner Stowe agreed with Commissioner McCown.
Direction of the Board to Staff
The direction of the Board is that there will be no fee waivers at the Fairgrounds (only a few exceptions) and no key to the Events Center will be allowed to be checked out.

i. Motor Pool Cars - Discussion

Jesse Smith submitted a list of Sheriff's vehicles and their proposed disposition consisting of (6)- 1997 Crown Vic's; (2) 1997 Ford Explorers; (1) 1996 Ford Explorer; (1) 1993 Blazer; (1) - 1963 Blazer; (2) 1995 Taurus; (1) 1995 Crown Vic; (1) - 1996 Explorer; and (1) 1997 Geo.
The Geo is to be transferred to Social Services, if the Commissioners approve.
Tom stated that these cars were purchased out of the Sheriff's budget and needs to be reflected as an asset. The 2001 budget $24,000 included to be recovered from the sale of these vehicles. If these are sold at a lesser amount, it will affect their revenue. The Geo is now to be reassigned to Social Services, the Sheriff wants to note the transfer of assets/revenue from his budget corresponding the shortage of revenue.
Additionally, Parachute recently approached the Sheriff to inquire if they can purchase two Crown Vic's as is with all attached lights and special equipment. New Castle has in the past requested a donation of a Crown Vic or purchase at a minimal price as well. Tom stated that he is not opposed to the transfer or the minimal sales price to the other towns.
Jesse highlighted the remaining cars that are not part of the Motor Pool Fleet.
Mildred Alsdorf stated that when these items are transferred within the County, they will stay with the County as far as registration is concerned.
Sheriff Dalessandri again reminded the Board of the Revenue lost and stated that it needs to be documented.
Social Services will use the Geo for in-town transport.
The Sheriff and the Board did not have any objections to the proposed disposition of the vehicles as discussed. Staff was to proceed.

j. Award Bid for Purchase of a 80 HP Tractor with Boom Type Mower for Road and Bridge Department and a Flex Wing Mower for Garfield County Airport

Tom Russell and Tim Arnett submitted the Award Bid for the purchase of the Flex Wing Mower for the Airport saying it is exactly like the one purchased in 2000 for $13,800.
The mower will be used by both the Airport and Road and Bridge.
The 80 HP Tractor from Western Implements is a cost of $66,231.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to purchase from Western Implement the Ford New Holland TS-100 tractor with Boon Type Mower for Road and Bridge Department for the total of $66,231 and from Berthod Motors for the John Deer 6310 and 20-18 flex mower for $13,300. Motion carried.

l. Magnesium Chloride Contract Changes

Jesse mentioned that a previous first bid went out for 70,000 gallons of mag chloride - it should have been for 700,000 gallons - Jesse mentioned they would like to keep the lowest bidder but increase the contract to 700,000 gallons.
Tom Russell stated it is critical to have the mag chloride and to go out to bid again would place the department in a serious time constraint. He also stated that the bid was on a per gallon price.
Jesse stated this will change the expenditure to $172,060. The low bidder was Harry's Heavy Haulers. There is adequate funds for this project.
Commissioner McCown moved to change the amount and change the expenditure as provided by Jesse Smith and Tom Russell; Commissioner Stowe seconded; carried.

m. 'Month of the Young Child' - Proclamation

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair to sign the Proclamation designating April as the "Month of the Young Child in Garfield County." Motion carried.

n. Division of Wildlife Impact Assistance Grant Application

Jesse distributed the Division of Wildlife Impact Assistance Grant form and stated it requires signatures of all three Commissioners. The total amount requested is $8,912.45.
Commissioner McCown made a motion to approve the impact assistance grant application for the Division of Wildlife and authorize the signatures of the three Commissioners; Commissioner Stowe seconded; carried.

p. Space Requirements

Jesse Smith and Dale Hancock worked together on the space requirements for the County Departments and presented the results of the study.

Jesse explained the problem with Healthy Beginnings, Public Health, Facilities Management and Community Corrections with respect to space issues. Healthy Beginnings will not be moving to the Glenwood Medical Clinic Building as formerly planned.
The study was discussed and Jesse made a recommendation to approve Option 2 that includes: Social Services to be moved from the Mountain View Building to the new Colorado Plaza Building, for a cost of $98,600; to move Public Health and Healthy Beginnings from the Courthouse to the Mountain View Building. This would be great for Public Health and Healthy Beginnings as they would be next to the hospital and doctors. The dollar amounts submitted for this Option No. 2 could be done without additional impact on the budget. The total would be $174,607. Jesse stated there was 104 spaces for parking at the Colorado Plaza Building.
Dale mentioned the time constraint of April 15th.
The Commissioners wanted time to review the proposal and postponed any action until the next meeting - April 9.

Long Term Leases with Renewal Options - Non-Binding

Don provided the legality of the County in obligating future Boards for leases longer than one year - it would be a one year lease from the time the lease is signed; however they could indicated the intent of a long-term plan.
Discussion was continued on the potential of the lease amount escalating in the years to come.
The Commissioners felt this was a great opportunity and they were in agreement to move forward. The staff was so notified to proceed.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update as follows:

a. Referral of Affordable Housing Proposed Zone District Text Amendments to Planning Commission

Mark Bean and Jim Leuthueser have been working with Tom Beard, Larry Green and a few other interested persons to clarify the process that will be used to make the Coryell Ranch Affordable Housing Units available to qualified individuals. The “waiting list” identified in the existing regulations was not going to be considered a fair process. Some suggested revisions to Section 4.14 and 5.10 of the Garfield County Zoning Resolution, to create a “lottery” process for qualified individuals to participate.
Coryell Ranch affordable housing units will probably be available in the middle of June; Mark and Jim are suggesting an expedited process to make these revisions. By this memo, staff is requesting that the Board refer proposed amendments to the Planning Commission for their April 25th meeting. We would also publish for a public hearing before the Board, at the May 7th BOCC meeting. If all goes well, the Housing Authority could start to advertise in the beginning of May for qualified applicants and the lottery could occur very close to the time the units come available.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer the Affordable Housing Regulation Revisions to the Planning Commission; carried.

EXECUTIVE SESSION - County Attorney - Litigation - Update - Personnel

Don DeFord requested the Board go into an Executive Session to discuss litigation, update on legal issues and personnel issues. He requested that Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf remain for the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

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

Action and Direction

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize retention of special counsel for the Board of County Commissioners and Administration - County Manager and Assistant County Manager; carried.

COMMISSIONER REPORT

Commissioner McCown - April 10 - 6 p.m. for Western Slope Gravel Pit and Associated Government this week.
Commissioner Stowe - Personnel Meeting at 9 a.m. this Wednesday. Thursday - Colorado Options for Long-term Care - Telephone Conference at 10:30 a.m., Rural Resort - Wednesday.
Chairman Martin Correctional Workshop in Grand Junction this weekend. Fixed Guideway last week and Jesse and he met with the Library Board regarding Computers.

- ***Nonpolitical Information Forum on Activity with US Forest Service, BLM, Environment Group on Wilderness Areas***

Chairman Martin submitted a request for the Board to consider supporting an Information Forum with BLM, Forest Service and the Environment Group on Wilderness. He suggested the date is May 16th from 4 p.m. to 7:00 p.m. adding that there needs to be clarification to the public and the press on these important issues; in the past Garfield County has been accused of being anti-environmental and preservation of the land. Yet, Garfield County has more land dedicated to Conservation Easements than any other surrounding County. Chairman Martin commented that the purpose of this Forum will be to demonstrate to the public how the three entities work together with Garfield County. The suggested agenda will be to have BLM, Forest Service and the Environment Group on Wilderness Issues to have one (1) hour to present, following with the County response and public input.

CONSENT AGENDA

a. Approve Bills and Payroll
b. Liquor License Renewal: Fairway Cafe
c. Sign Resolution and Special Use Permit: Communication Tower NTCH Colorado (S15, T6S, R94W)
d. Sign Resolution and Special Use Permit: Communication Tower NTCH Colorado (S31, T5S, R90W)
e. Sign Plat Map: High Aspen Ranch SB-35 Exemption
f. Approve 120-Day Extension of Prehm Ranch SB-35 Exemption Approval
g. Sign Special Use Permit for Glenwood Springs Gun Club
h. Sign Amended Plat: Los Amigos (Elk Springs) Filing 6
j. Sign Partial Release of Subdivision Improvements: St. Finnbar Subdivision

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - j; carried.

REGULAR AGENDA

Assessor - Abatements
Deputy Assessor Shannon Hurst presented the Abatements and explanations.

- ***Trails & Rails West, LLC***

  The subject property was valued in excess of its true actual value when compared to comparable properties, therefore, an abatement of the excess valuation and taxes is appropriate.

- ***Andrew W. Taylor & Linda A. Holloran***

  This property was subdivided in November of 2000. The new parcels were not on the Assessor's records at the time the tax roll was done. New schedules were issued. This does not constitute a money exchange.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Abatements for Trails and Rails West, LLC. for $2,972.41 and Andrew W. Taylor and Linda A. Halloran for $1912.00; carried.

Special District - Spring Valley Special District

Mildred Alsdorf presented the Commissioners with the Spring Valley Special District Plan and stated the Board will need to make a motion for this to go to the Planning Commission.

A motion was made by Commissioner Stowe to refer this to the Planning Commission; Commissioner McCown seconded; carried.

- ***Four Mile Ranch Continuation of Public Hearing - Held on March 12, 2001***

Tom Roberts from Mid First Bank and Joselyn Woods from Leavenworth & Karp representing for the Developer.

Don DeFord stated this issue was continued from March 6, 2001. Don said he now has the Letter of Credit for $576,000 from MidFirst Bank. The position of the developer is that they have presented the plan to complete the project and are ready to pay the contractors who are owed. Leavenworth & Karp worked out an agreement which insures the payment of past creditors - $473,000 and the remaining funds will be held by the County to insure the completion of the remainder of work. Don stated that time frames for completion of the project begin again as soon as the Commissioners approve the transaction making the 30th of June, 2001 the deadline - the SIA will need to be amended to reflect this new date.
Joselyn Woods submitted the list of creditors and the amounts due and payable from the Trust account on behalf of Four Mile Ranch Development Company:

Independent Trucking	$181,573.10
A-1 Traffic Control	33,815.44
Survco	6,090.00
Frontier Paving	69,933.14
High Country Engineering	12,676.02
Reams Construction	2,000.00
Hepworth Pawlak Geotech.	2,697.20
G & S Landscaping	38,500.00
Dodson Engineering Products	755.52
Total	***$348,040.42***

Public Input:
Bill Rizzozo, owner of Independent Trucking, very firmly and clearly stated how he was fed up with the fact that the check promised was in a status of "never coming." He insisted that he get his money for work completed and did not want any further delays. He stated that his men are disappearing and his credit is in shambles.
Calvin Lee, Attorney for Bill Rizzozo insisted that something had to be done very quickly to end this matter.
Bill submitted an additional amount owed of $4,000 in interest and attorney's fees.
Charley - Frontier Paving - said he would like to see the subcontractors have checks in hand and did not feel there wasn't any need for an additional ten days for the developer to be holding up their payments for ten days while paperwork was in the process. April 10 is the drop-dead date for him to have his funds - $69,933.14.
Jan Giardot of A-1 Traffic Control - said it was a bad winter; a lot of the subcontractors have had problems with their banks due to the nonpayment of funds owed. She added that she was also losing staff and equipment. She would like a clearer track kept of these developers as far as payment to subcontractors. She suggested that the Commissioners need to tighten up their rules and the Board could have handled this situation a lot better. Better coordination is needed. A-1 will also work with the County. Traffic Control is a safety issue and 4-Mile is a very heavily traveled road. The last meeting with the Developers and the County drew an ultimatum to either pay the creditors and complete the project *or* the plat would be rescinded. She commented that we don't need this type of financial situation in our community. When money runs out, the providers need to stop work.
Tom Roberts said he would contact the bank officials to get some answers as to whether the County could wire transfer funds to Leavenworth & Karp from the security deposit.

Continued from 11:00 A.M.
Don DeFord stated this was a Continued Public Hearing for the Four Mile Ranch Subdivision with respect to a Letter of Intent that provides for the negotiation and execution of an Agreements.
The following is what was agreed to by the County Commissioners, Leavenworth & Tester, Tom Roberts representing MidFirst Bank and the creditors who were present.

Don explained that it would be an agreement between the lender - MidFirst and the Developer - Four Mile Ranch to allow the Garfield County Treasurer to disperse funds to Leavenworth & Karp Trust Account in the amount needed to cover the creditors including interest, but no attorney's fees, from the MidFirst Letter of Credit via wire transfer of $473,000 to be made Tuesday, April 3, 2001. A confirmation number to be given to Leavenworth & Karp in order to disbursement payment to the creditors.
The County will maintain a Recorded Restriction on the sale of lots in the Four Mile Subdivision in compliance with the Subdivision Improvement Agreement. Garfield County will place a new discussion topic for the Four Mile Ranch on April 16, 2001 at 3:00 P.M. at that time a construction schedule is to be presented by the Developer to the Board that will ensure timely completion of the project.
A motion was so moved by Commissioner McCown and seconded by Commissioner Stowe; carried.

Executive Session - Personnel Issue

Don DeFord mentioned that he did not complete the Executive Session and requested to go into another session. He requested that County Manager Jesse Smith, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf remain for the discussion.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

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

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS/PUBLIC MEETINGS:
REQUEST FOR APPROVAL TO BRING STRONG LUMBER SPECIAL USE PERMIT DIRECTLY TO THE BOARD ON MAY 7, 2001

Planner Greg Butler presented the request and stated the Building & Planning Staff is recommending this to be heard by the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request to hear the Special Use Permit on May 7, 2001 for Strong Lumber Special Use Permit. Motion carried.

Calvin Lee later requested changing the date to May 14, 2001 at 1:15 p.m.
The Board agreed.

<u>PUBLIC MEETINGS</u>

REQUEST FOR APPROVAL FOR AMENDMENT TO SUBDIVISION EXEMPTION: HARRIMAN SUBDIVISION EXEMPTION - MF WILENTA, INC.- CHIARELLI

Mark Bean, Don DeFord, and Sherry Coloia for the applicant were present.
Don reviewed the applicant's submittals for notification and publication and stated they were timely and the Board could proceed.
Mark stated this is a request for approval for an amendment to Subdivision Exemption - Harriman Subdivision Exemption for MF Wilenta, Inc.
This is an amendment to an Exemption from the Definition of Subdivision for Eugene & Michele Chiarelli & Chiarelli LLC and MF Wilenta, Inc. on a 35+/- tract of land located at 1030 CR 102, Carbondale.
Mark reviewed the Project Information and staff report, description of the proposal, major issues and concerns, suggested findings and recommendation.
Recommendation:

- That all representations of the applicant, either within the application or stated in 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 easements for setbacks, drainage, irrigation, access or utilities.
- 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 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. sew., 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 all exterior lighting will 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 driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."
"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."
"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Sherry Coloia stated, there is a well sharing agreement and added this request is to simply move the boundaries.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for an amendment to an Exemption from the Definition of Subdivision for Chiarelli and Wilenta at address 1030 CR 102, Carbondale with the 3 recommendations made by staff; carried.

PUBLIC HEARINGS

REQUEST FOR APPROVAL FOR A CONDITIONAL USE PERMIT AND A SPECIAL USE PERMIT FOR TIMBER HARVEST. LOCATED: 13098 CR 204, APPROXIMATELY 20 MILES NORTHWEST OF DEBEQUE IN THE CARR CREEK AREA. APPLICANT: ALTENBERN & SONS

Kit Lyon, Don DeFord, Jim Leuthueser, and Kelly Rogers of the State Forest Service for the applicants were present.

Jim questioned the applicant regarding the timeliness of Public Notification and Landowners as shown on the Assessor's Records.

Kelly Rogers stated that the request is for only one parcel. Jim indicated that the logging would only be allowed on the noticed property. Kelly stated the notification was to all public land owners and adjacent property owners.

The information satisfied the regulations and Jim advised the Commissioners that they were entitled to proceed.

Chairman Martin swore in the Speakers.

Kit presented the following Exhibits for the record:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Regulation of 1978 as amended; Exhibit D - Project Information and Staff Comments; and Exhibit E - Application Materials.

Chairman Martin entered Exhibits A - E into the record.

Kit reviewed the project information and staff comments highlighting the site description, description of the proposal, major issues and concerns, suggested findings and recommendation.

Recommendation

Staff recommends Approval of the application for a conditional and special use permit with the following conditions on each permit:

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

a) Dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of the trucks, shall be reduced as necessary.

b) The appearance of a mature, high forest will be maintained.

c) Slopes of 50+% slopes shall be harvested with helicopters.

d) 5,000 to 10,000 tons will be harvested using selective cutting.

e) The existing Carr Creek bridge crossing will be upgraded to handle haul loads and haul roads on private lands will be improved or construction to minimum haul standards.

f) Intermittent drainage shall be crossed at right angles, with 18" steel or ADS culverts placed on a 2-4% grade, covered with at least 1" of dirt, and provided with a rock apron for spillage.

g) Landing slash will be burned during favorable conditions, with the proper permits. Burn areas and skid trails will be disked and re-seeded. Culverts will be placed to prevent erosion along abandoned roads. Cut/fill slopes will be stabilized. Noxious weeds will be monitored and treated.

h) Subsequent sales will obtain the appropriate new or expanded permits.

i) All operations will cease during spring run-off (typically March-May) and during big game hunting season (October to November).

j) Chain saws shall be equipped with spark arrestors and all motorized equipment shall carry at least one shovel and one fire extinguisher

That roads shall be maintained adequately. The applicant shall work with the Garfield County Road and Bridge Department to create a road maintenance apportionment. Said agreement must be approved by the Board of County Commissioners prior to issuance of any conditional or special use permit;

That a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance any conditional or special use permits. The approved program shall be implemented on both County (specifically CR 204 and CR 207) and private roads;

That all timber hauling on County Roads shall occur Monday through Friday, between the hours of 6 a.m. to 6 p.m., shall not exceed 10 loads per day, and shall be within legal weight limits. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m. Monday through Friday.

That the forest management practices will be monitored for compliance with the Douglas Fir timber harvesting plans by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.

That a bond of $100,000.00 will be placed with Garfield County to be used for the repair of CR 204 and CR 207 due to damage attributable to the applicant's activities, for mitigation of impacts, for implementing rehabilitation of the site, and for controlling noxious weeds. The bond shall be valid for the period of time that the applicant is actively logging on their property. The $100,000.00 bond shall be issued solely for the Altenbern project, and not cover any other operations;

That the Special and Conditional Use Permits are subject to review of r compliance or noncompliance with the timber harvest plans and the conditions placed on the permits. The applicant will be required to submit a report one year from the date of issuance of the special and conditional use permits 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 suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.

That this conditional approval shall be valid until 4/2/02. If the applicant fails to meet the conditions by 4/02/02, and subsequently revoked, unless an extension is granted by the Bard of County Commissioners.

That the volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes at the time the application was filed (5/12/00).

That the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.

That emissions of smoke and particulate matter shall comply with all Federal, State and County air quality laws, regulations and standards.

That the following shall not be emitted; heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be required by law as safety or air pollution control measures shall be exempted from the provision.

That the applicant shall comply with the BLM and Mesa County access permits, and shall obtain and comply with any other necessary permits.

Applicant Input

Doug Ferris spoke in favor of the applicant. They are trying to establish a specified species of Trout and have the perfect place to do so. He urged the Commissioners to do log bonds versus road bonds - all logging trucks have weight equipment on the truck. The road bond makes it difficult to the applicants. Log trucks are able to adjust the weight and comply with the road weight limits.

A decision was made to add Condition No. 14 - "That, due to a lack of public noticing, the conditional and special use permits do <u>not</u> cover the portion of the Altenbern property found in Sections 13, 14, 23, and 24, Range 100 west of 6th PM (a.k.a. 'Shale Mountain Fraction')."

Commissioner McCown clarified with the Kelly regarding the reintroduction of fir.

Kelly responded that they allow for a natural regeneration of fir. In this part of the country, summers have very dry climate and hard winters which makes it hard to depend on seedlings. This is one reason he has gone with partial cutting. This leaves enough of a seed bed for a natural regeneration to occur.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit and Conditional Use Permit at 13098 CR 204 in the area of Carr Creek and Brush Mountain, north of Parachute and DeBeque with all the recommendation of staff and adding No. 14 as previously included in the Conditions of Approval; carried.

REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT TO BUILD A RESORT. LOCATED: APPROXIMATELY 17 MILES WEST OF NEW CASTLE WITH ACCESS FROM CR 245 - BUFORD ROAD. APPLICANT: ANNE C. ROBINSON

Jim Leuthueser, Greg Butler and the son of Anne C. Robinson were present.

Jim questioned the applicant regarding the timeliness of Public Notification and Landowners as shown on the Assessor's Records. The information satisfied the regulations and Don advised the Commissioners that they were entitled to proceed.

Chairman Martin swore in the Speakers.

Greg Butler presented the following Exhibits for the record:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Staff Report and Project Information; and Exhibit E - Application and attachments.

Chairman Martin entered Exhibits A - E into the record.

Greg reviewed the project information and staff report covering the site location and purpose as proposed by applicant.

Recommendation:

Staff recommends approval of this proposal based on the above Suggested Findings and the following conditions:

That all representations of the applicant, either written, implied or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

The applicant will have the septic system designed by a registered, professional engineer.

This proposal is isolated and elevated and the activities associated for this proposal are strenuous in their nature, therefore the applicant should be prepared to deal with emergency situations as they arise and with the understanding that emergency response might be delayed.

Due to the remote location of this resort, the applicant is responsible for all emergencies that may arise by the use of this facility.

The applicant should work with the Burning Mountain Fire District to develop a fire-safe envelope around the cabin.

It is recommended that the applicant notify all users of this facility that cellular phone service might be the only way to contact the 911 system and they should have a cell phone on hand. This may save lives.

Mr. Robinson stated that he appreciated all the assistance of staff throughout this process. He has no problem with the conditions. Commissioner McCown asked about the road for emergency access and was satisfied with the applicant's response.

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

A motion was made by Commissioner Stowe and seconded by Commissioner to approve the Special Use Permit to build a resort off of CR 244 with recommendations of staff #1 - 7;

Discussion

Mr. Robinson made a correction that it wasn't CR 244 as shown on the agenda, it was Buford Road - CR 245.

Commissioner Stowe amended his motion to read CR 245. Commissioner McCown amended his second. Motion carried.

REQUEST FOR AN AMENDMENT TO THE ROARING FORK WATER & SANITATION DISTRICT SERVICE PLAN

Don DeFord, Mark Bean, Attorney Larry Green, and Louis Meyer were present.

Don questioned the applicant regarding the timeliness of Public Notification and Landowners as shown on the Assessor's Records. Don discussed the notice requirement with Blake Jordan and a discussion between Larry Green and Don, regarding the noticing of an Amended Service Plan, produced that this notice could be either before or after the amendment was approved. Therefore, part of Don's request to the Board is to ensure notification to the public of the action taken.

Larry Green stated he is not in disagreement with Blake Jordan and Don DeFord but mentioned the Statutes are vague and there is a gentlemen's disagreement as to legal notices, but they will abide by the "post-notification."

Don stated if the Board goes through with the hearing today, the motion should confirm that Larry Green would ensure the post-notification.

The information satisfied the regulations and Don advised the Commissioners that they were entitled to proceed.

Chairman Martin swore in the Speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application; and Exhibit C - Project Information and Staff Report.

Chairman Martin entered Exhibits A - C into the record.

Mark Bean explained the staff report that the Roaring Fork Water and Sanitation District is proposing to amend the existing district boundaries established in May of 1994, to address water and wastewater treatment needs of the Aspen Glen PUD. The District was required to be capable of providing regional wastewater treatment to the original development and two areas outside of the development. These two areas are identified as the Service Area and Extended Service Area. The Service area being the Crystal River Ranch, Coryell Ranch and the Burry Ranch. The Extended Service Area includes the Rose Ranch, Sanders Ranch and the CMC/Cattle Creek area along the Highway 82 corridor. Subsequent to the original District formation the Rose Ranch and Coryell Ranch have received approval of their PUD with sewer service to be provided by the Roaring Fork Water and Sanitation District. Each of these developments were also approved with their own water systems.

The original service plan required the District to amend the service plan to expand the water service beyond the original district boundaries to the Aspen Glen development. At the request of the developers of the

Coryell Ranch and Rose Ranch PUDs, the RFWSD is requesting an amendment to the District service plan to expand the water service to the Service Area and Expanded Service Area.

Mark stated for the record the County Clerk and Recorder, under CRS 32-1-101, et. seq. has 30 days after the service plan is filed, to deliver the service plan to the Planning Commission via the referral of the County Commissioners, for recommendation to the Board of County Commissioners.
The County Commissioners have to take one of the following actions:

- Approve, without condition or modification, the service plan
- Disapprove the service plan.
- Conditionally approve the service plan subject to additional information being submitted or the modification of the proposed service plan.

The Board of County Commissioners "shall disapprove the service plan if evidence satisfactory to the Board of each of the following is presented."

- There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.
- The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
- The proposed special district is capable of providing economically and sufficient service to the area within its proposed boundaries.
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Mark also included the fact that the Board could disapprove the plan is evidence satisfactory to the Board met any of the discretionary conditions as mentioned in the project information and staff comments.

Recommendation:
The Planning Commission recommended approval of the proposed service plan amendment provided the District develops a better overall system design to establish water line sizes and a method for smaller systems and other areas to be able to pay an assessment for engineering, legal water rights, and construction costs to provide water service.

Recommendation:
Mark said the Staff recommends approval of the amendment; it will provide water to properties around the CMC turnoff for property owners as well as other subdivisions as mentioned prior.

Larry Green mentioned the critical issue in this request is that no additional property is being added into the District; it is to enable the District to provide water and sewer to those properties without another remedy. The service area is not being expanded; it will merely add water to the already approved Sewer/Wastewater District.

Louis Meyer gave the Board a visionary explanation using the map to explain the new areas being proposed to provide water in this request for the amendment. Louis pointed out the sites where new storage tanks would be added and the possibility of a loop addition in the future. They have been meeting with the property owners within the CMC/Cattle Creek areas.
The water system being proposed in this Amendment provides better fire storage and fire flow, redundant water systems from individual wells, and from an administrative view it is better to have the water serviced by a District.
Louis additionally explained how the sewer system will tie into the water system as proposed.
Larry stated contingency plans to service some of the areas are being made by the CMC people in case the Roaring Fork Water and Sanitation District Service Plan amendment is not approved.
Mountain Meadows Mobile Home Park contacted the Roaring Fork Water and Sanitation District and acquired the names of others who were interested. There were 38 individuals that came to the meeting requesting service.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Roaring Fork Water and Sanitation District Amended Service Plan with the recommendations of staff and that of the Planning Commission. Additionally, Don's recommendation that the applicant's publish the notification of the Amended Service Plan under Section 32-1-207(3).
Motion carried.
Larry Green asked for a written Resolution of Approval.

REQUEST FOR APPROVAL OF AMENDMENT TO THE FINAL PLAT & PRELIMINARY PLAN & PARTIAL RELEASE OF SUBDIVISION IMPROVEMENT AGREEMENT OBLIGATIONS FOR CERISE RANCH. LOCATED: APPROXIMATELY 5 MILES EAST OF CARBONDALE OFF OF STATE HWY. 82. APPLICANT: WINTERGREEN HOMES
Mark Bean, Jim Leuthueser, Tim Thulson for Cerise Ranch, Jeffrey Spinel of Wintergreen Homes, Joe Hope and Dale Hope of High Country Engineering were present.
Jim questioned the applicant, Dale Hope about posting with respect to location and public notices. Jim was satisfied with the information advised the Commissioners that they were entitled to proceed.
Chairman Martin swore in the Speakers.
Mark Bean presented the following Exhibits for the record:
Exhibit A - Proof of Publication; Exhibit B - Returned Receipts and Exhibit C - Application.
Chairman Martin entered Exhibits A-C into the record.
Mark explained that he did not submit a written project information and staff report and verbally presented. He summarized that the applicant is requesting an technical minor action to the Preliminary Plan approval. As a result of starting the construction activity, they had to relocate the water tank that was originally approved for the development. As a result of that the location of the water plant required re-platting of the plat as well as the phasing which also resulted in the applicant's having to go through this public review process and also to amend the Subdivision Improvements Agreement (SIA). Mark said at the end of this he would request to amend the SIA and then the request for the partial release of security in place from the original plat which has been certified by Mr. Hope as being all completed and done according to plans and specifications as required by the present SIA.
Tim Thulson summarized that with the situation that prompted this request for an amendment saying where they were planning to locate the water tank was directly over the top of an old mine, which made the current site unacceptable, therefore they had to relocate the water tank to a new location. They are vacating the old easement and dedicating a new easement as well as an executed document for the SIA. These were presented to the Board.
Joe Hope explained the circumstances regarding the relocation of the water tank. Michael Erion has evaluated the new location and approved it. They are re-stabilizing the hillside and haven't decided just yet how to deal with the mine at this point. A letter has been sent to the State telling them where the mines was found and asking them for some input as to what to do with them.
Tim Thulson stated the way he drafted the SIA referenced is a blank but it would be the Resolution authorizing the Board to execute the SIA and approving the Preliminary Plan and Final Plat Amendment.
The question was brought up as the Homeowners Association and at what point do they become responsible, percentage wise, other than the developer - is there a percentage of homeowners that need to be present to switch that over from the developer to the actual body - is that in there?
Tim Thulson responded that at the present time, they are the Homeowner's Association and the Developer. Under the Colorado Common Interest Ownership Act they have various percentages when they have to put Homeowner representatives on the Board. He believes that to be at 50% and at 75% they have to delegate full control over to the Homeowner's Association.
Mark Bean clarified one other thing - the water system itself is turned over to the Homeowner's Association immediately upon platting.
Tim Thulson agreed this was correct and upon the filing of this quit claim deed.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
Mark suggested two motions: 1) to approve the amended SIA to the Cerise Ranch as proposed by Mr. Thulson.
A motion was so moved by Commissioner Stowe and seconded by Commissioner McCown.
Chairman Martin included the discussion (above) that cleared some questions of the Board

Motion carried.
Mark said the second motion 2) to authorize the Chairman to sign the partial release of Subdivision Improvements for the Cerise Ranch Subdivision per the original agreement.
Tim Thulson provided background. They had submitted an early reduction request in November 2000 due to deciding if they were going through all this update of cost they would rescind that previous request and make it at a later date - this is why it is a little larger.
Chairman Martin stated the estimate submitted by the Developer was $923,705.
Commissioner Stowe moved the Board release the Subdivision Improvement Funds as noted and requested for the Cerise Ranch. Commissioner McCown seconded the motion. Motion carried.
Final Plat
Mark said the Board doesn't have an amended plat so the mylar will be presented and at that time the Board will approve it.
Tim Thulson said they did everything with the quit claim deed rather than - in looking at the plat you'll see the old site and it will have a document following by quit claim deed that vacates that easement. He said they can add this into the new site even though they have a new easement for that site - into the Phase II plat - this would be the cleanest.
Mark mentioned that Commissioner McCown just brought up is that it probably would be appropriate for the Board to make a motion to approve the Amended Preliminary Plan, and Mark will draw up a Resolution to that effect.
Commissioner McCown so moved; Commissioner Stowe seconded the motion. Motion carried.

Cost of Living - Power Point Presentation

Jesse Smith presented the 2001 Cost of Living Study - Summary Report - executed by Northwest Colorado Council of Governments.
Northwest Council of Governments have conducted cost of living studies since 1991 in the mountain resort areas including Basalt, Frisco and Silverthorne. They approached Garfield County to participate with Eagle, Grand, Pitkin and Summit Counties regarding the a 2001 Cost of Living. Jesse said that Garfield County did opt to participate as one of the sponsors in the 2001 Cost of Living Study.
The reason for doing a cost of living study is to standardize the cost of services.
Standardized Profiles:

Profile #1 - Renter with two roommates
Profile #2 - Homeowner - Family of four
Profile #3 - Renter with one roommate
Profile #4 - Homeowner - Family of four

The 1998 studies were changed to what you would find within the Rural Resort Area; in 2001 more adjustments were made for a more accurate position. The study personalizes individual items and includes 5 counties. It is based on annual income and family size. Goods and Services includes 10 services.
The Cost of Living Studies are used to compare standardized costs at different locations. The results are used by employers to locate offices, compare and adjust salaries, provide housing allowances, adjust benefits, and analyze trends in different geographic locations.
Jesse prepared a Power Point Presentation to more fully demonstrate how this study ties into the County.

Four Mile Ranch - Continued Discussion Payment to SubContractors

Don DeFord, Leavenworth & Karp Attorney Joslyn Wood and Developer Peter Burgess were present.
Joslyn stated the Agreement between the Developer and MidFirst Bank establishing the most efficient manner to handle this is to have the County disburse to Leavenworth and Karp - the most recent figures due and owing in order for the law firm to pay the subcontractors.
The list includes:

Independent Trucking -	$181,573.10
A-1 Taffic Control -	$ 33,815.44
Survco -	$ 6,090.00
Frontier Paving -	$ 69,933.00
High County Engineering -	$ 12, 676.02
Reams Construction -	$ 2,000.00
Hepworth Pawlak Geotect -	$ 2,697.00
G & S Landscapting	$ 38,500.00

Dodson Engineered Products $	755.52
Total	**$348,040.42**

Restricted Sale of Lots
The Commissioner maintained the restrictive covenants.
Joselyn stated they would schedule this for the Board to release on April 16, 2001. They should have contracts with amounts and schedules for traffic control at that time.

Commissioner McCown summarized that today we need to approve the release of $348,040.42 from current security fund to Leavenworth's Trust Fund by the Treasurer to pay the contractors; the balance of that current fund that's being held in security by the County, would be transferred to the bank. Then on April 16th, a review will be held to ensure that everyone's paid and a construction schedule will be in place and a date of completion - June 31, 2001 is in fact practical.
A motion was made by Commissioner McCown to accept the letter of credit in the amount of $576,000.
Commissioner Stowe seconded.

Motion carried.

A motion was made by Commissioner McCown that the County release $348,040.42 from the existing securities that the Treasurer is holding to be released to Leavenworth to the trust fund to pay the subcontractors, the balance of the $473,040.00 would be released to the bank.
Commissioner Stowe seconded.
Garfield County did not get their bill submitted in time and it was not included today for payment.
Motion carried.

Don stated that a motion was needed to set the next hearing date for April 16, 2001 to consider release of the restrictive covenant prohibiting sales and discussion of a construction schedule.
Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

APRIL 9, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:30 A.M. on Monday, April 9, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, Assistant County Administration Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:30 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

- ***Resolution for Crime Victims' Rights Week***

Ed Green submitted the Resolution and explained how the Victim's Rights Discipline has had a powerful impact in educating our nation about the devastating effects of crime and victimization, and the need to provide support and services to individuals and communities hurt by crime.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution designating Crime Victims' Week in Garfield County from April 22 - 28, 2001 recognizing that the year 2001 marks the 25th anniversary of the Victim Impact Statement,; carried.

- ***Van for Social Services***

Margaret Long explained this van would be used in Garfield, Eagle, and Pitkin Counties. The van is part of the larger part of the Rural Resort. It will be used as a transport of toys, educational materials, and other supplies targeting child care homes for quality improvement. Some review of the providers as compared to the State Standards is also planned.
Margaret said the money was in the budget.
This will be paid by TANF money and since Garfield County is the fiscal manager for the Rural Resort Child Care Project, the Van would be owned by Garfield County.
Jesse said it would be purchased from Berthod Motors in the amount of $23,661.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for the purchase of a Van for Social Services from Berthod Motors in the amount of $23,661 to be paid for by TANF funds; carried.

- ***Designation of Representative to County Health Pool***

Each year CTSI request an appointment.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint County Administrator Ed Green as the representative to the County Health Pool and Human Resource Director Judy Osman to be the Alternate.

- ***Courthouse Security***

Rick Alary mentioned the Communications will be moving at the end of this month. He outlined the security systems that will be missing when the move is finalized April 15, 2001.
Rich stated he has contacted Apex Security to replace those necessary services and submitted a cost estimate. The 1st Year will be $5300; plus a yearly amount of $13,200 for monitoring. This includes - total fire alarm system, panic buttons, and elevators.
Rich said they will begin installing their equipment on the 17th; therefore the Courthouse will not have the security for two days.
The procedure established with Apex is to notify Courthouse Security Gary Sunderland by pager, City Police Department; and the department affected plus anyone else they requested additionally.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve Apex Security as the Security Monitoring and dispatch service at a cost of $5300 the first year; and $13,200 for monitoring and to begin April 17, 2001; carried.

- ***Henry Building - Security Issues***

Panic alarms will also be handled with Apex Security. The fire alarms will be installed in the construction and will go directly to the Fire Department.
Chairman Martin suggested the Board discuss the Rifle Police coverage issue with the City of Rifle. More discussion will need to be held on this.

COUNTY ATTORNEY'S UPDATE

Don DeFord requested an Executive Session.

EXECUTIVE SESSION - SHERIFF PREPARATION OF CONTROL - BIDS ON FURNITURE

Don requested the Sheriff and his staff involved in these purchases, Jesse Smith, the Board and Mildred Alsdorf remain for the session - he projected 30 minutes for the discussion.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to come out of Executive Session; carried.
Action:
Don DeFord stated in terms of the contract with Bob Johnson of Reilly Johnson to move forward on specifications cost estimation for furniture acquisition for the Jail, Don would like authority to amend his current contract to add an amount not to exceed $20,000 for preparation of those items.
Commissioner Stowe so moved. Commissioner McCown seconded.
Motion carried.
Don mentioned he will be coming back to the Board today regarding timing saying he will be striving to get this done within 30 days of today's date.

Travel Proposed Resolution for Authorization for Travel, Expense and Mileage Allowance
Don said he thought the Commissioners had the document and by way of explanation, there are a number of Statutory Provisions that not only permit, but require the Commissioners by Resolution to designate the amounts they will reimburse County employees and officers for mileage, travel expenses - he covered some of those in the first "For as" clauses - they are not unique to the Commissioners and the Sheriff - they cover all Elected Offices and Departments in the County. In reviewing some of the County's financial practices, much of this covered in the current financial guidelines that the County has in place now. What actually is not covered has been covered in practice through the Accounting Office, but the Administrative Office and the Attorney's Office think that it's time to have a Resolution in place that really codifies all of these items. What they anticipated, because for among other things, this isn't an agenda item - they will present this to the Commissioners today, see if the Board has any initial questions about it and then bring it back for further discussion at the next meeting and action at that time. Don added that this has not been circulated to other elected officials or department heads and suggested the Board do so before they take action.

Ed Green commented that some of the key aspects of this is that it limits the use of coach or economy class when traveling be it plane or a train, establishes a mechanism for dealing with lost receipts or situations where receipts were not received, allows for actual cost of meals for elected officials and managers, and it provides for payment of mileage in accordance with the IRS rates.
Chairman Martin asked the Board to put comments in writing and get them to the Administrator or the Attorney. Also, to distribute this Resolution - Draft for comments to the other elected officials. Comment will be expected by next Monday, April 16, 2001. This is an attempt to keep us all consistent, to assist in any kind of record keeping, and up-to-date information with regard to State Statutes, Federal Statutes, etc.
EXECUTIVE SESSION - PERSONNEL
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

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

Introduction - New Staff - Road and Bridge

Doug Thrall - new District 1 Foreman.

COMMISSIONER REPORT

Commissioner McCown - Luncheon Buffalo Valley - Older American Act - Associated Governments.
Commissioner Stowe - Wednesday 10 A.M. Colorado - Youth Council and Thursday, Healthy Beginnings Council - Associated Governments last Thursday - focus on Seniors and Growth Bill - SB-148 and how it will affect the County.
Chairman Martin - Fixed Guideway last week - cost - $1 million - to be a ballot issue in November; Lower Colorado River Trails at the City; met with Mr. Miller -Trail - West Glenwood to Glenwood Canyon - $4 million cost. Workshop on Criminal Justice Friday and Saturday April 6 and 7 in Grand Junction. Judge Ossola - meet April 10 at 1:30 funding, reviewing cases, needs within the Courthouse. BLM suggested to have an elected representative RAC and Public Lands Committee - needs to be an elected official. CTSI - Thursday. Colorado Works - CCI - 8:30 a.m. - April 18. Economic Development - 4/30 in Montrose.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution to Approve Special Use Permit for a Resort: Tri-J Ranch

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - b; carried.

REGULAR AGENDA - AIRPORT ISSUES

Ken Maenpa gave the report.

CDOT Aeronautics Division: Execute Grant Documents Pavement Maintenance Project $35,625

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Aeronautics Division - Grant Documents for the Pavement Maintenance Project in the amount of $35,625 and authorize the Chair to sign; carried.

Airport Status Update

Ken submitted the Airport Status Update

Fuel Sales

March 2001 - 110,000 gallons in jet fuel sales - $10,000
Last June 2000 - 30,000 less in fuel sales

New Business

Avitech - Aircraft Maintenance will be moving in next month.

Fire Truck

Ken said the Fire Truck is now up and running at the Airport.

Airport Master Plan Update

Runway

Ken submitted the engineered drawings with the six possible alternatives regarding the Workshop held at Rifle City Hall; representatives from City and County were included in the meeting. The issue of tackling the runway began. Some dollar cost estimates were submitted. It is a 90-10% split with the FAA. They are trying to improve the length of the runway and the grade. Several scenarios were given:

1) Alternative One

7,400 feet runway length and corrected runway grades at both ends. The estimate does address both ends of the runway - West En - 300' and the East End - 100'. - Preliminary Estimated Cost - $23,205,000.

2) Alternative Two

West End - 200’ and East End - 200’ - Preliminary Estimated Cost - $20,528,450.
3) Alternative Three
West End - 250’ and East End 150’ - Preliminary Estimated Cost $21,734,500.
4) Alternative Four
West End - 300’ and East End 100’ - Preliminary Estimated Cost - $18,628,000
5) Alternative Five
West End - 250’ and East End 150’ - Preliminary Estimated Cost $17,778,325
6) Alternative Six
West End - 200’ and East End 200’ - Preliminary Estimated Cost $16,427,750.
The different scenarios included retaining wall heights/base lengths; excavation cut and fill that attributed to the price variations.
Discussion was held.
Ken addressed the downward slope as a major factor in planes going off the runway.
Use of Capital Funds in the County
Ken stated the Division of Aeronautics is willing to help with the 10% needed by the County as the match for the Grant.
In response to the discussion, Ed Green submitted a cost analysis of the capital fund projections for the Commissioners to
The Glenwood and Silt Road and Bridge Facility were factored in based on the potential sales.
Ed said they had budgeted $900,000 from the County for the Airport Project. He summarized that even with the two major projects over the next 5 years, the County would still have a fund balance of $4,111,709 million in 2005 based on revenue projections.
Jesse said one piece of revenue is the soft money of $933,000 from capital funds; plus property tax - $1,886,531; and sales tax of $358,334 for a total of $3,178,059.
Ed mentioned this year’s budget included the Road and Bridge Fund to assume cost for the Cattle Creek Project and for Infrastructure on the Airport Site.

Bid Re-Award: Airport Wing Mower
Ken stated that on April 2, the Board of County Commissioners awarded Berthod Motors an award to provide a John Deere 20-18 Flex Mower for the Airport. A Purchase Order was sent to Berthod Motors April 2, which they refused to honor stating they want the whole package or none. Western Implement, the other bidder for this mower was contacted and they responded with a re-bid of $13,800.00 which was the low bid from Berthod Motors.
Staff recommended that the Board accept the re-bid on a Servis Rhino 20' Flex Mower from Western Implement.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the re-bid for the Airport John Deere 20-18 Flex Mower; carried.
Jesse stated he had a discussion with Berthod Motors who admitted they didn’t have the knowledge to bid on government equipment and were planning to meet with Western Implement to obtain a better understanding on bidding competitively.

RUEDI WATER AND POWER AUTHORITY UPDATE
Mark Fuller, Director Ruedi Water and Power Authority
The Ruedi Water and Power Authority is going through some changes. Therefore, this meeting is to provide the Board with an update on RWAPA’s recent activities and the pending revision of RWAPA’s Intergovernmental Agreement and funding structure.
RWAPA contracted for 200 acre feet of Ruedi water last year, thereby fulfilling the long-held goal of obtaining an ownership interest in Ruedi water. Also, over the past two years many of the issues surrounding Ruedi management have made significant progress towards resolution. A broad agreement was reached between the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the State of Colorado, and local and regional water users regarding water commitments to endangered fish species in the “15-Mile Reach” of the Colorado River near Grand Junction. This agreement limits future draws on Ruedi for endangered species and provides some certainty to future flows in the Frying pan and Ruedi Reservoir levels.
RWAPA will continue to work with the Bureau of Reclamation and other agencies on the status of the endangered species release agreement and other aspects of Ruedi management. The Bureau of Reclamation

is undertaking an Environmental Assessment of the release agreement, which RWAPA will need to monitor and review. At the same time, RWAPA have undertaken a number of new initiatives and projects. These include the following: 1) Education and Liaison; 2) Ruedi Futures Study; 3) 208 Plan Update; 4) Legislative Hot line & Web site; and Funding and IGA Revisions.
Mark stated he would be coming back with a request for budgeted funds from all the eight member jurisdictions that include: Aspen, Basalt, Carbondale, Eagle County, Garfield County, Glenwood Springs, Pitkin County, and Snowmass Village.
He said the cost increase would be requested to place in the budget in 2002 as a non-line item in the budget so it will have a spot for the 2003 budget. In 2003, there will be a cost increase translating to $3750 to each member jurisdiction.

EXECUTIVE SESSION - CONTRACT NEGOTIATIONS

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

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

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR APPROVAL: MAMM'S VIEW PRELIMINARY PLAT: LOCATED: APPROXIMATELY 1.5 MILES NORTHWEST OF SILT ON COUNTY ROAD 216. APPLICANT: D. BRACKETT & C. BESS

Greg Butler, Don DeFord, Attorney Tim Thulson, Joe Hope - High County Engineering, D. Backett and C. Bess were present.
Don DeFord reviewed the public notices and posting with the attorney for the applicant - Tim Thulson. He was satisfied with the answers given, stated they were timely and advised the Board they were entitled to proceed.
Pauline Rice on CR 216 stated the Board did not have a returned receipt from her as she has not picked it up.
Don DeFord stating he has proof of mailing too her and that meets the requirement.
Chairman Martin swore in the speakers.
Greg Butler submitted the following Exhibits: Exhibit A - Staff Report and Project Information including the Application and Attachments; Exhibit B - Returned Receipts; Exhibit C - Proof of Publication, Exhibit D - Subdivision Regulations; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Letter dated; Exhibit - Staff Report and Project Information; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Letter from Dale Nesbit; Exhibit G - Letter from Miller; Exhibit H - Letter from Don Shaw and Caroline Haas; Exhibit I - 2 Unsigned Letters from Concerned Citizens; Exhibit J - Letter from Mary Anderson with 50 signatures; Exhibit K - Editorial; Exhibit L - 2-Page Letter from Earl D. Keithley, Jr., Earl D. Keithley, III, Ruth V. Keithley and Sandy Keithley; and Exhibit M - Letter from Roger Schouten.
Chairman Martin entered Exhibits A - M into the record.

Greg Butler submitted the Staff Report and Comments that Jeff Laurien drafted prior to his departure. Jeff recommended that this application be denied based on the following:
The application does not comply with Sections 4:91(A) adequate water, 9:32 (road alignment). 1:21 (safety), 4:60 (access for proposed Lot 4); and 4:80 (D) drainage plan of the Subdivision Regulations.
However, in the past several weeks Planning Staff has been working closely with both the applicant on these concerns and the public for their opinions concerning this development. At this Staff has received several letters from the public.
The applicant has accomplished:
Water - The Division of Water Resources issued Well Permit Numbers 055203 and 055204 on January 19, 2001. Zancanella and Associates did a water augmentation plan concerning these wells.
Road Alignment - The Road and Bridge Department via a memorandum states that they have reviewed the Mamms View Preliminary Plan and all concerns have been addressed on the plan.

Access for Proposed Lot, Section 4:60 - The applicant responded on the frontage/access issue that this entire frontage/access is also a drainage easement. The drainage easement shown across the property is a proposed easement. The easement is being put in place to prevent construction within the natural drainage way through the property.

Drainage Plan for the Preliminary Plan, Section 4:80 - The Drainage Plan was prepared by an engineer registered in the State of Colorado showing modifications.

Recommendation:

Based on the modifications as explained above, Staff recommends Approval of the Mamms View Preliminary Plan application with the following conditions:

General

A. That all representations of the applicant, either written or stated at the hearing before the Planning Commission shall be considered conditions of approval.
B. That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended and Subdivision Regulations of 1984, as amended.
C. Each residential lot shall have a minimum of four off-street parking spaces.
D. The applicant shall adhere to the comments and recommendations detailed in the Geology Report they submitted as part of this application.
E. School fees in the amount of $200 per lot for a total of $6,000 will have to be paid as a condition of any Final Plat.
F. Alternate 1 of the building envelopes from Lot 1 shall be removed at time of Final Plat.
G. A dust control plan for the subdivision roads must be addressed in the HOA covenants. The HOA will be responsible for maintaining this dust control plan. The County will have the opportunity to review this dust control plan prior to Final Plat.
H. The applicant will address comments 1 - 6, excluding comment 4, from Garfield County Weed Management in a weed management plan. This weed management plan will be the responsibility of the HOA to implement and maintain.
I. The applicant will incorporate the suggestions from Colorado Department of Wildlife, as noted in their letter dated 10/10/2000 into the HOA covenants.
J. Provisions will be made to comply with all regulation pertinent to the A/R/RD zoning regulations

Water /Sewer

K. The applicant is trying to provide water through a central system served by three wells. Two of the wells are permitted and the third is being reapplied for in accordance with Division of Water Resources requirements to be considered a legal source of water. At the same time the applicant has a contract with West Divide Water Conservancy District for the purchase of 16.o acre feet of replacement water. At time of Final Plat this source of water and replacement water must be considered a physically adequate and legal source by the Division of Water Resources.
L. The Homeowners Association will be responsible for maintaining the water wells, which includes those Conditions of Approval for the individual wells, as determined by the Division of Water Resource so as not to cause material injury to water rights.
M. Water quality appears to exceed public drinking supply standards for some heavy metals, this shall be made known to potential residents prior to the sale of the property or residence.
N. The Homeowners Association will be responsible for testing, maintaining and if necessary removing each ISDS in this development. Testing will include, but not limited to, percolation tests and adherence to the geological reports and engineering comments submitted by the applicant as part of this development proposal.
O. If possible the applicant should place on the community wells, a water softening system or reverse osmosis system. If this is not possible, there shall be a Plat Note notifying potential property owners that the water is hard and a water softening system or reverse osmosis system is recommended.
P. The Homeowners Association for this development shall be responsible for periodic sampling and analyzing of the water wells to protect human health for this development.

Road and Bridge

Q. The applicant will obtain the appropriate driveway permits from Garfield County Road and Bridge.
R. Only lots 10 and 11 will have direct access to a County Road (Antonelli Lane - CR 216).

S. All access to the individual lots, where applicable will be limited to the internal subdivision roads and not the County Roads. This restriction shall also be placed in the Restrictive Covenants and as a Plat Note.
T. The applicant will comply with the vertical adjustments and alignments of County Road 216 as recommended by Garfield County Road and Bridge.
U. Per Road and Bridge recommendations, the applicant will provide for a sixty-foot wide right-of-way along CR 216.
V. The subdivision roads will be built to the Rural Access Road Standards outlined in Section 9:35 of the Subdivision Regulations.
W. Drainage
X. On the Final Plat, drainage areas shall be labeled "no build" zones. A setback of twenty feet is recommended from the banks of the drainage system.
Y. Subsurface soils from each building envelope shall be analyzed for swell-consolidation before construction so the foundation may be designed accordingly. A subsurface drainage system should be included with any sub-grade construction to mitigate post-development perched water that may develop.
Z. As for drainage, the drainage easement on the west and south sides of the property appears to end midway on the property line. This needs to be explained or continued and included within the property boundaries. If an easement is being obtained from neighboring properties a record of this must be in the file.
AA. If practical, the applicant should develop the overall drainage plan for this development to deal with a 100-year storm event instead of the 25-year event.
BB. All drainage easement shall be held by the HOA and it is the responsibility of the HOA to maintain these drainage-ways. At time of Final Plat this will need to be recorded with the other documents.
CC. Berming and landscaping was cited as a reason for developed flows being less than historical flows therefore at time of Final Plat a Berming and Landscaping Plan must be included.
DD. Changed - see below As off-site drainage basin, including size, will be required and provided to staff by time of Final plat.

Plat Notes

#34 - changed The following Plat Notes need to be included on any Final Plats to be recorded.

"One (1) dog will be allowed for each residential unit 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. sew., 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.

32. Each subdivision shall have covenants requiring that all exterior lighting shall be directed inward, towards the interior of the subdivision.
33. No further subdivision of a recorded subdivision shall be allowed, except where it is provided for in an approved Preliminary Plan.

**30. Inserted - Project or Farmers water runs with the land. The HOA is responsible to pay the irrigation water tax.

31 - changed - The applicant will pay applicable road impact fees.

Applicant Response

Tim Thulson summarized the time frame and extent of the application to comply with the Subdivision Regulations and staff concerns. He added that comment #29 - off-site drainage easement was deleted.

Greg agreed that it was deleted as he couldn't defend what he put in his staff report.

The applicant agreed.

Tim stated that recommendations 1 - 31 with Condition #29 deleted were acceptable. He wanted to open this up for questions of the Board and requested the Mamm's View Preliminary Plan be approved.

Commissioner McCown questioned the applicant if Lot 1 was still a buildable lot?

High County Engineering Joe Hope responded by saying they set the easements so they would be a setback. The staff is requesting further setbacks. The drainage easement includes the additional setbacks and is geared to a 100 year flood. Lot 1 would include a buildable envelope.
Commissioner McCown inquired as to the condition in the staff recommendation with respect to fire protection, adding he did not see anything in writing from the Burning Mountain Fire District. He stated the 20,000 thousand gallon storage tank did not provide enough water storage for fire protection.
Joe Hope commented that there is an irrigation pond; further, there was only a verbal response from the Burning Mountain Fire District but they expect a written response in the very near future. After the comments from the Planning Commission, they priced a 120,000 gallon storage and obtained approval of the owner to provide the larger storage tank. One fire hydrant was approved by the Burning Mountain Fire District.
Commissioner McCown said the Homeowners can not own the water, it is transferred with the property. They can have management over it.
Tim said they could do prorated costs; they want central control.
Joe pointed out the pond location on the plan and also the road improvements that include Aunt Nellie Lane. The met with Road and Bridge to work on an approved plan - improving 700 feet.
Tim added that these road improvements are in addition to the road impact fees.
Chairman Martin inquired as to the setbacks on drainage making comments on Lots 1 and Lot 32 asking for clarification as to where it came from.
Joe said they need a 20' setback from the top of the bank - their easement is further than this.
Tim - the recommendation of approval included a written response from the Burning Mountain Fire District and asked for the verbal approval be acceptable and the addition of a 120,000 gallon.
Public Comments
Brian Keithley - commented on the issue of water - this is the 2nd large subdivision for Silt - too much in too short a period of time. He addressed the concerns of water, road conditions, size of the development; road improvement impact funds paid by the developer as not being enough to fix all the problems - feared the fees paid to the County would become slush funds and the residents in that area would still be pushed further behind on the list of projects. He also addressed the overcrowding situation in the schools adding the $200 fee per lot was not enough. Homeowner Covenants are only as good as the willingness of the members to enforce and voiced an opinion that this should be addressed. They are not antigrowth but want densities reduced.
Commissioner McCown clarified that the fees paid to the County for the Road Impact Fees would be dedicated to CR 313.
Roger Scott - same comments as Brain and read from the letter "I also feel the county should take a more active role in protecting its citizens' water wells and aquifers. West Divide water stored in Ruedi Reservoir means little to me if my well goes dry or becomes contaminated. The cost of documentation of water levels and purity in surrounding wells should be incurred by the developer. If water levels drop or contamination occurs, a preexisting agreement should be in place to keep us from lawsuits in civil court. Prospective buyers of individual parcels should be made aware of the potential problem."
Julie and Dale Nesbitt - concerns about density, water and irrigation and current homeowners will be impacted. Senate Bill 148 - Growth Bill was mentioned and asked the Board for an update.
Chairman Martin explained that the Senate has not taken any action; there are several bills in Committees on growth issues.
Julie Nesbitt - concerned about density lives on Silt Mesa - water and irrigation - homeowners will be impacted by this additional growth. Also, the volume of traffic that is already occurring on the skinny county roads in this area. "City driving going county." She had heard a suggestion that all the traffic from Mamm's View will leave and enter by way of the west at Miller Lane at 6 & 24 either going east or west. All the people going east are most likely going to cut off approximately 2 miles every trip and go east of 216 road - Antonelli-Ukele. The super skinny road - single lane bridge on Ukele where only one car passes through. Growth is inevitable but the County Commissioners were elected by the majority of the people and this is where they hope you will listen to the majority of the concerns over this issue. She wants a clear decision regarding the road situation. Julie Nesbitt asked to submit her letter she just read as a Citizens Exhibit.
Chairman Martin entered Citizens Exhibit I into the record.

Polly Wright - stated her concerns with respect to the blind spots on the roads created by the dips and hills. Widening the roads will not take care of the blind spots and limited vision due to hills and slopes. She added this type of subdivision belongs closer to Silt, as an example.
Mike Leghorn - own 10 acres on the south border of Mamms View. Knew about the subdivision when he purchased the land. Concerns - irrigation water - met with Joe Hope and Craig Bass - currently without the flood irritations they can not receive their water.
Dale Trahern - in favor of the project.
Michael Gamba - Professional engineer in the State - he's not opposed - believes in property and developers' rights - concerns regarding road widths, road improvements, and additional traffic. Ukele Drive to be improved - recognizes the County can not force the developers to improve all the roads. Hwy. 6 needs to be improved with the addition of turn lanes. He spoke to Mike Smith - C-DOT in Grand Junction and Mike stated that with a development of this size, it would cause or should cause the construction of acceleration and turn lanes. Another concern - Water - the current regulations for a 120,000 gal tank is a big improvement and he supports it. Spacing of the hydrants hasn't changed. In a residential area, one hydrant every 500 feet is all that is required. Septic - ISDS - indicates septic tank and leach field - septic systems do not do a lot for the water - he suggested to require this development to include an individual waste water treatment center and alluded to the "Fast Wastewater Treatment System."
Mae Trends - in favor of the project - growth is coming this way.
Evelyn Child - agrees with the project.
Carolyn Bernhardt - in favor of the project.
Miles Lambourgh - in favor - looking forward to living here. Like to see it go through.
Joy Hope - Broker - she's in a position to see on a daily basis that this is a project that people want in Garfield County. She submitted a petition to Planning Commission with 66 signatures saying that they do in fact want this project.
Norm Hunt - concerns with well use - domestic use only and none for irrigation.
Kelly Lyon - offered to give the County ½ mile of his property to widen the road. He is in the asphalt business and if the County will do the road work, he would asphalt the road.
Julie Nesbit - not that they do not want more development - water and safety. Kids do not pay attention to the vision limitations. Some things settled before this is approved.
Polly Rice - issue is not widening the road - the lack of visibility and the dips are the problem.
Applicant Comments:
Tim Thulson responded to the ISDS Systems saying it is the Homeowner's Association responsibility - they have the power to go in and remove the inappropriate septic systems. Referenced the Cerise Ranch and manner in which they are handling that situation in the covenants.)
Depth of the Aquifer
Tom Zancanella - Well drilled was 75 feet - water plan conservative for outside irrigation - another 500 sq. ft. out of the ditch system. Proposing to keep irrigation water and gets 180 - 150 acre feet per year - plan is for 15 acre feet. This project maintains and keeps the irrigation coming into the Silt area. If on average they bring in 200 acre feet that is 60 million gallons of water. Proposal to keep the water on the property - tied the water to the land - both sources. Under any other scenario they don't have to - it could be sold off. This assures the water stays on the land.
Commissioner McCown - said landowners could sell their shares.
Tom Zancanella - the developer, in this case, is keeping both the domestic and irrigation water with the property. Permits for both wells have been obtained - the two permits were submitted for the record dated 1/19/2001.
Traffic Study
Joe Hope - High County Engineering did the study - counted vehicle trips on both Antonelli and Miller Lane - resulted in a peculiar count - a lot more vehicles go west on Miller Lane - most go east. 600 cars on Miller and 140 on Antonelli Lane.
Chairman Martin - clarified that only one fire hydrant was required.
Joe Hope - Burning Mountain Fire District required only one according to the 1997 Code for Rural Fire Protection Districts. However, they intend to put fire hydrants at every 500 Feet.
Julie Nesbit - road counts - should the county take the burden?
Commissioner McCown - stated since the County has the ultimate responsibility of health, safety and welfare of Garfield County citizens, he said that a one way loop could be made that would eliminate

vehicles on the crest of the road - this would increase traffic at the Miller Lane intersection - but a one-way loop would alleviate the current problem.
Polly Rice - mentioned the trees on Miller Lane creating a hazard for turning east at 6th.
Commissioner McCown - commented that the loop would alleviate the 3 miles of dangerous road and if the trees are impeding visibility, the State Highway can enforce cutting back.

Motions

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

A motion was made by Commissioner McCown for the Plan for the Mamm's View Subdivision be approved with conditions 1 - 31 as listed in the packet deleting #29 as written, changed to the new #29 which is the off site drainage basin in lieu of "shall receive from Burning Mountain Fire Protection District" - in the water section No. 11 to insert that outside watering of vegetation be prohibited from potable water source and existing irrigation water be used for all vegetation watering - adding No. 32 that Antonelli Lane be improved from the east boundary of the development's property to Miller Lane - the developer to acquire needed right-of-ways to allow improvements and an access agreement at Hwy. 6 & 24 be obtained and those improvements be handled by the developer. The irrigation water No. 33 going to ensure that there be no impedance of irrigation waters to property owners south of the applicant's property - if they would receive their adjudicated amount of water without any restriction due to the development. If you can reach an agreement with them and become a part of your system, he would have no heartbreak with that but ensure that conveyance.
Commissioner Stowe seconded the motion.
Chairman Martin said he believes his concerns were covered in the motion - not allowing this development to go through without the adequate water and supplies; also the road alignments, the width, the fire improvements and the testimony given by the engineer and the applicant on the improvements that they have done, hopefully that will be part of your motion as well. He stated these were intended through all public hearings but also puts the burden on the County to have a Road Plan in this area for the future because this was not the only one coming forward and the Board has to work on an access code, work on road alignments and widths. He added that he hopes the applicant is going to be able to live up to all those requirements.
Tim Thulson asked for clarification on the motion with regard to the improvements at Miller Lane and Hwy. 6 - look at getting whatever is required to improve that intersection.
Commissioner McCown - yes they way an improvement of that access, what is required by the State will be the responsibility of the developer. And he added that he didn't discount the one-way traffic - didn't put it in his motion - this is an action that can be done by the County Road and Bridge Department through a conjunction with the Sheriff's Department - take a look at this improvement, once it's done - assuming it will include some elevation changes through there to alleviate some of the dips, create a better sight distance - if that doesn't cure it we always have the ability to go to the one lane.
Vote on the motion.
McCown - aye; Stowe - aye; Martin - aye.
See Resolution No. 2001-32 for Conditions in a numbered list.

REQUEST FOR APPROVAL: BOTKIN SPECIAL USE PERMIT FOR AN ADDITIONAL DWELLING UNIT. LOCATED: 2943 COUNTY ROAD 301, PARACHUTE CO APPLICANT: GUY R. & ROBERTA J. BOTKIN

Kit Lyon, Don DeFord, Attorney John Savage for the applicant, Guy and Roberta Botkin were present.
Don DeFord reviewed the public notices and posting with the applicant. He was satisfied with the answer and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Kit Lyon submitted the following Exhibits: Exhibit A - Proof of Publication, Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Staff Report and Project Information; Exhibit E - Application and attachments; Exhibit F - Fax Road and Bridge; Exhibit G - Letter from Colorado River Engineering dated March 29, 2001; Exhibit H - Letter from

Colorado River Engineering dated April 6, 2001, Exhibit I - Letter from Mary Anderson dated today with attachments and Exhibit J - Messages left on the Answering Machine in Administration and notes taken by Barbara Gaber from the Washburn Family.
Chairman Martin entered Exhibits A - J into the record.
Staff Report and Project Information
Kit Lyon - This is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district located at 2943 (Tract 41) Morrisania Ranch, east of the Town of Parachute on approximately 13.5 acres of land.
Kit continued to review the staff report and project information highlighting the areas including: Description of the Proposal; Major Issues and Concerns; Suggested Findings; and Recommendation:
Staff recommends Approval with the following conditions:

1. 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.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
3. That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage.
4. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
5. That the accessory dwelling unit shall not be conveyed as a separate interest by may be leased.
6. That the applicant contact the road and Bridge Department to obtain a driveway permit for access onto CR 301, with the understanding that it may be necessary to relocate or improve the access in order to meet the Road and Bridge Department standards.
7. That prior to issuance of the special use permit, the applicant provide the following information.

A. (6) The water quality shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

8. This conditional approval shall be valid until 4/9/02. If the applicant fails to meet the conditions by 4/9/02, and subsequently a special use permit is never issued, the approval shall be automatically revoked unless an extension is granted by the Board of County Commissioners. Once a special use permit is issued, the accessory dwelling use of the property shall commence within 120 days from the date of issuance, unless an extension is granted by the Board of County Commissioners.

Kit explained that Exhibit G and Exhibit H - Letters from Colorado River Engineering - confirmed that the results of the pump test indicate that this well has sufficient capacity to service the two dwelling units. She recommended to amend No. 7 so that only the last subparagraph which is paragraph - No. 6 remains and it stated that the water quality shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

John Savage submitted Exhibit K - water testing as mentioned by Kit. This is an accessory dwelling and should not be considered the same as a subdivision request in the 1990's. Clients do understand this is not a lot split and can not sell the property.
Chairman Martin entered Exhibit K into the record.
Motions
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit for an accessory dwelling unit with the conditions and recommendations of staff noting No. 7 - this can be delete all of it now since Exhibit K was submitted and ensuring a properly sized ISDS be installed at the time of the addition of the Accessory dwelling.
Motion carried.

REQUEST FOR APPROVAL: SANDERS RANCH PLANNED UNIT DEVELOPMENT & ZONE DISTRICT AMENDMENT. LOCATED SOUTH OF GLENWOOD SPRINGS OFF OF HIGHWAY 82. APPLICANT. SANDERS RANCH HOLDINGS, LLC.

Mark Bean, Jim Leuthueser, Attorney Jim Lockhead, Louis Meyer, John Currier, Ron Liston and John Wells.
Jim Leuthueser reviewed the public notices and posting with the applicant. He was satisfied with the answer and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication, Exhibit B - Returned Receipts; Exhibit C - Application with addendum pages 33 - 77; Exhibit D - Staff Report and Project Report; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Garfield County Comprehensive Plan of 2000 for Study Area 1-3; Exhibit G - Letter from Roaring Fork Railroad Holding Authority; Exhibit H - Letter from the Department of Wildlife; Exhibit I - Letter from the Division of Water Resources; Exhibit J - Letter from Colorado Geological Survey; Exhibit K - Letter from Carbondale Rural Fire Protection District; Exhibit L - Roaring Fork Transit Agency; Exhibit M - Letter from Pitkin County; Exhibit N - Letter from Eagle County; Exhibit O - Letter from Town of Carbondale; Exhibit P - Letter from City of Glenwood Springs; Exhibit Q - Letter from Garfield County Pest and Weed Management; Exhibit R - Letter from Garfield County Housing Authority; Exhibit S - Letter from Roaring Fork Water and Sanitation District; and Exhibit T - Letter from Michael Erion - Wright Water Engineers
Chairman Martin entered Exhibits A - T into the record.
Mark summarized the discussion at the Planning and Zoning Commission.
This is a request for consideration of a Zone District Amendment from A/R/RD to Planned Unit Development for Sanders Ranch PUD and Sketch Plan submitted by Sopris Development Group, LLC on a 281.38 acres located 5 miles south of Glenwood Springs and west of State Highway 82.
Mark reviewed the project information and staff report - description of the proposal; review of the public agencies and public comments; the surrounding towns and cities with their comments; major issues and concerns; and suggested findings. The application includes an analysis of the traffic impacts to State Highway 82 from the proposed PUD. The proposed PUD will ad 1,805 trips per day at the CR 114 intersection (Cattle Creek) and another 750 trips per day at the new intersection by the multifamily area. The applicants have proposed a new signal at the CR 113 and Highway 82 intersection, along with improved acceleration and deceleration lanes. Additional improvements are proposed for the new intersection at the Sopris multifamily intersection that requires a new cut in the median. The new intersection will result in the closure of two of the three access points to the Sopris Restaurant, removal of the median cut at the Sopris and the moving of the access to the property on the east side of the highway to a point further south and aligned with the new median cut.

Sketch Plan

Mark commented that it is staff's position that all of the issues noted in the PUD review would be considered comments on the Sketch Plan proposed for the Sanders Ranch PUD and as such constitute a review of those issues. The Sketch Plan review does not constitute any form of approval of the development and could only be valid for one (1) year. The next step in the subdivision process requires the filing of and approval of a Preliminary Plan for the entire project.

Recommendation:

The Planning Commission recommended Approval of the proposed Sopris PUD Plan and Zone District amendments, subject to the following conditions of approval:

1. 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.
2. The applicant will adhere to all recommendations contained within the reports of their consulting geotechnical engineers and the Colorado Geological Survey, including the following:
   A. Establish a minimum setback from sinkholes of twenty (20') feet. In addition, subsurface voids will be engineered for stability when planning site foundations; and
   B. Any lots located in the mapped sinkhole areas will have a site specific subsidence investigation and either be relocated and the sinkhole area will become open space within the development or the lot size will be increased in such a way that the building envelope can meet the minimum 20' setback.
3. The applicant will provide a plat note and covenants requiring engineered foundations for any building and that the building plans submitted as a part of any building permit will include foundation

plans stamped by an engineer registered in the State of Colorado or a letter stamped by a qualified geotechnical engineer stating that no special foundation design is necessary for the structure.

4. Include a signed Basalt Water Conservancy District Water Allotment contract or a letter from the Roaring Fork Water and Sanitation District stating the development will be served and providing documentation of the water rights adequate to serve the development as a part of the preliminary plan for this project.

5. Secure adequate sewage treatment capacity from the Roaring Fork Water and Sanitation District wastewater treatment plant by providing:

A. A letter from an authorized representative of the RFWSD, stating that the Sanders Ranch PUD can and will be served;

B. The existing and projected capacity of the RFWSD, along with the projected timing for expansion of the facility and need for a CDPHE site application.

C. The proposed method of financing the sewage treatment works expansion.

6. The applicant has agreed to comply with the following additional Division of Wildlife conditions:

B. **A**. Dogs will be restricted to one dog per unit. All domestic animals must be humanely fenced or restrained (including by buried radio electric fence) at all times within a Lot. All household pets shall be controlled by their Owner and shall not be allowed off the Owner's Lot except when properly leashed and accompanied by the pet Owner or his representative. All cats shall be confined indoors. No domestic ducks or fowl will be allowed.

B. All re-vegetation shall be done immediately following the completion of a part of the project.

C. As part of the preliminary plan submittal, the applicant shall include a proposed landscaping plan for the development of the 17th green of the golf course, which at a minimum will provide a visual barrier between human activity and the heron nests, with specific definition of berming and the proposed amounts and types of vegetation to be incorporated into the landscaping, consistent with the conceptual plans and cross sections submitted by the applicant at the planning commission meeting.

D. The proposed PUD zone district text will be modified to require setbacks from the bluff for Lots 1 - 20 in the proposed sketch plan so that no overhanging decks will be allowed as a part of the development of those lots.

At preliminary plan the required fire flows shall be in accordance with the UFC Appendix III-A; Fire Flow Requirements for Buildings, with fire hydrants located in accordance with UFC Appendix III-B; Fire Hydrant Locations and Spacing.

The development will pay the appropriate impact fees adopted by the Fire District and they will be due prior to recording of a final plat.

The applicant will provide cash in-lieu-of the calculated dedicated land, to be paid at the time of subdivision approval, to compensate for the increase in school children generated from this proposed development. The cash amount will be set at the time of final plat, based upon an appraisal performed within the last 24 months for the applicant, by an individual qualified in the State of Colorado to establish the unimproved market value of the property just prior to the approval of a Final Plat.

The preliminary plan application will include a program for monitoring surface water quality, and limit the use of pesticides and fertilizers. A proposed Water Quality Management Plan will be developed for the preliminary plan that includes a maintenance plan for the BMP's, a water quality sampling and monitoring plan to identify the existing water quality for surface and groundwater resources; and monitoring any changes doe to construction and after development.

As a part of the preliminary plan application a golf course management plan will be submitted that will identify the fertilizer and pesticide management that will be used to eliminate the potential for river contamination through runoff from the golf course and that protects the riparian areas within the development.

The proposed ten percent (10%) of the total housing units proposed as affordable housing units to be located on the project site in the Sopris multifamily area needs to be defined as a part of the preliminary plan application. The applicant needs to define the phasing of the proposed affordable housing units and the proposed method of making them available to qualified applicants.

Construct the controlled intersection as proposed at the intersection of CR 113/Highway 82 as a part of the subdivision improvements for the first final plat that includes residential development on the west side of the railroad right of way.

As a part of the preliminary plan application a copy of the modified intersection approval for State Highway Access Permit No. 300158 will be submitted. The applicant will construct the proposed modified intersection approved as State Highway Access Permit No. 300158 as a part of the first final plat approved for the Sopris Multifamily housing.

The applicants will conduct a noxious weed survey for weeds listed on Garfield County's noxious Weed List and include it as a part of the preliminary plan application. A recommended list of activities will be included on a re-vegetation plan for any areas subject to removal of the native vegetation as a part of the development improvements.

As a part of the preliminary plan application, the verification of the wetlands delineation by the Corps of Engineers will be submitted and any jurisdictional wetlands identified as possible residential areas, will be designated as open space or restricted from development.

The preliminary plan application will include an analysis of the need for an additional detention pond in the northwest area of the proposed PUD.

As a part of the preliminary plan application, the proposed phasing plan will include dates for the initiation of the proposed phases. Additionally, the phasing of the recreational amenities for the Sopris multifamily area will be required to be included in the improvements as a part of the required improvements for the Final Plat for the area.

The preliminary plan water and sewer system design will include oversized lines capable of handling the water and sewage treatment needs of the properties to the north of the proposed PUD.

Applicant Response

Ron Liston explained the layout - 80% open space with the golf course included - entire frontage off Hwy. 82 is open space. He emphasized the developers plans as noted in the application.

He said he would rather respond to questions by the Board. Ron added that he has reviewed the conditions and very pleased with all 19. The applicant asked for approval based on the conditions.

Commissioners Martin clarified his concerns regarding RFRHA and access - separate grade crossing; sinkholes and setbacks; park-n-rides; agreement with Roaring Fork Water and Sanitation asking the developer to help out others who cannot afford to invest at one time and to allow them to repay over a period of time.

Ron Liston and Attorney Jim Lockhead responded to all of Chairman Martin's concerns including the fact that the offer has been made to those who want to be included in the Roaring Fork Water and Sanitation.

Mark Bean - addressed one issue - the applicant will meet the Affordable Housing with the 10% as rent restricted - this is problematic to the County given the present Statutes and from a staff point of view discussed this prior to the Planning Commission Review and feel that while the commitment for the Affordable Housing on a rental meets the Zoning Resolution as written - it may be subject to challenge; therefore the approval be given for the acceptance of the Affordable Housing but that it may have to be fee titled based upon the ability of the County to deal with potential rental housing at the time of any Preliminary Plan approvals. Therefore, staff would be suggesting to add a condition that the Affordable Housing may have to be fee-titled housing as opposed to just rental.

Jim Leuthueser - Mark has proposed a Resolution that would be favorable to the County.

Jim Lockhead - employee housing on the project: 1) Fee titled - Condition 12 requires that they define how to meet the Affordable Housing requirement and they will accept as part of the condition to identify the type of housing - rent or deed restricted. The greatest need is for rental of units. Understands the legal issue and will address it at Preliminary Plan - as well as employee housing.

Public Comment

Matt Thorpe - DOW - District Wildlife Manager - still in process to work out the issues with the most contentious being the 17th hole. At time of his written comments he did not have the layout - did get it and made a site visit and was assured by developers to work out the screening and a written agreement - assured of a sufficient type and a better layout at Preliminary Plan.

Jim Lockhead - the conditions of approval would require them to develop a plan to present to the Board and will work with the DOW on landscaping and the DOW will have input before going forward.

Jean Bogree - Roaring Fork Conservancy - clarified that they hold a conservation easement of 40 acres not 48 - looking at environmental concerns and will have to make an amendment to the conservation due to the 17th hole. No sign-off yet but still negotiating - have not agreed as to date.

Chairman Martin - clarified this includes the supervision of the trails with DOW.

Jean - yes - construction or building - they will be on-site and ensure the vegetation will not be destroyed committed to full cooperation.
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the PUD and Zone District with recommendations 1 - 19 additional recommendation No. 20 to incorporate the letter agreement dated March 2, 2001 to the Division of Wildlife and a final sign-off by the DOW on any landscaping or screening particularly around the 17th and 18th greens and fairways.
Discussion
Commissioner McCown - a lot of blood, sweat and tears have gone into this development and he wishes them good luck.
Chairman Martin - the best use for this land is ranch and farming and to save it for history as it is currently used - but that is not possible - talked to owner of the land - not worth it to raise black angus anymore.
Vote on the Motion
McCown - aye; Stowe - aye; Martin - aye.

PUBLIC MEETINGS

REQUEST FOR AN AMENDED PLAT - ELK CREEK SUBDIVISION. LOCATED: LOTS 1, 2, & 3, BLOCK 2. APPLICANT:JOANNE NELSON & GILBERT LOWE

Mark Bean said the request is to combine the lots and move the lines so that there is only one lot for a better building. The Homeowners has approved the amendment.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the lot line amendments combining Lots 1, 2, & 3 making only one lot in the Elk Creek Subdivision. carried.

Contract with Garfield County Housing Authority on a pass through grant.
Commissioner Stowe made a motion to authorize the Chair to sign; Commissioner McCown seconded; motion carried.

Contract WIC Program - Change Order - Total $120,416
Commissioner Stowe made a motion to authorize the Chair to sign the Change Order for the WIC Contract; Commissioner McCown seconded; motion carried.
Barrett Resources Division Order
To share in the proceeds of production from the caption well - $25.00.
Commissioner Stowe moved that the Chair be authorized to sign such agreement (a couple of them) for $25.00 each; Commissioner McCown seconded; motion carried.

Riding Arena
Chairman Martin had a discussion with Barrett Resources Subcontractor, Kent Edwards who supplies the liners for the pits - he said for the Riding Arena it is not a good idea the best idea he has - a rodeo guy - is to buy indoor/outdoor carpet and lay it down - stack it on the corners and stretch it - better than anything heavy and easier to store.
Ed Green said the soccer folks are going to purchase it as well.

Recess 6:00 P.M. April 10, 2001

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until 6:00 P.M. April 10, 2001; carried.

Attest: Chairman of the Board

_____ _____

APRIL 10, 2001
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 6:00 A.M. on Tuesday, April 10, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 6:00 P.M.

TO CONSIDER REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND PROCESSING (CONCRETE BATCH PLANT). LOCATED: APPROXIMATELY 1 MILE EAST OF SILT I-70 INTERCHANGE, OFF OF THE RIVER FRONTAGE ROAD. APPLICANT: WESTERN SLOPE AGGREGATE

Chairman Martin called the meeting to order at 6:00 P.M.
We are going to continue our public hearing - A Special Use Permit for Extraction of Natural Resources, Sand and Gravel Mining, a process of a concrete batch plan, and mining in a floodplain.
Chairman Martin reminded the audience that is a continuing of the hearing and we also have a few more faces in here. So, we're going to ask everyone that wishes to give testimony at the time to please raise your hand - do you promise to tell the truth, the whole truth and nothing but the truth?
Audience - yes.
Chairman Martin - now a couple of rules - no signs, no banners, no cheering, or booing, no hissing, the other thing is that if you wish to speak, please sign up on the sheet in the back - if you wish to donate your time, we will allow up to 15 minutes of donated time an individual - that is all. If your name is not on there, you will not be called and you can not donate your time.
The next thing I'm going to do is to allow staff 1/2 hour to do presentation and submit exhibits; we will then also turn it over to the applicant and give them 45 minutes to do presentation; we will then turn to our referring agencies and give them time to present - the City of Silt has a request to also have a presentation.
Attorney on the behalf of the Town of Silt - Steve Beattie - may I be heard, Mr. Chairman? The Town of Silt did want to be heard this evening. They've been very involved in this matter for nearly a year now and I understand the Commissioner's usual rule is 15 minutes for a referral agency; for a number of reasons mostly related to the magnitude of the application and the information, it will be our request that if we go slightly over 15 minutes not to exceed 30 minutes if the Commission grants us that latitude in this matter.
Chairman Martin - does the Board have any objections or comments from the Board.
No objections, we'll allow a maximum of 30 minutes.
Those present included: Building and Planning Mark Bean, Attorney Don DeFord, Applicant Bill Roberts, Attorney for the Applicant Glenn Harsh, and Attorney for Silt - Steve Beattie were present and Court Reporter Joppa Smith.
Chairman Martin stated we have Exhibits A - AH already submitted into the record.

Mark Bean said since the continuance of this last hearing, we've received a number of different exhibits that he would like to enter: Exhibit AI - Third (3rd) Supplement - Peterson Gravel Pit/Western Slope Aggregate; Exhibit AJ - Memo from Mark Bean to the Board regarding some that came up since the meeting additional issues; Exhibit AK - Petition against the proposed pit - there are 21 Signatures; Exhibit AL - 6 Photographs of the Peterson property and some roads in the area; Exhibit AM - Memo from Alisha Bell - Sheeter; Exhibit AN - Letter from Calvin Lee; and Exhibit AO - Letter from the Grand River Ditch Company (handed to Mark at the end of the last meeting).
Chairman Martin entered Exhibits AI - AO into the record.
Don DeFord reminded everyone that we do have a court reported present tonight transcribing the hearing; if he finds it necessary to give directions to the speaker or to the Board to assist him in preparation of his record, I'd ask that the individuals comply with those directions.

Chairman Martin - and also in respect to that court reporter, we'll take a break after about 1 1/2 hours to start out and then 5 minutes every hour after that to give his hands a rest. Everything is being recorded.

Project Information and Staff Report

Mark Bean - stated he would be very brief since he believes the majority of people are familiar with his staff report and the comments that have been made within that staff report, but for the record would like to summarize a few things. This is a request for a Special Use Permit for Extraction of Natural Resources specifically sand and gravel mining and processing of Concrete Batch Plan. The Application is Western Slope Aggregate. The property is located approximately 2 miles east of Silt of the Silt I-70 interchange, not 2 miles east of Silt as the city limits exist. The project is to extract sand and gravel with a batch plan on a 41.07 acre parcel of land. The applicants proposed to mine approximately 2/3rds of the property, approximately 25.9 acres starting 200 feet north of the river bank which is the property line of this particular piece of property. There's actually intervening property between the river and this property itself. The proposed mining operation would move north toward the frontage road. The top soil and over burden will be stripped and stockpiled on the property itself. The actual gravel layer is estimated to be 22 feet in depth. The pit will be mined in 3 - 4 stages varying in size from 8 - 11 acres. The material itself will be excavated using a front-end loader into back hoes. All crushing, screening, and washing of the aggregate will occur in the proposed mining area as shown in the application. The applicant's will travel onto and off the property via the I-70 frontage road - it's expected/projected to be 180 trips per day that would be generated by the operation. The proposed hours of operation are 7 A.M. to 5 P.M. Monday through Saturday. In terms of staff comments, Mark has gone through and provided in the staff report a summary of a number of a number of issues including a discussion of the Comprehensive Plan. I would like to note specifically addressing this type of operation, Garfield County has a nature resources extraction goals and objectives, specifically objective 9.1 says "the County will require adequate mitigation to address impacts of mineral extraction on private property, owners without a undue burden on the legal rights of the mineral leases. Policies addressing this 9.1 says "Garfield County to the extent legally possible will require adequate mitigation to address the mineral impacts of mineral extraction on adjacent landowners - these measures include landscaping and screening, modification of phasing of the area to be mined, roadway improvements and signage, safe and efficient access routes, drainage improvement to protect surface and ground water. There are additional criteria noted in the Comprehensive Plan that are similar to the County Zoning Resolution in which the County may deny an application. Mark also noted that the present Comprehensive Plan which we call the Garfield County Comprehensive, 2000, study area 1 - 3 incorporates the municipalities, in this case the Town of Silt's Comprehensive Plan. The Town of Silt's plans shows this particular gravel pit to be in an area between the 2 mile sphere of influence and the urban growth boundary. The County's Comprehensive Plan acknowledges the uses within the urban growth boundary as those acknowledged as part of the Comprehensive Plan itself. They've identified this area outside of the urban growth area as Agricultural/Agricultural Conservancy PUD area, basically to encourage the clustering of residential development and the maintenance of agricultural operations. The Silt Comprehensive Plan is silent on the issue of natural resource extraction - as and noted previously - the Garfield County's Comprehensive Plan does address the issue and allows the type of use provided it is done in an environmental sensitive manner and impacts to adjoining properties are mitigated. But for the record, Mark will not that there is no language in the Zoning Resolution requiring compliance with the Comprehensive Plan for Special Use Permit. Thus any decision of the proposed land use permit can not be based upon the Comprehensive Plan itself in its entirety. As a Special Use, the Garfield County Zoning Resolution has three (3) different sections that are applicable to this particular operation, there are Section 5.03, 5.03.07, and 5.03.08 that specifically address special use impacts and the criteria that have to be addressed as well as what we term our industrial impact or Impact Statement requirements. Section 5.03 has three (3) basic criteria that go through, that are addressed - one (1) is the adequacy of utilities, the other (2) is street improvements adequate to accommodate the traffic volume generated and the third (3) is the design with the proposed use as organized to minimize the impact on and from adjacent uses of land through the installation of fences, landscape materials and periphery of the lot and by location of intensively utilized areas, access points, lighting and signs in such a manner as to protect the established neighborhood character. Briefly, Mark noted that in terms of street again, this access to this particular project is off of the State Highway Frontage Road, the Colorado Department of Transportation has issued an access permit for the property - it is identified or allows up to 180 ADT for the gravel operation and 180 ADT for the concrete batch plant itself. In terms of design of the operation to minimize impact, one issue

that I would like to address here that's not specifically addressed in the staff comment but is an issue that the Board should take into consideration during your discussion, it the impacts to the neighborhood character and also the distance in identifying what is that impact of neighborhood. It has been in the past and similar types of applications, the County's practice to identify an area of one (1) mile from the particular project as the area of influence of the area of the neighborhood that is affected. That has been our practice in the past and would note for the record that the majority of my comments though are focused probably a little bit closer to the properties, more surrounding or more closely to the property itself specifically those that are adjacent as well as those that are across the river and nearby, across the highway in that area.

In terms of the impacts, the applicant has submitted additional information to provide the Board with means by which they feel they have adequately addresses, a number of the comments identified in terms of how they are going to mitigate the impacts to adjoining properties by the use of berms, as well as the method by which they're going to load the equipment and maintain the equipment itself.

Section 5.03.07 starts our Industrial Impact Statement Regulations specifically the applicant has addressed the majority of the issues. At the time of Planning Commission review, one of the issues related to 5.03.07 (1) (A) which was the potential impact to stream flow or ground water for surface run-off was an issue tied to the Bureau of Reclamation's concerns about the impact to the adjacent Silt Canal or Silt Pump Canal. I would not for the record that you do have in the Third (3rd) Supplement some additional information from the Bureau of Reclamation that has they have addressed the majority of those issues to the satisfaction of the Bureau of Reclamation. That is an issue that I'd like to address just briefly as soon as he is finishing summarizing these comments.

Impacts on adjacent land from generation of vapor, dust, smoke, noise, or glare was an issue the Planning Commission had not been addressed adequately - specifically the noise analysis was an issue that the Planning Commission felt was significant enough to justify their recommendation which Mark will address in a minute here.

The impacts to wildlife, we would note for the record that the Division of Wildlife both then both wildlife manager Curry Will and John Toole in the Habitat Biologist reviewed the property and did conclude that there will no significant major impact to wildlife on the property itself.

In terms of truck traffic, this is an issue that C-DOT has control over - this access goes directly onto a road in a way that is controlled by the Colorado Department of Transportation - the County has virtually no jurisdiction over the use of that road as far as the impacts go and C-DOT has issued a permit that allows the operation to go forward based upon the access permit that was applied for.

As noted here, Section 5.03.08 was also an issue and again that addresses the volume of sound generated circumplying with the standards with the Colorado Revised Statutes. He would note that at the time the Planning Commission reviewed this, they did not feel that had adequately been addressed. Mark discussed briefly in a minute the supplemental information that has been submitted and I'm sure the applicant will explain in more detail the application itself.

The Planning Commission, after reviewing and basing the information presented to them, recommended to the Board of County Commissioners that the application be denied based upon the criteria spelled out in Sections 5.03.07 (1)(B) and (F); 5.03.08 (1); 5.03.10 (1 & 2), and 5.03.11 based on the lack of addressing the noise and visual impacts of the proposed sand and gravel operation and the general negative impacts to the neighborhood. Staff had originally included in their recommendation based upon the supplemental or subsequent information coming in from the Bureau of Reclamation that there were impacts to the adjacent property related to water quality impacts that needed to be addressed also. That is the Planning Commission's recommended - they have recommended denial.

Mark has provided to you as a part of the Supplement, including the information that came out subsequent to the continuance itself, the Third (3rd) Supplement provided by the applicant.

Within the Third (3rd) Supplement, they addressed the legal ability of the County to consider the Comprehensive Plan in making a decision. I think staff has addressed that - basically in our comments acknowledging that it is not a legal basis for which the County can make a decision. The applicant has provided an engineered noise analysis - the study used is based upon the statutory residential standard of 55dB(A) as the basis for determining the impacts to the nearby residential properties. In summary, basically the applicant's sound engineer concludes that the 55dB(A) contour will extent approximately 450' south of the property and 750' to the east and the west and to the I-70 corridor to the north.

Also included in the packet is some responses from the Bureau of Reclamation in term, basically they acknowledge that the information that was submitted to them addressed and is adequate to address their

concerns although they do include an agreement to deal with the actions that may be necessary to correct any problems should any result from the application that are unanticipated by the applicant's should the operation go forward. I would not for the record, and I believe Don can confirm this or will reaffirm this, that Garfield County can not defer enforcement of any of these types of issues to another agency so should the County deem this appropriate and decide to go forward and use something in this as conditions, we can not just refer to the agreement - we will need to include any specific stipulations as any kind of conditions that would be attached to approval.

The applicant's have provided their own visual impact analysis based upon graphics done by their engineers that they have tried to graphically illustrate the site plan that is proposed which includes the berms of the north and south at the portions of the property itself as well as the locations of various pieces of equipment. One issue that I did not address that I felt I needed to address in my staff report that was given to you at the last meeting, is the fact that at the Planning Commission meeting it was noted verbally by the applicants that the gravel operations itself is not going to be a year-round operation. That in fact the equipment that's going to be used in this operation is also the same equipment that's used by the applicant in their Carbondale Pit. It's not clear to staff nor has it been described anymore fully as to what type of operation and how this seasonally will occur, it is an issue that staff feels is important, that the Board has some answers to because a lot of the questions of the impacts are going to be tied to when and how this operation occurs, is the projected 180 trips per day meant to be an annual average, meaning that there's going to be significantly more traffic during the times that they are in operation, when they're not crushing gravel or doing that time of thing, are they going to still operate the pit and hold what's stock piled there out of the pit or are they going have the batch plan going at that time. Those of the types of issues that are uncertain at this point. Those are the issues Mark felt he needed to at least ask the questions about, because they're the ones the Board needs to have answered before you make final decision. I will be glad to answer any questions you have about my staff report at this point, since there's going to be plenty of time for lots of other question, I will cut my presentation short, as I said, I think most everybody's familiar with what's in my report. And allow you to go forward with other testimony.

Applicant's Presentation:

Glenn Harsh, Attorney for the Applicant Brent Peterson and Western Slope Aggregates.

First off, Glenn expressed his apologizes to each and everyone of you for the inconvenience that was caused by my inability to be here at the last meeting and we thank you for your consideration in those regards.

In addition to all the material that's been submitted this evening, we have a presentation on our Noise Engineer Analysis and that'll be followed by Visual Analysis Presentation and after that we remain open to answer any questions that you may have.

Bill Roberts, President Western Slope Aggregates

The Noise Study as done by Howard McGregor and Visual Impacts will be taken care of by Gamba and Associations - Steve and Mike Gamba and the order would be Noise first and then the Visual second and in terms of Mark's concerns in regard to comments made, whenever that would be appropriate to deal with that, we would be happy to address that - we may leave that for our closing or whenever you would deem that be necessary.

Engineering on Noise and Presentation and then open to questions.

Bill Roberts introduced the speakers - Howard McGreggor, Visual - Gamba and Associates.

In terms of Mark's concerns with respect to the comments, Bill said they will leave this for their closing.

Howard N. McGreggor - President of Engineering Dynamics, 3925 South Kalamath Street, Englewood, Colorado, Registered Professional Engineer in the State of Colorado, License Number 3928 by examination.

We did a noise analysis on the proposed operations. We took a scenario taking the various equipment that would be operating around the pit, a concrete batch plant and while they are excavating the material and taking it over to the crushers and springs. Based on the noise emissions that we have from the various pieces of equipment, we established a noise contour around the site. I want you to understand that this noise contour is what would happen under maximum conditions - in other words - at any given point in time you have your 55dB where my finger is pointing whereas over here, the noise contour would be way in because there is no equipment operating. So this is a maximum envelope that would occur during the mine operation. In order to pull in the 55dB contour, we have put in berms around the pit to shield the noise emissions from the various equipment. One of the pieces of the equipment is a steady noise on the site as the German electric generator made by Caterpillar - that was a significant noise source - it's a significant

noise at the existing plant at the Carbondale - it produces 80dB at 100 feet. Research went into this by the applicant by Caterpillar and Caterpillar now has a new muffler system that provides about 10 - 15 dB more sound continuation more that the current muffler systems on the electric generators. The electric generator set will also be enclosed in an 18 wheeler trailer to take care of the fan noise and the engine shell noise coming from that device. That was one of the consistent noise sources at the site and that's been attenuated sufficiently to get the 55dB contour into where I have shown it now. That's a quick summary of our analysis and presentation. I am open for questions or are we to wait till later on?

Commissioner Questions:

Chairman Martin asked if we have questions for ..

Commissioners Stowe and McCown - not at this time.

Chairman Martin - we will go ahead and wait, then. Mr. Gamba.

Michael Gamba with Jerome and Gamba and Associates - I'm a registered professional engineer and professional registered land surveyor in the State of Colorado. As Mark Bean said earlier, the P & Z recommended denial of the project on the basis of several issues - noise, air quality, visual impact; and character of the neighborhood was the primary issue. Other issues raised were noise, air quality and water quality. Noise, air quality, water quality - those issues can be quantitatively and objectively measured - you can measure exactly how many decibels a Caterpillar engine will produce - you can measure the water quality coming from this pit - you can measure the number vehicle trips coming from this pit, etc. Unfortunately, visual impact is much more subjective analysis to attempt to make. In regard to that, what we have prepared is - initially we prepared some profiles based on site lines from existing residents. No one probably in the room can see this - I hope everyone's had an opportunity to review these before hand. Essentially, what these represent is at one end of the profile the - it would be the crusher proposed for the gravel pit - at the other end of the profile would be various houses - these are also represented on this map by the red lines or potential residential sites, in the case of Stillwater. What these profiles demonstrate is that some of the residents or proposed residents can not in fact see the property because of obstructions from the natural terrain. From the ones that can see the property, we have prepared some sight photos from those particular sites; we've outlined, so that you can tell where it is, the proposed gravel pit in red on these digital images and you can see that Site 1, for example, is over here in the proposed Stillwater Development. Site 5 is probably the most heavily impacted site from a visual impact standpoint and in that area there are approximately three (3) residences that would have more or less this view of the project. And then we prepared an additional photo from Site 6 that is a little further upstream an one from Site 7 that is substantially upstream. We also had previously received some comments from people across the interstate up in Peach Valley and this last Site 8 photo is from the Peach Valley area - so in general you can get a feeling from these images as to how much of the visual impact, just the property itself is going to have on any particular site. In an attempt to analysis the actual impact, from some of these sites - or from the most heavily impacted site, the site directly across the river where there's approximately three (3) residences, we prepared this series of digital images that demonstrate the project at its various stages of development. The top image is in its existing condition - these photos were taken I believe in early or mid-March. The vegetation is all bare of leaves and I think this demonstrates pretty much the worst potential visual impact that could occur on the site. As we go through the series of photos, it just demonstrates the various stages of development - the second photo demonstrates stripping of the topsoil; this third demonstrates the construction of the 10' berm; and in this one No. 4, the crusher, the batch plant, and the washing plant have been installed. On this one, No. 5, it begins to demonstrate the excavation of the raw materials to be processed; on this one, No. 6, it demonstrates the stockpile of the raw material that more or less obscures the visual impact of the crushing operation; and this No. 7 demonstrates the plant in full operation; and then in 20 years after - worst case in 20 years when all the gravel has been mined, this is visual impact which is a 26 acre lake.

While we recognize that many different people define visual impact in different ways, and I'm sure that would probably be in minority, to say that this not a visual impact, in this room. I think that due to the lack of quantifiable standards to measure this, it's difficult to say whether we have or we have not met the visual impact standards. Some of the opponents of the project through letters to the editor and so on, have suggested other uses for this property. Some of those uses are residential development. I consult as an engineer for residential development throughout the county and I know from experience - as well as the Commissioners and everyone on the county staff does - that many county residents consider residential development to be a visual impact. It's our opinion that the proposed plan as demonstrated here has

mitigated the visual impact to the extent possible. And if you have any questions, I'd be happy to answer them.

Commissioner Questions:

Chairman Martin - are there any questions at this time from the Commissioners?

Commissioners McCown and Stowe had none at this time.

Audience

Bob Regulski - these images were taken from my property and they were taken from the least visual impact. There's at least a dozen houses or building envelopes that look right down into this thing. Somebody had to lay on their belly to take some of these pictures.

Chairman Martin - Mr. Regulski for rebuttal, we'll wait for public comment.

Michael Gamba - I assure you, these photos were taken standing up - the image that you might - one point I might note is that in preparing these digital images it is prepared to scale. Photos of the actual equipment to be used were taken from the Carbondale pit and then using surveying measurements, they were digitally applied to these images. And this is in full scale of the project. This image appears a little odd from the standpoint that it is 180 degree image whereas this image, while it is the same scale, it's just simply cropped around the proposed mining gravel pit site to essentially reduce the size of the overall exhibit. They're all at the same scale, they're all true to scale, and the top and bottom image appear a little distorted simply because of the 180 degree view demonstrated in the image.

Commissioner Question:

Commissioner Stowe - one question Mike, what is the visual impact - did you do any analysis or pictures, or anything from say Interstate 70 or Highway 6 & 24? All of your lines of site seem to come from the south.

Michael Gamba - we did provide one image from up in Peach Valley that you can begin to get a feel for it, it's Site 8. Granted that was the next road up - I'm not sure exactly what that road is, we didn't take one from Interstate 70 or the frontage road there. Actually in that particular instance the closer you get to the project, the less you will se because there is a 10' berm proposed along that northern boundary. This image was taken from the substantially higher elevation and therefore could probably see into the pit a little better than if you're right on I-70 or on Hwy. 6.

Bill Roberts, President of Western Slope Aggregates - I'd like to just say for the record that when we hired the Gamba and Associates, and Howard McGregor that I personally tried to do everything I can to get a true idea of the visual and the noise level of this project, and by no way of trying to deceive or do anything else to try to diminish the impact. It just seems to be worthless to go through that kind of orchestration with the folks that intelligent enough to understand and to be able to rebuttal some foolishness like that.

In regard to that, in no one are we saying that we can totally cover the visual or that you're not going to see this operation. We're not saying that. We're just saying that we're doing everything that we can to mitigate that and to do everything we can to utilize our stockpiles, utilize our drainage piles which is an operation that takes from mining, which would drain out. We're not saying that there's not going to be noise; we're not saying that there's no way that it's not going to happen, we're just saying that we're within the State Criteria.

In regard to the comments that was made at the Planning Commission Hearing, those comments were made basically in terms of that we can't crush when that high water is coming, which is a couple of months out of the year as we all know. And basically that's hard to pump or de-watering trenches to in fact keep up with that high water and in regard to trying to put a timetable on that, it's just too hard to do and to go through the issues of this stage to that date

that it's impossible to do that in terms of the crushing time. Also, we would have stockpiles there which we need to keep moving that gravel all year round so that comment was made just partially in terms of the crushing operation. So what he's saying is that this operation will be happening full time all year long in one way or another. And we didn't mean to do anything to, in regard to staff, to insinuate at that time, anything else.

Basically, I would like to put a time when this project when this project would be mined out - by the looks of this crowd tonight, we'll never sell anymore gravel ever down there, which would be understandable but also it's so hard to dictate the market and to be able to say exactly when this project would end. We would say through, at we mine along, as we go along those segments, that we would do everything we could to keep the mitigation of reclaiming as we went along. And I don't think there is anything else I could say right now, other than we really tried to honestly show this as well as we can. I would like to say one more

thing, it's very hard in the last year to keep up with all the changes and to know exactly what we need to have prepared when. And I'm sure the Board appreciates that as does the opposition - so we've done the best we can to try mitigate these issues.

Commissioner Questions:

Chairman Martin - is there any questions of the applicant at this time by the Board

Commissioners Stowe and McCown - none.

Reviewing Agents

Steve Beattie, Attorney representing the Town of Silt and

Davis Farrar representing the Town of Silt in this matter. My residence is 0165 Basalt Mountain Drive, Carbondale, Colorado. I've been a land use planner in Garfield County for over 21 years and I'm familiar with the County Regulations and the Regulations of the Town of Silt. What I would request because of the limitation of time is that you hold your questions for me or Mr. Beattie who will speak after me, until we've completed our presentation.

Visual Presentation - Overhead Projections

The first place I'd like to start is the *Regulatory Environment* related to this application - the *Zone District is Agricultural/Industrial* - the name implies that somehow industrial uses are use by right, however that is not the case, uses by right are primarily directed to agricultural type uses. A single family residential is only allowed in conjunction with an agricultural or other uses permitted in that zone district. So, technically speaking, you couldn't build a house itself without an agriculturally related use or use by right attached. The application is for extraction, processing and mining in a floodplain. These are only allowed as a special use after careful review by the county staff, Board of Commissioners, Planning Commission, and scrutiny by the general public. That's an important characteristic in that, it is not a use by right, it is not a property right, it's a use that may be denied by the county if it's inappropriate in the district. I would like to note that pumping facilities are a use that's identified as a special use in the A/I zone district and in my review of the application, there's no material on file that shows a special use permit application for pumping facilities which are a critical part of the application. As a special use permit, it is the highest level of review of all uses in the county. As such, it requires submission of an impact statement that requires detailed information to address numerous items including water, pollution, wildlife, truck and automobile traffic, separation of uses, and numerous other criteria. As I'd mentioned a special use is not a property right - it is a discretionary decision by the county and therefore may be denied. It requires compliance with industrial performance standards that are detailed in the County Regulations. The use is required to open "be appropriate to the physiographic

and general environmental character of the district to which it is added." The use additionally "does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectional influences or more traffic hazards than the minimum amount normally resulting from other uses permitted in the district to which it is added." These are straight out of the County Regulations. The use must be compatible to uses existing and permitted in the district to which it is added - it is our opinion that this application does not conform to those requirements.

The *County Comprehensive Plan* - it is the document that was prepared as a result of broad based public input, review by the municipalities, planning commissions, local elected officials, the county staff and the general public at large. It establishes a long term land use vision for the county and a direction for the county. It should be utilized as the primary reference in all land use applications and decisions. To ignore the Comprehensive Plan, as the applicants have insisted, undermines the most basic planning principles and makes a sham of the public process involved in creating the document. I've submitted a memorandum to the Silt Board of Trustees which is part of the exhibits that the County Commissioners have that details the items related to the Comprehensive Plan - I will not go over these here, they're part of the public record. We agree with the county staff's position that the Commissioners have complete discretion to utilize the Comprehensive Plan as part of their decision making process and I think you should. The applicant's do not want the county to use the Comprehensive Plan because the general goals, numerous statements, and objectives in that Plan identify the proposed use as inappropriate at the proposed location.

The *Town of Silt's Comprehensive Plan* which is shown on the right here which is now adopted as part of the County Comprehensive Plan, identifies this area as agricultural/ conservation/PUD. That designation is intended to encourage and maintain agricultural uses through clustering of residential uses and it is not silent on industrial operations, in fact does anticipate industrial operations in that designation.

Character of the Area and the General Setting

This is a view across I-70 of the proposed site. This aerial photograph on the left was taken last Fall, the photograph on the left is dated 1994 approximately and the white line outside the proposed pit site is approximately 1/2 mile radius from the property. You can see from that photograph and the previous color aerial photograph that the area is rural, and the area is agricultural in nature - it is not industrial. There's a gravel pit shown highlighted in white to the west of the proposed site - that's the existing Frie Pit but it actually lies just outside the 1/2 mile radius. The Silt municipal boundaries were pointed out, and the closest boundary which is Stillwater Ranch PUD. It's approximately 850' from the closest point of the gravel pit. You can see from the aerial photography, the recent area of photography, we have older area photography that the area remains rural, the areas that have been annexed to the town will be urbanized in the future, we recognize that, but that's where growth should take place.

Visual Corridors have been identified in the County Comprehensive Plan as important characteristics to county residents and visitors alike. The I-70 Corridor in particular is very specific, the I-70 Corridor here is a very important view corridor for the county as identified through the Comprehensive Planning process. The applicants are proposing to put a berm on the north side and berm on the south and west portion, however you can clearly there's no topographic barriers from this direction or from this direction to periit view of the proposed site, so it is our position and our opinion that that site will be very visible and will adversely impact that view corridor. Gravel pit impacts - I think one of the primary concerns that the Town's expressed to the - this photograph here is our version of a visual depiction of the site upon completion. Again, we also try to do our renderings to scale to represent what the pit might look like after it's built. Obviously we can't do what it's actually going to look like in the same way the applicant's can, however, to give us a little dose of reality, we have photographs of existing gravel pits in Garfield County here, these are all existing gravel pits, so I don't think there should be any questions about what a gravel operation looks like and what it will look like. I think that's pretty clear so that's kind of our dose of visual representation and a dose of reality.

Gravel Pit Impacts

Talked about traffic - C-DOT has permitted the site for an average of 180 vehicle trips per day. That's an average and that's stated in the C-DOT Permit. That average can go up and it can go down, so it is our opinion that vehicle trips could very significantly from the average permitted by the State.

Noise Impacts

I'm not going to get into that because Citizens Against the Pit have an expert that will testify here tonight regarding noise impacts.

Visual Impacts

I've talked a little bit about that, this overhead here shows the existing Western Slope Aggregates pit outside Carbondale - again, that's what a gravel operation looks like - I don't think there's anybody in this room that hasn't seen a gravel operation so I know I'm telling you what you already know. The height of the bluff on the south of the property, what I've created is a transact from north to south from this point here on the railroad tracks south to a residential unit - do not know if that the Regulski home or not - but close to it. Down of the bottom here you can see that this is a profile of that transact - it's relatively flat from this point which is here on the north down to river, there's approximately 16 feet of slope in .45 miles.

From this point here are the river, actually the south boundary of the river up to the top of the bluff, the elevation difference is approximately 54'. From that, the top of that bluff is going to be extremely difficult to mitigate noise and mitigate visual impacts to the north - even with a 30 foot high drain pile which may vary in height depending on the demand for gravel. In the same way it's our opinion that views from the northwest to northeast you will able to look around that berm and see the gravel operation.

Subject of Dust

I personally observed significant clouds of dust from existing gravel operations in the Roaring Fork Valley. In the springtime it's windy, no matter how much you water a pit, when there's loose soil, there's huge clouds of dust. I realize the difficulty for any operator at any location to mitigate that - but that's a reality.

Reduction of Property Values

This is another impact. Bob Regulski has completed a report/analysis that shows a major reduction in property values on his project if this pit were to be approved.

Public Process

This is a very critical part of this whole political process and the basis for Silt's lawsuit with the County. As a result of that public process and public involvement and scrutiny the Silt Trustees have delivered a recommendation for denial on the application. The Silt Planning Commission has delivered a recommendation for denial on the application. The Silt staff has recommended for denial on the

application. The Garfield Planning staff has recommended denial. The Garfield County Planning Commission has recommendation for denial. 600 residents signing petitions have recommended denial. And Garfield County area residents that are here tonight and appeared at numerous other hearing also recommended denial.
In conclusion, it's the Town's opinion that the use is proposed in the wrong location, the application is inconsistent with Garfield County and Town of Silt's Comprehensive Plan, the major impacts of the use - visual, noise, traffic, degradation of property values, destruction of the character of the area, etc. can not be effectively mitigated. There is overwhelming opposition to this special use permit, by the County staff, County Planning Commission, area residents, Town of Silt - the request is a special use, not a property rights. The County Commissioners have broad discretion to deny this application - we encourage you to do so. It's the applicant's burden of proof to show the use is acceptable and they have not done so. The application should be denied for there reasons and additionally straight out of the County Regulations, for the following:

It will have a negative impact on traffic volume and safety;
The proposed use will be injurious to the established character of the neighborhood;
The proposed use will be injurious to the agricultural/industrial zone district; and,
The applicants have failed to carry the burden of proof that the proposed use is compatible with the agricultural/industrial zone district and will not damage surrounding property values.

Steve Beattie, Attorney for the Town of Silt - very much appreciate the opportunity given to present here this evening. First of all, I'd like compliment Mr. Roberts and Western Slope Aggregates on their presentation here this evening. I believe they know as we do that there are volumes of material you have to deal with and I appreciate the brevity - I also appreciate the efforts which they undertaken to attempt to mitigate the impacts in this matter; and as one representative for the Town of Silt, I'm very mindful of what they've done. The difficulty that we have with this application is that despite the best efforts to mitigate, despite the best efforts to do all that can be done, this is just not a location which is suitable for a gravel operation. Mr. Farrar's site line showed this property sits in a bowl - you've all been by the property and you know what it is - Mr. Farrar's site line showed that from 6 & 24 to the south edge of this gravel mining property, is 16’ lower downhill toward the river from 6 & 24 to the south property line and some 50' higher upon to the bluff that sits over there. Mr. Gamba's site lines etc. I believe were competently done as I believe Mr. Farrar's were - obviously, we know what gravel mining operations look like from the actual pictures of gravel mining operations that he put up there - that they look like gravel mining operations. It happens that this operation sits or would sit in a bowl located between Peach Valley and I-70 and Stillwater Ranch and all the existing people who live on the other side of the County Road. A (10') ten foot berm will not have, with due respect, the impact of visually blocking this and I appreciate Mr. Roberts candor in saying that, no, there will be visual impacts, of course they'll be visual impacts, of course they'll to some noise impacts - where you have to get to is to a couple of things as Commissioners, I think, 1) is what is a matrix under which you make a decision like this. Obviously, this has been an industrial and mining County over the years and I will be very surprised tonight if you find one person in this room who is what we would call a strong radical environmentalists. Most of these people in this room are good hard working, and I have nothing against strong environmentalists and if they have any to speak, I look forward to hearing from them. But, I retract most of just what I said, my point here, my attempted feeble point here is that most of the people that will be speaking with you are seeking preservation for the sake of preservation - or seeking to say - we don't like mining and extractive operations for the sake of mining and extractive operations. I think what they're saying is in this location which is the entrance to their Town or the view from their homes, or the way that they go and from work, there's no way to put this extractive operation in a way that won't that a high, high impact and if that's the case or even a substantial impact, the Zoning Resolution says in particular at Section 5.03.11 I believe it is, "the Commissioners may deny any request for a Special Use Permit based upon, among other things - any impact of the special use which it deems injurious to the established character of the neighborhood or zone district in which such special use is proposed to be located." The neighborhood here, as people will tell you, is rural/residential/agricultural in nature - Peach Valley is that way, area across the river is that way, Stillwater Ranch is intended to be a higher scale residential development on that end of things. You can't change the established neighborhood character - it hasn't changed and with due respect that is what you have to give great and substantial impact or importance to in your consideration. There was a comment made in Planning and Zoning that - well, we need gravel - gravel is located in river bottoms so what are we going to do? We've got to extract it in some

manner. Well, from experience, gravel is located in river bottoms but it is also located on benches - I witnessed the gravel operations in the Carbondale area that are not in river bottoms - there are also portions of river bottoms that are not so highly visual. And so, it's not a matter of saying, preservation good - gravel bad, or something of that nature, but rather looking at this location carefully. One of the things that I did hope that you had a chance to look at, and if you haven't perhaps you will have at a break, is a part of Mark's staffs comments of March 5th for the hearing that was continued till tonight - at pages 17 - 39 Silt has its comments which has made to you for purposes of the hearing, and one of the matters included there is the Garfield County Commissioner's Resolution 84 - 66 from 1984, which denied a gravel mining operation in very close proximity, within a mile or so of this gravel mining operation, and I do urge, if you haven't had the opportunity, to review that in some detail. The Commission looked at great lengths to the character of the neighborhood in determining that it was probably not an appropriate use at that time. And one of the other things that the Commission looked at, at that time, was public input and obviously you people are elected to make the best decisions you can, but you're elected by the people - you don't give a civics' lesson, I probably couldn't give one anyway, but it is significant when a particular operation engenders literally hundreds and hundreds in the high hundreds of people who feel so strongly about it in the location and it's not only a factor which you can consider, it's a factor that I would suggest that would be a very good idea for you to and reflected by the 1984 Resolution - it's a perfectly fair factor to consider.

Berms as a Visual Block

One of the major considerations upon which P & Z unanimously recommended denial to this commission, there wasn't mitigation of visual impacts. Now, wasn't the case in the first application - I would point out to you that the site plan that you have in the Third (3rd) Supplemental in the Application is not what was presented in the Application itself - it's been changed around. Maybe that's a good thing because they're trying to modify it to make it better but in terms of the 10' berms, 10' berms, if you're up above them, don't block lines of site - if you're even with then, you no longer have a visual corridor - you're looking at a bunch of earth. And the fact that you blocking something ugly behind it doesn't change is as being blocked by something ugly in front of it. And I think Mr. Stowe's question was good - what does it look like from I-70? It'll look like a big lump of earth instead of a line of site, and I would note that you're Comprehensive Plan designates this area as a site line or visual corridor. So I believe the line of site, visual corridor is very important - many people live in this area because of the feeling of the openness that exists to them and then putting in of a berm doesn't really help that - it blocks off something that's not attractive, but it still interferes with your visual corridor and from Mr. Regulski and others, I submit, up there, it won't make any difference anyway.

One of the points for your consideration that I wanted you to consider, they've done a nice job in trying to do the best they could to put forth an application to you, and it's not like grading a paper to say, gosh, they've gotten so many of these things addressed, the fact is from the Section I read, if there are any respects in which their application doesn't conform or may predictably not conform, as addressed in the 1984 Resolution, you should disapprove - the burden of proof, as the County noted in that Resolution, is on the applicant to proof everything, including compatibility with the neighborhood, visibility, noise, dust and the others and not on somebody else to prove that those problems don't exist. I agreed with a comment that Mark made, and I'm still a little bit uncertain, as to - I've never heard a good report as to how long this operation is going to go on - I would like to hear it, I've heard anywhere from 5 to an infinite number of years, I know how long the gravel pit across from Westbank operated, it was around 30 years or so; so I'd like to know that and I'd like to know really how tall some of those things and there are a 30' pile of gravel, I'm not sure how tall the crushing operations are in the concrete batch plant.

I believe that I've touched on most of the matters I wanted to touch on - I comment you for giving the public the opportunity to participate - I urge you to listen to the public, and I thank you for your time.

Chairman Martin once again swore in speakers.

Public Comment:

Chairman Martin reviewed the criteria and time allowance for each of those wishing to make comments and collective comments represented by one individual.

List of Individuals Signed Up to Speak or to Donate Their Time

Peg Bracken - donated time to Calvin Lee.

Greg Colasinki - a resident in homeowner for 7 years. He would hate to see everything go downhill starting with this pit. Didn't feel that this pit was within the character of the community.

Rick Locke - property directly across from the proposed pit. Moved to area in 1974. He is opposed to the threat of the pit. If SUP is approved the entire character of the neighborhood will be changed forever. Asked the Board to deny.
P.J. Breslin - donated time to Alisha Bell-Sheeter
Michael Becth - donated time to Leno Montover
Leno Montover - addressed the 1957 overflow of the river onto the Peterson property - in 1964 as well, the river covered their island and onto the Peterson's. 1974 same and the flood in 1984 Dave Nicholson will explain. The 10' berm will cause a lot of problems. Overflow of the river will take this berm to the other side. The dates between those floods mentioned, he has seen high water. He questioned if there would ever be an asphalt plant and wanted it noted for the record that he opposed any increase in operation.
Craig Donaldson - donated time another
Larua Pessel - donated time to another
Chairman Martin stated that all donated time will held for the last.
Ruth Mollman - almost directly across the river - opposed against the pit - she claimed she owned to the middle of the river at the first public hearing - this was not true according to the records - lives will be so greatly impacted that she hopes the Board will deny the request. They checked out all the zoning before buying the property and building their dream home, and now 13 years later, a SUP that hasn't met all the requirements - there is a gravel pit already within one mile of their residence.
Robert Sherman - property owner to the west of the gravel pit. He will be the most affected and wholeheartedly supports the approval of the pit - Mr. Peterson has every right to use his land as he sees fit. WSA has gone to extreme lengths to mitigate the impacts. The character of the neighborhood is not limited to residential, there are other industrial uses already - an Interstate Highway, a State Highway and a railroad. He requested the Board approve.
Fred Cooke - some donated time to him. A visual was presented. Manager of the Stillwater Subdivision and said this proposed pit is a use that if beneficial to our area. It is not compatible with their development. The impacts they are trying to mitigate - visual, noise, dust, traffic, due to their use and the infrastructure that exists on the property is almost impossible for them to mitigate those impacts without some sort of negative impact on the surrounding area and the character of the neighborhood. Stillwater's projects and the proposed pit - the majority of the lots in one area will have a view over the pit - he pointed out that some of the units would be 50' up to 80' above the pit. There are 80 lots within a range where the noise will be an impact. Noise is an annoyance to the public - backup alarms may be within the State's limits but it still is an annoyance to those residents. Contamination is another major concern. Nothing so far has addressed the impacts to the ground water contamination as they go down and use those settling ponds and the discharge to the Colorado River, when it's the Town of Silt's water supply and Stillwater's potential water supply - this will be taken out downstream from the pit. In addition, the traffic impacts - the main traffic coming out of the pit is going to be right along the frontage road - Stillwater which will be starting development later this year, has planned a pedestrian access under the 16th Street Bridge coming out and crossing the frontage road. There will be an average of 180 trips of basically heavy trucks that will be running right through what Stillwater has set up as a pedestrian walkway connecting the Town of Silt to the Stillwater project which is part of the Town of Silt. Economy impact this pit will have on the area. Stillwater has carefully designed their project with lots of open space and making it an area and a project that is going to enhance the overall Silt community and the surrounding property in Garfield County. This by the nature of a gravel pit operation and a cement batch plant is really not conducive to enhance the property values in the area. Regardless as to what they try to do, impacts will not be mitigated to negate the traffic, environmental, noise, dust, and visually especially of there operation is going to have on the area - it will affect everybody's property values in the area. He respectfully requested the Commissioners to denial this application.
Jim Beveridge - Peach Valley Acres Subdivision which is within ½ mile radius of the Plant and will have a direct impact from the proposed pit. A former elected official - retired - he is labeled as a local NIMBY and not against industrial uses. He thinks this industrial operation must be away from residential areas. Encouraged the Board to listen to all the public input and to the staff's recommendation for denial. Additional proposals for mining of gravel will be forthcoming before this Board in the near future. Requested denial.
Nathan Harris - Represents the Town of Silt - gravel pit will cause a lot of bad stuff - does not want to grow up in a location where bad things are happening.

David C. Nicholson - some donated time - registered land surveyor - 150 feet from the proposed pit. The one thing not brought up is the discharge into the water. Drain piles shown on the map were mentioned with respect to the high water that eventually creates the water to go elsewhere than normal. The heavy equipment moving across a football field 30' high. The proposed pit is very sandy land and the dust will be very noticeable. High water will damage his property. Property values will be impacted. Photographs submitted by the applicant show big trees - some Eagles in the trees - DOW explained deer have a high tolerance of noise, song birds don't they will leave. Herons are a quiet bird and a lot of birds will hang around them - they know they are safe - this will impact them. Photos were shown visually. The trees located there will be destroyed - when they start de-watering along those trees 25' deep you will lose those trees - and you can not use them as visual blocks. His well is within 750' and 90' in depth - he will only be 10' - 15' where he's pulling water from the bottom of the pit. Peach Valley Acres is over 80' below, further below and on that side of the river, the drainage where the water will be pumped out. It will de-water the trees and has seen no comments from the applicant - the Bureau of Reclamation made a good comment - they were worried about de-watering the ditch. The applicant said they would line it, so there must be some de-watering problems of the Bureau of Rec. wouldn't have brought it up. Visual and physical impacts will be dramatic. It will be a living hell while they are digging out the pit. There is over 600 acres not being mined for the present gravel pits. Frie Pit was brought up and he is only using 30 acres out of almost 200 acres. Most of the current gravel pits are only using 30% of their pits. He submitted the title to this land and it was given to him by the government for $1.00 - it doesn't say there are no rights on here that was given by the government, and not sure - it doesn't say anything about mineral rights on this land and didn't know if this affects their permit or not. Encouraged denial. They will pump dirty water into clear water - impacts fish and a lot of things. Wells will be affected. If the Board approves then he wanted assurances of where to go if his water is affected.

Doug Wright - Life long resident in Garfield County, a Silt property owner - not with a group and he supports the gravel pit based on his concern over the eroding rights of property owners in this Country and especially in this County. While the surrounding property owners have an interest in what goes on next to their property, there should also be concern for the greater good of the entire community. The Board should look at this request from a common sense standpoint - if we need the gravel then it should be approved. If you truly believe we don't need the gravel, then it should be denied - that's the only thing of concern here. When I-70 came through Garfield County he was sure that many people opposed it - it happened anyway because it was for the good of the nation and for the State of Colorado. Glenwood Canyon is a perfect example of the abuses by environmentalists to stop something which inevitably only added to the cost of that project and this is the same situation where the man has a right to do what he wants with his property if what he is doing is a necessary component of the community and will benefit the community at large. He was for the project based on common sense and not because it's going to affect surrounding property values. If surrounding property values were a concern, he would have thought that the residents of the Town of Silt would have denied Stillwater. Stillwater is a perfect example of the fact that Silt is growing and anyone that's on the economic side understands that residential does not pay the bills - commercial does. Industrial does. And the Town of Silt by approving Stillwater - which will probably never get built in my lifetime, is more residential which is going to affect any businesses that may come into the area. He encouraged approval.

Doug Grant - asked to wait till the end if he says anything at all.

Ham Dubois - read his response - he quoted Commissioner McCown stated that "everybody needs the gravel and no one wants to look at the pit." He has taken a very deep interest in this pit - most gravel pits are hidden and not located in residential areas. Wrong location and not against Mr. Peterson but he doesn't have the right to impact the residential area. He's not anti- gravel pits or growth. Had Mr. Peterson proposed a residential development there would not be opposition. The pit would change the established neighborhood.

Bob Regulski - second comment via some donated time - Lives across the proposed pit. WSA proposed their pit will be an asset to the area. The noise of the current pit is intolerable. They hired Bill Holiday to evaluate the noise. The dust is uncontrollable and could lead to health problems. The water will be affected. The chemicals in the pit will poison the ground wells. Berm - the most recent proposed creates high water concerns. There are 40' cliffs were none used to exist. Property values will decrease. Now he is faced with losing his property values.

Alisha Bell-Sheeter - some donated time. She is a research consultant - Hydrologist. She prepared her written comments that were prepared for Concerned Citizens Against the Pit -Risks and Hazards - SUP

Application of Western Slope Aggregates, Inc. She is a research consultant representing many concerned citizens. She submitted the following exhibits: Exhibits - AQ - Risk and Hazards Report; Exhibit AR - Geological from Apex Consulting; and Exhibit AS - D.L. Adams.
Chairman Martin submitted Exhibits AQ - AS into the record.
She focused her report on 1) dust mentioning the 8th report on carcinogens is the most threatening impact - she named the chemicals that would affect the current residents.
2) impacts to ground water supply - Apex Consulting Services Analysis; Pumping up to 3 million gallons a day will impact Peach Valley - impacts also will occur during low water flow. Ground water should have been examined and asked the Board what liability were they willing to assume by permitting this operation and how is it to be funded? Floodplain and River Morphology - Berms used will be isolating the floodplain away from the channel. A concern that this Board has in exempting this operation from floodplain regulation. Comments from the FEMA (Federal Emergency Management Agency suggest that potential disaster funding from that agency could be reduced given that the County has chosen not to enforce its regulations; and there is no demonstrated need for this gravel pit - a lot of gravel pits already in operation who are not operating at capacity apparently. In the interest of making informed decisions, let's get the process going of developing appropriate mechanisms in dealing with this issue and working collectively toward achieving a mutual agreement on land use issues in Garfield County.
William M. "Bill" Holliday, P.E. Senior Project Consultant - David L. Adams Associates, Inc. He performed an independent noise study paid for by the Concerned Citizens Against the Pit. He is a registered noise engineer and was paid as a consultant to review the submitted applicant's report and submit his findings. He does not agree with Engineering Dynamics that the noise impacts will be mitigated. He performed noise studies based on the residents in the area. Pg. 9 of Engineering Dynamics' report states the equipment used for overburden removal alone will radiate 75dBA at 100 feet, which corresponds to 55 dBA at 1000 feet - this will exceed the limits of the State of Colorado Noise Statutes. The contour that is approximately 500 feet from the proposed site extends onto residential property and will exceed the limits of the State of Colorado Noise Statutes. He also stated that a 10 foot berm will not be effective. The stockpiles 30' high claimed to be used to mitigate noise reduction from the crusher may not be a reliable sound barrier due to the height of the stock piles varying. He also stated that the mitigation of the sound proposed by the applicant would merely change the path of the noise. Conditions favorable to propagation are temperature inversions or wind from the source to the receiver. He recommended a better evaluation of the noise considering the elevation.
Jeanne Long-Locke - some donated time - Her quality of life, personal financial investment, and the entire community is in jeopardy. She requested denial based on: 1) effects on human beings due to the impacts; 2) effects on health - dust results in health hazards; 3) effects on residential wells; 4) effects on the mental health of local residents - noise unbearable - causes an affect on the nerves, causes headaches; 5) infrastructure impacts - aggregate is not a priority; 6) harming a prime piece of river property - others will be before the Board with a SUP request for industrial - this would set an undesirable precedent; 7) effects on the neighbors - gravel pit a visual impact - zoning currently is agricultural. They researched the uses of the land surrounding them before purchasing their land. Time to consider the future of this County. This should remain agricultural and rural. Mr. Peterson has many options to use his land in other ways. Concluded by reminding the Commissioners that the Board the Town of Silt unanimously voted against; Glenwood Post Independent; Garfield County's Planning Commission urges denial and a vast number of the public are against the proposition - this gravel pit is not in the best interest.
Tanya Findlay - Her father wrote a letter to the editor that didn't get published. She read it into the record. Harder for a farmer or rancher to make a living. Mr. Peterson and her father do not want to see their land in a subdivision - they support the gravel pit.
Larry Rose - Lives in Peach Valley within ½ to 1 mile from the gravel pit. Reminisced from his youth and reminds him of the suet from rubber plants in his hometown. Reclamation at the Rifle exit is beautiful. Asked for Board consideration in making their decision.
Kim Charimichael Fifer - resident for 9 years - concerns from two perspectives - member of Silt's P&Z Board. The pit can not be denied simply on the basis of the Comprehensive Plan. Community time for input to the Garfield County Planning Commissioner - encouraged the Board to follow the Comp Plan. An educator in the community - the new school that will open in the Fall of 2001 - students go to the river park via the 16th Street access and trucks will be using the access to I-70. Asked for consideration of the children and adults and deny.

Calvin Lee - called himself a radical environmentalist - an important role to bring balance to decisions made by the Commissioners - he represents the Concerned Citizens and spoke on the legal issues and the effects on the neighborhood. Silt's Comprehensive Plan and Garfield County Comprehensive Plan view the Colorado River as a treasure to - important visual corridor - fishers, rafters, kiaykers, residents - Reclamation will be 20 years later - most of the public here tonight are in their late 40's or early 50's and this will affect their quality of life. Noise may be within the State guidelines - shrill noise can cause mental illness. The Board can find the noise levels do comply but they can also show how it will affect the residents. Dust - experts saying various things. Encouraged the Board to use common sense in their decision. Dirt coming off Eisenhouer Tunnel have affected the water - erosion into the Colorado River - gold metal fishing and a great part of the economy. Applicant has stated the Silt and GARCO Comp plan should not be relied on - WSA has been advised of the difficult to approve. Mr. Peterson has known that to put a gravel pit at this location, he would have to comply wit the Zoning Regulations. This area should not be industrial and should not affect the current neighborhood. Private property rights - Mr. Peterson does have rights and he suggested: remain on the land and reap any benefit; sell the land as currently zoned; subdivide - the Constitution, the Bible, Comprehensive Plan, and the Zoning Regulation does not give the right to use their property to the highest dollar value. Decisions should not be made as to whether Garfield County needs the gravel or not - it should be within the Zoning Regulations. Neighbors and Colorado River are the main factors in deciding. Extremely affected by impacts. Legally it should be an easy decision to make - the Board needs to find if this will be injurious to the neighborhood. The area has never been an industrial area. Hope they will rule against and not on emotion.
John Evans - resident since 1978 - nothing fresh or new - sat through 3 meetings and held overwhelming reasons why this should not be used as a gravel pit - encouraged denial by the Board.
Ken Kris - Supports Mr. Peterson's rights to use his land and resources - he is a veteran and fought to protect his rights. Ken used to live across from the Rose Ranch - views are not in property rights- he purchased an extra lot to protect a view of Mount Sopris. These people need to anti up and purchase Mr. Peterson's land. Aspen had a gravel pit - Eagle pit in Vail, Boulder gravel pit is a business park today - beautiful addition to the city. Takes time to develop - Mr. Peterson can leave a beautiful piece of land - people have come to this area from other states. The rights of the property owners must be protected.
John Curry - resident of 8 years - appreciates the quality of life and no one has commented on the impacts to the residents' everyday life. The possible carcengentics - hope the Board has the good sense to follow the public and deny.
Becky Rose - works in Silt - nothing new to add - the Mayor of Silt recommends denial plus Planning and Zoning. Mr. Peterson has a right to use his land within the current zoning.
Lee Anne Short - can see each point of view. Those who grew up here have had to compromise. Growth is an issue; believes in property rights and should be able to do what they want. Offered a compromise - there is a gravel pit already located nearby - her solution is for Bill Roberts to dig out the pit - he already has a crushing plant - take the gravel to his Carbondale location - make the lake now and all will be happy - this would eliminate a lot of noise. Brent Peterson would get paid a lot of money, the neighbors would not have the visual impacts and Mr. Peterson would get his lake in the future. The gravel is used up valley anyway.
Oni Butterfly - a Silt resident - she agrees with Lee Anne's solution. Her background is in microbiology and used to work for the Federal Groundwater and FEMA - some government experience - an environmental assessment would be required. Her concerns were sedimentation in the river, the water supply, drinking water, emotional, recreational, and traffic impacts of trucks on infrastructure, and the health and welfare of the residents. The action by the Board is no action; alternative that Lee Anne suggested and the proposed gravel - look at the ramification of each one.
Beth Dardynsiki - lives in Glenwood Springs and moving to Silt - looked at both sides - admits she has been undecided but in looking at all the information - it seemed to be unbalanced with so few benefiting. The gravel is not needed - nothing good to say about the project. Liked Lee Anne's suggested to go straight to the lake and pay to belong in a membership for a boating lake - charge $3,000 for a membership.
Dan Becker - opposed and asked for denial.
Michelle Howard Snow her family is a pioneer - she urged denial based on dust, noise, visual impacts, trucks, and additionally water supply will be jeopardized.
Steve Massano - wished the best for both parties but hopes the Board will consider the Colorado River. Low water is an issue - dumping into the river is a real concern. Asked the Board to consider the future of the river. Algae and other garbage are already in the river.

Vern Soucie - Chairman of P & Z in Silt - concerned and remembers what happened in 1984 when the river was running full, the bridges all up and down the river were in danger. Look at the big picture - Lyon Subdivision and the traffic concerns generated from this residential development - bridge overpass into the main town - now there is a 10 - 15 minute wait to get into the town. Sillwater main complex on the frontage road. Looking down the road with 180 additional trucks brings up the question of how to handle the impacts. Stillwater has been in discussions about ways to mitigate the traffic. Asked the Board to consider the traffic impacts.
Alan Shouder - the Bureau of Reclamation does not oppose the pit.
Davis Farrar - question on procedure - rebuttal - closing comments, questions.
Chairman Martin will allow the applicant to have closing comments.
Applicant Response
Glenn Harsh concluded by having a summary from Sound Engineer Howard McGregor; Civil Engineering Services from the Gamba Associates, and final conclusionary remarks made by Western Slope Aggregates' president Bill Roberts.
Bill McGreggor - Referenced Mr. Holliday's statements that he thinks needed clarification. 1) Sound - understand very clearly that during mine development the noise low of the 55dB requirement for the daytime is not applicable - mine development or construction is excluded from those requirements. 2) points raised about heights of the berms were misinterpreted on some of the topographical data that was presented by the other engineer that did the topography. 3) same as for the power levels from some of the equipment - we have power levels on equipment that they actually measured over the last 20 plus years on mining operations and knows the noise emissions and what they would be at distances; and 4) finally the 450’ versus the 900' is not an error - it is 450' and he wanted to make this very clear to the Board.
Gamba and Associates - Michael Gamba - Civil Engineer - addressed several different issues - 1) the graphical depiction that depicts the exaggerated size of a crusher on the site that was prepared by Davis Farrar - it should be noted that the trees in the background are 60' tall and the crusher was higher than the trees and the crusher is in fact only 15' tall - this was not an actual graphical representation of the site whereas his visuals are scaled correctly to the site.
2) Water Quality Issues - Gamba prepared as the Board is aware, a Storm water Management Plan over a year ago, February of 2000 - this was approved by the Colorado Department of Health Water Quality Control Division, the State Health Department has basically signed off on the fact that we will not be pollution the Colorado River with our discharge. And just to put that briefly into perspective, the 1900 gallons per minute that was discussed as being in an extremely high flow, that equates to 4.23 cu. ft. per second and at an extremely low flow the Colorado River flows about 2500 cu. ft. per second so our discharge is well less than 1% of the total flow in the Colorado River at a low flow condition. 3) One of the other issues discussed that is outlined in their application is in regard to the flooding - a portion of this gravel pit is within the floodplain, that is true, but it lies within the flood fringe portion of the floodplain as opposed to the flood way and by definition, the flood fringe can be filled completely without impacting the elevation of the floodplain by more than 1' - so even if we were to construct a 30' tall berm throughout the entire extent of this property, we would not impact the flood elevation on the opposite side of the river. 4) One of the other issues to bring up is the traffic - the 187 vehicle trips generated by the pit, again these need to be put into perspective - according to the ITE Trip Generation Manual which is the industry standard on vehicle trip generation for any uses - it states in the Manual that a single family house produces about 10 vehicle trips per day - people thinks that seems ridiculous but what that means in 5 round trips - this is a national average and has been proven out in many different studies. Therefore, this gravel pit is equivalent of about 18 houses. Stillwater Ranch is proposing somewhere in the range of 1000 - 1500 but that is 15,000 vehicle trips per day. If the 187 trips generated by this project is inappropriate, then perhaps Stillwater Ranch is as well.
Bill Roberts - addressed the dust issue that was brought up several times - first of all we're governed by MSHAW Regulations and those regulations mandatorially make us show and prove out of each one of each of our operators have carried a dust accumulator or a dust system that actually shows exactly how much dust that person is taken care of - we are regulated by certain limits and are shut down on whatever noncompliance we might be doing. So we're governed and deal with in terms of dust. Bill clarified - 1) we do not have any other option on this Ranch that people have been talking about - there is no option - we have no asphalt plant at all scheduled for this, he is not in the asphalt business and it won't happen; 2) right now we have the Wooden Deer Subdivision that sets above our pit in Carbondale - I know that they've been approached by the Citizens several times - I didn't see anyone on the list or anybody here that had a

problem with that. Also, these homes range in between $600,000 and $1.2 million - 24 homes. 3) It's important to keep the is perspective in terms of the Stillwater Subdivision which, Bill said he has a lot in Silt and has been here for several year - the Stillwater Subdivision came along and we talk as if it is already built - it's not there right now - but it is going to be - and it's a huge impact to the whole community and not only to the people that do live in Silt. But if the money could be spent by Western Slope Aggregates to the tune by these fellows have been able to spent in the basically professional people that has attacked their application in all kinds of ways, then we go on with this for 10 years; and in terms of final statement is that WSA is regulated by the government and the agencies that we have to put our applications through for these special use permits - I'm not going to spend the kind of money it takes to develop this pit unless I'm real sure that we are in compliance with those agencies. And he hated the thought of being attacked by people that are basically hired guns that have no idea really what that's all about in terms of that issue. He takes real offense to that fact that we are governed by agencies that make them comply to the laws and regulations of this State. The last thing that he wanted to add and throw in there - Brent Peterson and I were in Viet Nam in 1969 together - we were in the same unit - we didn't know each other at the time, but we were there - these are his rights - I have what I have and he has what he has today but we did serve our time and he has a right to this and that's why we have continued to deal those rights that we have as people in this country and I appreciate all the time and interest in the last year and hopefully this matter will resolve.

Commissioner Comments

Commissioner McCown - questioned Mr. McGregor - you're saying that the 55 dB(A) does not apply to this particular project and if not what does apply to it.

Mr. McGreggor - the 55 dB(A) does not apply to this project during development or construction which is approximately 3 months - correct to 1/2 that. After that when construction is completed and they are in production then these laws strictly apply.

Commissioner McCown - Bill Roberts it seems like there's a lot of uncertainty and a lot of questions about now only how long this is going to last - I understand you are going to be using the same crusher you use in Carbondale, crushing in low water - is it safe to assume that you materials will be stored in the floor of the pit and then if the high water gets in that water will come up on those materials and you'll have to wait for de-watering again before you move materials out of that pit?

Bill Roberts - Commissioner McCown is both right and wrong. Basically, we would have to go down into and crush 80,000 ton per period. So, in order to get that material out they will be taking that out and putting the drain pile berm and piling that basically as in maybe 40,000 and that will create the berm that we deem necessary take care of our sound mitigation. In that sound mitigation we will be working to the north of that pile into it - so there will always be a 30' edge on the backside of that pile - always. We can also continue to feed on that pile with a ramp and work on it at a noise mitigation which we will have to continue to worry and deal with. In the process the finished product will be put out on the area to the north of that crusher and stockpiled and those stockpiles are well out of floodplain or any high water area. Once we leave we'll stop pumping and it'll go back to normal as it was before. And then we'll work out of those stockpiles. To give you an idea, we crush about 2800 tons per day if we put that to 2500 tons basically we're looking at 80,000, so 60 - 70 working days to do that. And there again as he said early on, staff had mentioned and they had a problem in terms of this time, it's so hard - I wish I could say this is exactly when we're going to go in and crush, this is exactly when we're going to be out of there - impossible and he can't address the situation.

Commissioner McCown - asked if this would be affected by high water or by scheduling on your own operation when you need the crusher back in Carbondale as opposed to when you need it at Silt?

Bill Roberts - both.

Commissioner McCown - Mr. Cook - Stillwater - The graphics that showed Stillwater and Valley Farms as it was. The visual shows the similarities of the property that Bill is using - throughout the conversations here today and by a lot of the concerned citizens, the key term keeps coming up of changing the established character of the neighborhood. Any of us sitting behind this table and hearing any project that comes before us no matter how small - a SB 35 Exemption or something similar to Stillwater or Sanders Ranch or whatever, can make an approval of any kind and not change the character of the neighborhood. Would you agree with that? Do you see similarities of the changing...

Fred Cooke - changing or enhancing?

Commissioner McCown - changing is the word that he keeps hearing.

Fred Cooke - I would state more enhancing the character of the neighborhood.

Commissioner McCown - buzz words are nice but changing is the word that kept being used tonight during all the testimony. That we're changing the character of the neighborhood.
Fred Cooke - didn't understand your question.
Commissioner McCown - I'm just saying, in any development whether it be the type that you're proposing and I have nothing against your development, but you too are changing the character of the neighborhood as it was here when many of the residents in the Silt area knew it. And oftentimes those people find your changes just as offensive what the applicant may be proposing today.
Public outcry - No.
Fred Cooke - I would disagree with that statement.
Commissioner McCown - thank you - that's fine - you have that right.
Commissioner Stowe - Bill, you originally said this operation would be done and you would be out of there and the lake would be in place, basically is that realistic if things went well, the economy well, Stillwater built out and they need a lot of gravel stuff and you were able to sell some of that down there, is it conceivable that could be as short as 15 years - a long term benefit - we as a county look at the long term, long range planning of this; the short range site is yeah there's a gravel pit here, the long range plan is you're putting in a lake and it could ultimately become an amenity for the Town of Silt itself, a park perhaps, maybe some other houses and stuff around the lake, yes today and tomorrow - right now out of Westbank you look at the golf course that's been in shambles for 2 -3 years -now it's a pile of dirt - in 5 years it's going to be a beautiful golf course. In 10 - 15 - as much as 20 years this will be a nice piece of property once again - it will be different but it will be a nice piece of property. Do you think it's going to take the full 20 years Bill and I know you can't really commit to that, I'm not asking you to, but ..
Bill Roberts - I know what I hear your question, I guess to put that in perspective, we move about 350,000 - 400,000 ton a year out of our Carbondale pit. This pit represents 1.4 million tons at it's best - if I can do what I did up there, we would have that taken care of relatively quickly - in 5 years he could be out - that isn't going to happen but to take it in perspective a little further, last year when he originally put in the application, the pit is rich in sand and what he was actually after in the first place - we had 66,000 yards of sand under a purchase order and that 66,000 yards represents about 90,000 ton - we lost that and are talking right now - my present needs if I was in there right away and dealing with stuff, I'd just have gotten another 35,000 ton purchase order for sand that he probably won't be able to accommodate in his pit which I would like to accommodate out of this and then as jobs come up - he did Mesa View Subdivision took approximately 52,000 tons of assorted materials, did several projects up and down the highway through my other company and basically until we have a substantial contract like that, we wouldn't attempt to do anything - we're not just going to open it up to compete with a daily, daily trucks issues or to compete on those single loaded trucks.
Commissioner Stowe - you brought up an interesting point, you said you couldn't accommodate that much sand out production out of the Carbondale pit?
Bill Robert - no I can not.
Commissioner Stowe - so this pit, when we talk about gravel pits throughout the valley - there's no two gravel pits are the same - some are richer in certain products - for instance your sand which makes this a much more valuable pit in some respects than other locations.
Bill Roberts - absolutely - I wanted to get in and get like 20 semi-loads of there last Spring and Judge Ossola asked me to be accommodating to him and that do that - and then I could found out exactly the quality was, but I do know I've done enough test holes down there and it very, very rich is sand.
Commissioner Stowe - are there other pits that you're aware of in the valley that are very rich in sand?
Bill Roberts - there was one that west of Rifle to the north on old Highway 6 & 24 which was depleted about 8 years ago. Sand is the problem basically and sand is needed in concrete and fortunately or unfortunately these big contracts - the sand is needed in the golf courses.
Chairman Martin - question for the staff - flood fringe - want some clarification on zoning, what is allowed because we've had that talked about how the Comprehensive Plan, Zoning Maps all line up - also, mining within the flood fringe, the process, also the difference between the flood fringe and the floodplain and our regulations on how they are dealt and what process we use, not the federal but local.
Mark Bean - in terms of the basic zoning this is agricultural/industrial zoning - the principal use and we always say t this to people when they ask us the question in the office - the industrial is a misnomer because all uses are special uses requiring special approval - the uses by right within that zoning are agricultural and residential. There was an incorrect statement made earlier that residential uses are only allowed as an

accessory to agricultural - that's not true - residential use can be a principal use in that particular zone district. In terms of the
Floodplain Regulations themselves, again another incorrect statement made there, this is not a FEMA Floodplain issue and no lost of insurance - Roaring Fork River and some drainage into but not the Colorado River - no FEMA maps available.
Floodplain - overall the plan - flood way - the way in which the water will cause more damage due to flooding. The Flood fringe is under the FEMA regulations would allow the building in the flood fringe - so moving or standing water in a low depth - no damage from velocity. State statutes would zone this as residential classification.
Commissioner Stowe - why not corrected the industrial uses - not by right - but doing investigating - if it said no industrial - what would leave me to believer - B & P does clarify a misnomer - uses by right - agricultural/residential/rural - they try to correct the misnomers.
The Board allowed citizens to ask questions.
The concerns were in terms of the 450 feet and sound levels at 55dBA; If the sound would be closer by 100 ' if it was higher in elevation.
Howard McDonald clarified that he had looked at the topographical area and the berms blocked the sound.
Bill Holliday asked if the gravel pit noise was exempt during development?
Commissioner McCown - explained that scrapping the overburden and developing the berm was exempt; when production begins the regulations are in place.
Audience requested clarification between the two noise studies were held between Bill Holliday and Howard McGreggor.
Chairman Martin - they disagree with the process.
Doug Seeter - inquired of Bill Roberts how many months he would be operating at this site.
Bill Roberts said the concrete batching portion will be in operation year round and trucks going in and out for the product.
Regarding the Lake - Mr. Peterson's intent after the fact is to have a nice lake here.
Brent Peterson - commented that he no plans after the lake is finished - 20 years outside.
Regarding the noise monitoring - other issues -
Bill Roberts clarified there will be noise and agrees to noise monitoring, the other issues are enforced through the other agencies. Bureau of Reclamation, Department of Health, and Garfield County.
Chairman Martin - assured the public that mufti agencies regulate the operation.
Flood - High water -
Ann Nicholson - They have lived on their property for 19 years - it is within 300 feet of the propossed operation. When and if this river floods, whose name will be used on the lawsuit?
Michael Gamba - answered the question saying that no survey was done on the boundaries not adjacent to the property. The Nicholson house is not within the 450 and they assume that their property goes to the centerline of the river. This is not true. The issue needs to be clarified that there are no residences within the 450' 55dB(A) contour.
Bob Regulski -commented that he will hear levels of noise above the limit of the law and can't take it.
Chairman Martin - reminded Bob that he was basing his comments according to Bill Holliday.
Jeanne Long-Locke questioned as to who monitors the off-site noise levels.
Chairman Martin - Department of Health.
Mark Bean said that if the County monitored it, we would have to find someone to do it.
Don DeFord - the Board does have the ability to require a review every six months and can ask the applicant to demonstrate the level of noise.
Glenn Harsh - commitment to the County - anticipate 30 to 45 days to develop - then production and at that time is when levels will be taken and reported to the County.
Commisisoner McCown - monitoring in the application - they agreed to monitor. The Commissioners can decide who will do the monitoring.
Michael Fiefer - asked if the burden of proof is on the applicant if noise levels exceed.
Chairman Martin - whatever is in the motion and has that been exceeded.
Michael Fiefer - this project is not going to affect the ground water?
Bill Roberts said there are specific and certain requirements that he must comply with.
Michael Fiefer - Is the water safe for people to drink?
Bill Roberts - Yes

Michael Fiefer - Why does Western Slope Aggregates bring in drinking water? Why would they bring in imported water?
Bill Roberts said he wouldn't drink water from the Colorado River due to the pollution and algea - not just in this location but anywhere in the Colorado River.
Steve Beattie - Town of Silt - briefly commented on Commissioner McCown's question to *Fred Cooke* - Stillwater will not change the character of the neighborhood - the legal standard is - are they injurious to the character of the neighborhood.
Haley Nicholson - heard references of this development and Stillwater - the Stillwater will provide a recreational area for Silt - asking can we compare a gravel pit with Stillwater? Stillwater will be more beneficial to Silt. Stillwater will not affect the noise, wildlife and water.
Chairman Martin - responded by saying changing the character of the neighborhood is in the eyes of the beholder - some do feel that subdivisions do change the character of the neighborhood, other do not agree that they do.
Haley Nicholson - an existing gravel pit less than 2 miles from their home - why the need for another?
Chairman Martin - said it was called private enterprise - it's competition.
Calvin Lee - it is to the eye of the beholder; but will the application have a injurious affect to the character of the neighborhood. Stillwater is consistent - a gravel pit is not.
Commissioner Stowe - comment about the abundance of sand - can Bill verify that this is a valuable resource peculiar with other pits - lack of sand in Carbondale - prime pit.
Bill Roberts - the Carbondale pit has a 250' wide face and the west side will yield amount 7% cleaner sand than the east end. He dug holes on the Silt location pit and estimated it will be another 17% - 20% richer in sand.
Commissioner Stowe - asked Bill if this would be considered a valuable resource for the County?
Bill Roberts - if we run out of sand in the local area, it will have to be imported and adds that adds to the cost and creates additional pollution.
Bill Regulski - lots of sand in other pits - Fred Frie and Grant Brothers - and suggested the Board talk to Fred Frie.
Bill Roberts - added in terms of research - last year Garfield County used 1.6 million tons of aggregate.
Mr. Grant - Sand- he has on hand 8,000 to 10,000 tons of sand out of the pit. His pit is relatively sandy but could not affirm that it meets the needs of the county. Production is down 50% since Casey Concrete left.
Dick Casey - addressed the need for sand in this area - they haul in from Grand Junction - have been for 20 years - short of sand for as long

Close the Public Hearing
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.
Donna Daniels - opposed to the secrecy
Executive Session - Legal Advice
Commissioner McCown made a motion to go into Executive Session. Commissioner Stowe seconded. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Discussion
Chairman Martin - the Board has heard testimony for 5 hours; he requested an extension until April 20, 2001, in order to review all the information as presented tonight, to have the Board's deliberations and decision.
Don DeFord stated the Board has 15 days to make a decision. If the Board move forward with this extension, he caution them that the Public Hearing has been closed and the evidence has been closed. Deliberations must be in a public session and the Board's finding for or against the request.
Motion
Commissioner McCown made a motion to continue this until Friday, April 20, 2001 at 9:00 A.M. Commissioner Stowe seconded and requested that the Minutes of this meeting be available for review by April 17, 2001.
Chairman Martin commented that the Board must have specific things as to the determination of approval or denial.

Don DeFord added that the final motion must be specific and include the reasons for approval or denial; and cautioned the Board that no discussions could be held with each other between now and the new date.
Vote on the Motion:
Stowe - Aye;
McCown - Aye;
Martin - Aye.
Motion carried.

Adjourn
A motion was made by Commissioner Stowe and seconded by Chairman Martin to adjourn; carried.

Attest: Chairman of the Board

_____ _____

APRIL 16, 2001
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, April 16, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY ADMINISTRATOR UPDATE: ED GREEN

Minimum Operating Standards - Fairgrounds

Toni Penton and Dale Hancock drafted the minimal operating standards for the Fairgrounds.

Ed summarized from the handout and asked for the Board's input. Chairman Martin requested the Board get their comments to Toni and Dale so they can proceed.

Probation Department Improvements - 2nd and 4th Floor

Tim Arnett gave the estimate from STP Enterprises out of Rifle for the remodel of the Courthouse Dispatch Center on the 2nd Floor - Ray Combest and Judge Ossola - Ed, Dale and Rich met and discussed the courts request. This project - conversion of the south end of the current dispatch area into an employee shower area for a cost of $9,640.00.

The 4th Floor request is for security measures and safety for their needs; an ability to have a secured entrance on the 4th floor at the Probation Offices for a cost of $3,735.00. They also want to install a pass through window for documents back and forth.

For the two projects - estimated total of $14,375.00.

Discussion

Commissioner McCown suggested using the pass through window that will be removed from the current jail.

Chairman Martin suggested that the Board can negotiate with the Judge regarding the pass through window and was in favor of addressing the Courts' immediate need by the locking doors and wait on the window; the 2nd floor shower dies for lack of a motion.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve and proceed with the construction of the security door with a further dialogue with the Courts in terms of what the County's intentions are giving them the security window at a later date. Motion carried.

Prioritization of Emergency Medical Services Grant Application

The State sent the County a complete list of all the grant applications throughout the State - we have a total of three on that list:

Request from Silt for EMS Equipment;

Request from the Communication Center for various communication equipment to be housed in their new facility; and

Request from Glenwood Springs for various equipment.

The Board was requested to prioritize these three requests and present back to the State for their decision.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to prioritize these as:

1) Communication - equipment;
2) Town of Silt - Ambulance and equipment for EMS;
3) Glenwood Springs

Motion carried.

Final Approval/Execution of CCOERA Adoption Agreement

A motion was made by Commissioner Stowe and seconded Commissioner McCown to authorize the Chair to sign the Agreement; carried.

Furniture - Millwork Discussion

Sheriff Dalessandri, Tim Arnett, Jesse Smith and Randy Withee were present.

Jesse provided a visual and written presentation to explain the equipment, supplies and furnishings.

The totals were:
2001 earmarked to be purchased from commissary - $44,832.55;
2001 budgeted items - Sheriff's budget - $45,000.00;
2001 capital budget - Sheriff's budget - $25,644.00;
Total funds pre-budgeted - $116,076.55
Non-budgeted items required for occupancy - remaining
facility supplies, equipment, furniture - $122,000.00 - estimated
Medical services equipment - $4,000.00 estimated
Kitchen small wares - $20,000.00 - estimated
Total non-budgeted items - $146,000.00
Less SCAAP Funds - 23,000.00
Total non-funded items - **$123,000.00**

Additional expenses - millwork
$ 50,000 - Construction Budget
$ 34,000 - VCT Changes

Discussion was held regarding the benefits of millwork versus furniture that was moveable; estimates obtained from Haselden and another outside source that were within $3000; of the amount of money in the Contingency Funds - $141,000; a total of estimated cost of $227,000 for everything; and Tom has $116,076.55 covered in his budget.

Randy reported there was three (3) more months on the jail and at this time there were no other project changes foreseen. If there are additional changes then the critical element of meeting the opening date will be extended.

Motion

Commissioner Stowe said he would trust Tim Arnett to be diligent in his pursuit of getting us better prices and would make a motion that we go ahead and approve this expenditure in the contingency fund with the modifications as outlined by Randy, Tim and Tom, at this point.

Commissioner McCown seconded.

Chairman Martin stated that time is of the essence so he encouraged getting to work.

Martin - aye; McCown - aye; Stowe - aye.

Furniture Previously Approved to Reilly/Johnson

Randy Withee mentioned that last week in regards to hiring Reilly/Johnson to provide us a furniture list of $20,000; my recommendation that we nix it.

Don DeFord told the Commissioners there was a motion authorizing the Chair to sign an agreement with Reilly/Johnson last week. Randy and he have talked about this so if you are not going through with this, then please rescind that action.

A motion was made by Commissioner Stowe to rescind the action involving a $20,000 payment to Reilly/Johnson for furniture. Commissioner McCown seconded.

Chairman Martin - again discussion that our staff and the Sheriff's staff were able to go ahead and do that with in just a matter of a few days to get that done, so he called for the question.

McCown - aye; Martin - aye; Stowe - aye.

Executive Session: Lease Negotiations - Personnel Issues - Rap-Up on Legal Issues

Ed stated that the last item was an Executive Session on recent negotiations.

Don DeFord said he also has two executive session items - personnel and some legal advice that he needs to provide the Board in that regard.

A motion was made by Commissioner McCown to go into Executive Session to discuss Lease Negotiation (Dale Hancock to be present), Personnel Issues (Judy Osman to be present) and to be provided a rap-up on legal issues on Western Slope Aggregates (Mark Bean for that), those needed will be the County Manager, Assistant County Manager, the Board, Mildred Alsdorf and Don DeFord. Commissioner Stowe seconded the motion; carried.

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

The Commissioners gave staff directions to, first of all, proceed with the FSLA negotiations and realignment with employees; and second of all to proceed with the anticipated 13 work period, 28 day, 168 hours schedule for the Sheriff's department.

COUNTY ATTORNEY UPDATE: DON DEFORD

License Agreement - City Hall

Don received from the City Attorney's Office a very brief license that would allow us to continue to utilize the property that we just conveyed to the City for use of their City Hall; because of that transfer, you know the County will be occupying their property substantially with all our contractor operations; because of that as the property owner, the City does have risks. What this agreement does is really provide an indemnification for the City by the County as to any claims that arise from our use of that property. That's all it does. The Agreement allows us to occupy that property until the City needs to utilize it for their purposes. Don's understanding is that they have worked with our contractor to work out a time schedule for that. Don recommended going forth with that, at this time both our insurance and Haselden's insurance will cover the indemnification.

A motion was made by Commissioner Stowe to approve the license agreement with City Hall and authorize the Chair to sign said agreement.

Commissioner McCown seconded.

McCown - aye; Stowe - aye; Martin - aye.

Reschedule Western Slope Aggregate Special Use Permit Public Hearing

Don said this was scheduled for April 20, however due to some conflicts in scheduling. Chairman Martin will be in Denver with an appointment with the legislature and suggested moving it to April 24, 2001 - 9:00 A.M.

A motion was made by Commissioner Stowe and seconded Commissioner Stowe to reschedule this for April 24, 2001 at 9:00 A.M.; motion carried.

COMMISSIONER REPORT:

Commissioner McCown - Communication Authority Board - Wednesday evening - Town Hall Meeting in Silt regarding local news media in the area, their coverage and who they are.

Commissioner Stowe - Healthy Beginnings Board Meeting - Tuesday; CTSI - Wednesday from 8:30 till 3:00; Regional Water Quality Control Wednesday night 6:30 - 8:30 at Carbondale Town Hall; next week - Tuesday - Western Slope Aggregates - 9:00 A.M.; Wednesday is Secretaries Day for those who might want to know; Thursday - Rural Resort Meeting with Northwest COG at Summit County Commons; April 29 - May 2 - in Kansas City with Rural Resort Managers Seminar - 8 - 10 other Commissioners plus individuals from the State as well as local members - sponsored by CMC.

Chairman Martin - CCI - Thursday and Friday the 19th and 20th of April on four different committees - agricultural, public lands, general government, and taxation; settlement and discussion on Health and Human Services; Library Board in Parachute 4/24; Mayor's Meeting on the 26th - Glenwood Springs Cafe 7:30 a.m.; Jail House Rock Committee on Friday, 4/27 - 10 A.M.

Commissioner McCown - in reference to Chairman Martin's meeting with CCI - it has been reported with the SB 148 that it was killed and support being given to HB1225 - it is going to be amended to include all the verbiage in SB148. Letters were sent to CML and CCI asking for their help in this particular endeavor. Chairman Martin will have all the updates.

Project Graduation - Glenwood Springs - Carbondale
Chairman Martin said he was asked if the Commissioners could contribute. He told them it was a personal out-of-pocket donation and not a County expenditure.

Safety Training Audit
Ed - Thursday for Kick Off

CONSENT AGENDA:

a. Approve Bills
b. Sign Resolution of approval: Bennett/Prodigal Ranch Boarding School Conditional Use Permit
c. Approve Liquor License: Relay Station
d. Approve Liquor License: New Castle KOA
e. Approve Liquor License: Catherine's Store
f. Approve Liquor License: Thunder River Market
g. Approve Liquor License: Narayan's Nepal Restaurant - Change on Manager: Bindeshor Kahshapati

Mildred Alsdorf explained that there were no reports or calls on these particular renewal liquor licenses and requested approval by the Board.

h. Sign Partial Release of Subdivision Improvements Agreements obligations: Ukele Subdivision
I. Sign Resolution of Approval: Botkin Special Use Permit
j. Sign Botkin Special Use Permit for an Accessory Dwelling Unit
k. Approve 3-Month Time Extension Request: Cedar Springs, LLC Exemption
l. Sign Resolution of Approval: Cedar Springs, LLC Exemption
m. Sign Cedar Springs, LLC Exemption Plat
n. Sign Resolution of Approval: Altenbern Special Use Permit
o. Sign Resolution of Approval: Alternbern Special Use Permit
p. Sign Amended Plat Lot 89, Aspen Glen, Filing No. 1
q. Approve Staff Request for Extensions of Time to Complete Technical Review of spring Valley Ranch Preliminary Plan Application
r. Approve Staff Request for Extension to complete Technical Review of the West Rifle Industrial Park Application

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - r; carried.

Abatements:
Monte & Kathryn Senor (3)
L.P. Wescoin
Assessor Steve Rippy was present.
L.P. Wescoin - the appraisal was wrong.
Three abatements for Monte and Kathryn Senor - these properties were pulled from the agricultural zone and they put it back as agricultural.
Steve requested all abatements be approved.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatements as presented; carried.

REGULAR AGENDA: PUBLIC HEARINGS - BUILDING AND PLANNING ISSUES:
REQUEST FOR APPROVAL: FLOOD PLAIN SPECIAL USE PERMIT. LOCATED: APPROXIMATELY 1 MILE SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 163. APPLICANT: MARLIN (COLORADO, LTD/PREHM RANCH
Mark Bean, Don DeFord and Peter Belau - Enartech Engineering; Attorney Rick Neiley and Bill Johnson - Earth Resource Investigation were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin 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 - Garfield County Zoning Resolution of 1978 as amended;
and Exhibit F - Letter from U.S. Army Corp of Engineers.
Chairman Martin submitted Exhibits A -F into the record.
Mark reviewed the project information and staff comments. This is a request for a Floodplain Special Use Permit to allow for the placement of fill, construction of a building and other improvements in the Roaring Fork River and Four Mile Creek floodplain.
The subject property is located south of the Glenwood Springs airport. The property has Roaring Fork river frontage along the west side of the river from just south of the airport to the northern boundary of the Westbank subdivision. Four Mile Creek runs through a portion of the northeastern section of the property. Mark said there was additional documentation to the office here to identify whether or not they are complying with the standards which basically requires that anything within the flood fringe that is residential in nature, has to be built at least 1 foot off the one hundred flood elevation as identified in the property in question. The areas within the flood way, an engineer has to and has made the statements that there is not going to be any increase in flood plain elevation in that particular area - it has to be 0.0.00 increase. All of the improvements that are proposed to be placed in the flood way are the type of construction that will not cause increase - Mr. Belau can explain that further, if you have additional questions. Mark noted for the record there is one additional zoning requirement which is Section 5.05.02 which requires a 30' horizontal separation or setback from any high water mark of the stream or river in Garfield County. That's why any residential structure to be built would also have to meet that particular requirement. Staff has recommended approval of the Special Use Application with a number of conditions.
Recommendation
Staff recommends Approval of the Special Use Permit based on the following conditions:

1. That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.
2. The applicant's engineer must submit a proposed Individual Sewage Disposal System design for any ISDS to be located within the floodplain, prior to the approval of the Special Use Permit and that the ISDS design be approved by the County Engineer's office.
3. Any new construction on the new fill shall meet the following criteria, with an engineered design, with stamped plans submitted with a building permit.

(A) The lowest floor, including basement, of any new or substantially improved building designed for residential occupancy shall not be less than one (1) foot above the maximum water elevation of the 100 Year Flood. Prior to the issuance of a certificate of occupancy, a stamped floodplain elevation certificate will be submitted to the County Building Department for attachment to the building permit file.
(B) All new construction or substantial improvements shall be reasonably safe from flooding.
(C) All new construction or substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods that minimize flood damage.
(D) New or replacement water supply systems and sanitary sewage systems shall be designed so as to minimize or eliminate infiltration of floodwaters. On-site individual sewage disposal systems shall be located so as to avoid impairment of them or contamination from then during a 100 Year Flood.

4. The applicant shall comply with all other zoning resolution requirements and comply with any permits issued by State or Federal agencies.

Applicant Input
Peter Belau with Enartech Engineering - I prepared this application and I also have with me, Rick Neiley who is the attorney working on this project and Bill Johnson is the wetland and fishery consultant if you have any questions related to their work.
Basically, what we are doing, this is the Prehm Ranch Project - there's 8 Lots on 191 acres including 3 exemption lots that have been previously approved, not finalized yet - they haven't seen the final plat on that yet, and 5 - 35 acre lots. What we're requesting is to replace the existing bridge over Four Mile Creek which is in disrepair, the new bridge will be significantly larger than the old bridge - in fact the new bridge will span the flood way entirely but there will be bridge construction within the floodplain area; and also there will be rock rip-wrap placed to protect the bridge structure that will be within the floodway. There

will also be some stream bank and Reparian restoration work and some fish habitat improvements in the vicinity of the bridge that is part of our request. Bill Johnson is working on that and is coordinating with the Division of Wildlife and that has been approved by the Division of Wildlife and Corp of Engineers.
On the Roaring Fork River we're proposing a boat ramp along the Roaring Fork and a relatively flat bench that's within the floodplain. And basically within this development there are 8 lots on 191 acres that's part of the common area that will be for common use by the 8 residential owners within the property. They'll be able to use that boat ramp and there's also a cabin proposed that will be for common use down in the vicinity of the boat ramp. We did make a change on our application, the Corp of Engineers had requested that we relocate the proposed cabin due to some wetland impacts, so we moved that up river and the proposed location of that is more than 30' from the high water mark as required by the County. Same thing for Lot 7 is one of the residential lots, there's a sliver of flood fringe area that we're proposing to fill to create a building area and that also is 30' from the high water level. And I met with the County Engineer, Jeff Nelson down on site and basically showed him the project and what we were proposing to do on each of these floodplain related items. I also did the work on the hydrologic analysis to determine that there would be no impact of the floodplain elevation if you question in that regard.
Commissioner Stowe - is there any advantage to the river, the ecosystem of having the rocks put in the boat ramps projecting out of the river.
Peter Belau said this was something that was added based on Bill Johnson's discussions with the Corp of Engineers to create some fish habitat - the original proposal was just rock rip rap
for bank protection purposes. Bill Johnson can answer specific questions.
Commissioner Stowe - Off of Lot 3, Bill Johnson or whoever, what I'm seeing on the map here, Lot 3 looks more like just boat docking places - are those boat docking places?
Bill Johnson with Earth Resource Investigation, and yes, these are not boat docking areas, these are spurs that are designed to slow down the velocity of the water for holding of fish and also to reduce the velocity of the water against the rock armor that's been placed on the bank; and they're going to slow down the velocity of the water and improve the fish habitat.
Commissioner Stowe - improve the fishing for along the bank?
Bill Johnson - yes.
Peter Belau - the boat ramp is actually over adjacent to Lot 1 on this drawing.
Commissioner McCown asked if the boat house is in that same common area did I understand you to say that?
Peter Belau - yes it is - it's shown as a cabin, it's over on Lot 2 and it's within - each of these lots there's a designated building envelope and then kind of a private around each lot that constitutes a couple of acres, then the rest of the property is common area.
Commissioner McCown - so Lot 2 - this cabin doesn't exist.
Peter Belau - that's right - it will be proposed.
Commissioner McCown - you will be building it and then there will be an additional building envelope on that lot? So this will become an accessory dwelling?
Peter Belau - yes. And actually what we're going to do is we are going to change the lot lines on Lot 2 so that the cabin is actually part of a 35 acre parcel. Originally, the cabin was over by the boat ramp and as I said, we moved it and we don't really want it to be on this exempt lot, so we're going to reconfigure taking a notch out of the corner of that lot in a plat that has not been finalized, so that the cabin is on a 35 acre parcel that includes all the river frontage.
Commissioner Stowe - will that cabin have public access or is this strictly private?
Peter Belau - private.
Commissioner Stowe - so we've got a boat ramp for the private citizens of these 8 Lots, we've got a cabin for the private citizens, we've got 2 miles of public river that is not accessible to the private citizens so we're going to put spurs into to increase the fishing ability for the private citizen that live there, but there's no real benefit to the general public.
Commissioner McCown - I think the general public can still fish that river portion floating down the river.
Commissioner Stowe - down river but they can't access any of the river bank in that 2 mile stretch.
Peter Belau - that's right. While guests of the private owners can - but yeah it won't be open to the general public.
Commissioner Stowe - Okay.
Commissioner McCown - I'm still not clear on where the cabin's going - I realize it's a 35 acre parcel but are you going to move it from where it's shown on this map?

Peter Belau - No, this is the proposed location.
Commissioner McCown - then how are we going to get that on a 35 acre parcel.
Peter Belau - we're going to remove that corner of the property and actually we have a map if you want to take a look at it.
Commissioner McCown - that would help me cause I've got a map that doesn't explain much to me.
Peter Belau pointed out on the map -
Chairman Martin - it will go across the river, here's a section where they're going to cross the river -
Commissioner McCown - I realize that, but
Peter Belau - it'll be part of this Lot 6 which is 37.6 acres and that includes - it's a strange shaped lot actually - it goes down to the river - takes in the boat ramp and the cabin.
Commissioner McCown - so the owner of this lot will control all of this?
Peter Belau - the Homeowner's Association actually.
Mark Bean - the answer is yes, technically with the exception of the easement, the easements give the other homeowners the right to cross it, that's correct.
Commissioner McCown - this will be for all practical purposes titled property to Lot 6
Peter Belau - yes, including the river.
Chairman Martin - which would be both sides, is that correct Peter?
Peter Belau - portions of it. There's a short stretch across the river on the north end of the property - most of the property follows here -
Chairman Martin - it goes up by where "legend"
Commissioner Stowe -did you ever resolve that with Carter Jackson as to development.
Peter Belau - Rick Neiley can answer that. Again, here's the property line of the entire property. It's out into the center and then there's a triangle -
Don DeFord - the maps that Mr. Belau has given to you also need to be admitted as Exhibits in the hearing.
Commissioner Stowe - okay, I guess I'd like to ask Mr. Neiley -
Chairman Martin - Exhibits G & H were admitted into the record.
Peter Belau - I apologize for some of the last minute changes - we've been trying to accommodate some requests from the Corp of Engineers and the Division of Wildlife
Commissioner Stowe - Mr. Neiley, did you ever resolve the disputed line on the other side of the river?
Rick Neiley - we got it resolved, we agreed to place conservancy easement on the entire east side of the river - we have agreed that Dr. Jackson can graze that property above the bank and that the lower part of the property back down to the river will be left in an undistributed
natural setting.
Commissioner Stowe - and from that, you've got clear title at this time?
Rick Neiley - well, we had clear title to it subject to a possible claim of adverse possession. We investigated it with the Prehms who said they'd also used the property and their cattle had also used the property. And rather than engaging in a legal dispute over it, we've agreed to sterilize the property and allow Dr. Jackson to continue to grass the upper part of the property adjacent to his land.
Commissioner Stowe - and he has agreed not to bring any suit - I just want to try and find out - is we've got 35 acres there, but if you don't have clear title to that piece of property across the river, you don't have 35 acres there. That's where my question is going basically.
Rick Neiley - yes, and that's one of the reasons that we made the parcel somewhat larger than 35 acres in the event there was an adverse possession suit and Prehm Ranch was determined not to include that land, the surveyors calculated that the area of it and we created a lot large enough so that if were to go away through an adverse possession suit, or site would still be 35 acres. In other words, we anticipated -
Commissioner Stowe - I'll take your word on that, you've done the survey and I haven't and we are under oath, so.
Commissioner McCown - so that Conservancy easement is a part of Lot 6, as well?
Rick Neiley - there will be a Conservancy easement on Lot 6, yes.
Commissioner Stowe - you want to buy all 6 Larry?
Commissioner McCown - I'd hate to fence it.
Chairman Martin - no fences will be allowed.
Commissioner McCown - that is the most convoluted lot I have ever seen on a proposed development.
Rick Neiley - there's a purpose to it - and the purpose is to keep the ownership of all that land within the existing entity, Marlin Colorado that owns it so that we can put a blanket easement and accesses across that for the all of the owners of the property within the ranch. We want to keep it open. And we just felt that

legally it made better sense to keep it within the ownership of the entity owning the ranch so that we had the ability to place those sorts of easements on it without restriction.
Commissioner McCown - the Roaring Fork is different than the Colorado River on shift to the center of the river.
Mark Bean - in many cases - yes. I mean there's no federal claims to it, that I'm aware of at least on the Roaring Fork - Colorado River has the federal claims which grade some of those issues.

Public Comments:
Jim Wright - on the Board of Directors of Trout Unlimited and with me is Mr. Ernie Bradley who is also a board member. Trout Unlimited is interested in some of the things folks are in terms of habitat improvement which is a key issue with the membership in total. The group that Ernie and I belong to here, is the local chapters that include the Roaring Fork and it's drainage, the Colorado in our area which is the Eagle drainage and has membership up and down those areas - rural as well as the urban area. We're most interested in stream access which is disappearing at an alarming rate and this area, as I understand it, has been fished by the general public for many years - much longer than I've lived here and it's going to disappear as I understand it and be locked up for the private use of these folks. If there are conditions that are being asked for, we would ask the County to ask these folks for access for the walking fisherman. While it's true that boats give everybody a chance in the State to fish, there's hundred's of more people who are walking than are boating or have access or can afford a boat. And I'm not saying that all of the walkers are poor, but I'm saying that it's nice to look after the access for those who can't afford a boat to be able to get to these waters and fish. And it's a huge loss in terms of lineal footage of pretty easy to walk on - pretty stable bank unlike those which get chewed up and silt in and kill the breeding fish, so the purpose of our being here today, is to ask you to consider that in these requests and you might be interested in that this organization here in the valley is also trying to be good stewards - we have our clean up operation that we fund without county money - we're involved in the posting of signs for all of the new immigrants who come, in a foreign language, telling them more about the fishing and what has to go in the valley to make it usable for all of us. We're involved in education, kids, we have kid's programs and we are also very keenly aware of the affect that the fisherman have on the businesses and the taxes. Those shops produce revenue and the only reason they do is that people who can fish need to buy some supplies and if they can't get to the river, they can't buy the supplies. I thank you very much and hope that you will consider public access.
Ernie Bradley - a member as well - lives in Redstone - I echo everything Mr. Wright said as development in this area and throughout the west increases, and to a large extent the stream access - in this case we're talking about stream access and in other cases it may be hiking access or hunting access or whatever, but for here stream access continuing to go down, it's a challenge we all face and again if there's an opportunity here to provide in some manner a way for the public to continue to have access to this for fishing, it would, as you know in other development, where that's been taken care of it has worked out to my knowledge very well. Also, Mr. Wright mentioned a lot of revenue coming in here from local fisherman as well as the visitors - a lot of visitors - we have a very high quality of fishing area with the Roaring Fork, a number of organizations as well as Department Wildlife have put a lot of effort, and sweat and blood and money into the Roaring Fork River to keep it a very high quality fishing stream, and it attracts a lot of people, locally and out of state and they bring a lot of money into this area. And you know, if they can't get a place to fish, then they've got to find somewhere else to go in that regard. And the last point I would make and I know the Commissioners look after this very carefully, is that in the constructions along this river bank, that the provisions are in place that we ensure that we don't do any detrimental harm to that area of the river in terms of sediment generation or chemicals or anything else in there that my adversely impact the habitat of that fishery. Thank you.
Sterling Page - Property owner in Westbank that adjoins the Prehm Ranch, my concern is the bridge replacement - the information I received in the mail, were does the bridge go to - if all the property that we're talking about - fishing cabins and everything is already on the right side of the bridge - where does the bridge go?
Rick Neiley - approximately ½ of the ranch is up river up Four Mile Creek and will be served by this bridge as well as the three building sites on the property. All the upper meadow which has historically been irrigated and grazed, our irrigation structures and the historic railroad bed through the ranch providing access to all of the ranch up river of Four Mile Creek which is substantial property.
Sterling Page - will this bridge give the access to that property?

Rick Neiley - The bridge will improve the access to the Prehm's property - there is an existing bridge, it's in disrepair.
Chairman Martin - basically in the center of the piece of property, is what I'm seeing on the map.
Rick Neiley - that's correct.
Chairman Martin - well within the boundary lines of the property. Have you seen a map Mr. Page.
Sterling Page - I've got parts of maps.
Chairman Martin - does that answer your question for you.
Christine Page - and Sterling - my concern is the increase in traffic which is already beginning and the access of that ranch via Westbank which is right in the cul-de-sac of our yard. I'm concerned about the construction traffic and I'm also concerned about the increased traffic that may occur when all the fisherman catch wind that the fishing is good there and is closed and no one can get there, so they park at the cul-de-sac and hike down and that kind of thing. We have 5 children and they are out there and I feel like it's concern for our family that there's going to increased traffic in Westbank.
Rick Neiley - The Westbank HOA is meeting this evening to consider a proposal that we've made to very limited access off of Oak Lane across a private easement which is being negotiated with one of the property owners in Westbank Ranch and that negotiation is in part to Commissioner Martin's concern when we were discussing an access permit a number of weeks ago, that we have a clear understanding with the property owners regarding what sort of access would be permitted and where it will be permitted. We hope to get a favorable response out of the Westbank Ranch Homeowners' meeting this evening but I can't predict what they will do. At this point, we have not been pursuing unlimited public access along the platted road easement through there and the only use we've made of that area so far is for surveying - Mr. Belau's engineering needs and some soil testing.
Commissioner Stowe - when you originally applied for this, did you not tell us all access would be from the north end?
Rick Neiley- no
Commissioner Stowe - that's my recollection, I have to go back and look at those minutes.
Rick Neiley - what we said was that the access for the exemption was adequate along 163 road from the north.
Commissioner Stowe - so you left the impression that your access would be from that direction.
Rick Neiley - I don't think we ever - certainly didn't intend to leave that impression Commissioner Stowe and it's a large ranch.
Commissioner Stowe - I'm very familiar with the ranch.
Rick Neiley - we never intended to leave an impression that that would be the only access - there is a historical access which is in place, having said that, this is exactly why we went to one of the private owners along the road easement to acquire using a shared driveway there.
Sterling Page since we've started on the Prehm Ranch Project, the amount of construction traffic in our street has gone up substantially. I know there's been access taken over to survey, to bring equipment in - now all the utilities are going to be moved - my question is if there's no access from that end, or limited access, what is the purpose of all of this extra activity?
Rick Neiley - number one, the utility companies have express accesses through there both Holy Cross Electric and the gas company have the easements which were put in place many years ago. We have not used that access for construction purposes, there was one mini-excavator brought in to do a number of soils tests that was brought in along the historic rail bed, other than that the only access has been by foot for purposes of surveying to my knowledge - at least for people involved with Prehm Ranch.
Peter Belau - the surveyors that have parked at the end of the cul-de-sac to do there survey work probably twice and I met with Jeff Franke at Holy Cross Electric out there once and they brought in the mini-excavator to do test holes on the wetland study. I think that's been the only traffic.
Don DeFord - I just want to make it clear that the application in front the Board is for a special use permit for floodplain purposes, it's not intended to address other potential questions in zoning of the subdivision and the clerk has noted from you also that with the bar in this cabin there may be potential liquor code issues - none of those issues are raised by this hearing and have to be addressed in a different setting.
Commissioner Stowe - would the rocks for the improvement of the riverbed itself, is that something we can address as a board?
Don DeFord - other than as a floodplain issue, no. It is a floodplain issue.
Commissioner Stowe - I guess what I'm asking is if we allow the back filling and building of a cabin and everything else, but not the rocks spurs would that be within our purview?

Don DeFord suggested to ask Mark on the technical uses - do they address the rock spurs as part of their floodplain.
Mark Bean - the answer, I believe the answer is yes. Peter can clarify that in terms of they were required - Mr. Belau was required to submit documentation to demonstrate that the spurs themselves would not cause any increase in the flood elevation in that area - a 0.00 rise and he's made that statement.
Commissioner Stowe - right, but if we do not allow them, can we exempt them out to just allow the cabin and the back fill on Lot 7, or not? Or is that within our authority?
Mark Bean - normally a floodplain special use permit is a technical exercise as long as they're complying with the floodplain regulations and meeting the requirements for in the flood way of 0.00 rise for any improvements there, the uses are allowed and in this case, this type of fill is allowed in the flood way - I believe the answer may be that we can not disallow that if it's something that's allowed. I'd have to defer to Don on that.
Don DeFord - you're correct - they meet the technical requirements of our regulations then, it has been approved.
Commissioner Stowe - I really don't have a problem with the enhanced river bank but I guess I have a problem with us enhancing a river bank and a fishery for private use.
Peter Belau - Mr. Chairman, I have one question for you, on the recommended conditions for approval, Item No. 2 says, "the applicant's engineer must submit a proposed Individual Sewage Disposal System design for any ISDS to be located within the floodplain, prior to the approval of the Special Use Permit and that the ISDS design be approved by the County Engineer's office." I've made arrangements to get the soils engineer out there to do the testing - the perk tests - but I just as a point of clarification do we need to come back to the Commission to finish our special use permit, or is this a condition of approval?
Mark Bean - this is a condition of approval - before they would actually issue the permit - you would submit the documentation - we would - a Resolution of approval is drawn up that is conditional approval and then prior to actually issuance and approval of the permit, you'd have to comply with this condition.
Chairman Martin - that is under staff comment, page 5 also to the engineer's for approval of the ISDS.
Peter Belau - I have a request on that, we're, on the bridge construction, we're in a bit of a hurry, we're trying to beat the Spring run-off and would like to get started on that as soon as possible, and I wondering if it would possible to just that as a condition of the approval, in other words, approve the SUP since we've answered all of the technical questions regarding floodplain impacts and one of the conditions be that we need to provide this ISDS design and get that ISDS permit approved - or does that no make any difference.
Mark Bean - we can do it prior to issuance of building permit if you want to do it that way.
Chairman Martin - did I miss that they had that they had the 404 permit in place already?
Mark Bean - yes they do. One of the attachments - page 18 and 19 to the project information and staff comments.
Chairman Martin - I just read that. I just missed it.
Commissioner Stowe - on 3(D) where it says " new or replacement water supply systems and sanitary sewage systems shall be designed so as to minimize or eliminate the infiltration of floodwaters." It is reasonable to ask them to just eliminate it as opposed to minimize or not?
Mark Bean - that's the way our action - that is literally the wording in our regulation.
Commissioner Stowe - okay. I don't have any other questions.
Commissioner McCown - no other questions.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
Chairman Martin - do we need time to make a decision, staff has provided a recommendation for approval on conditions - do we wish to support that or is there another motion?
Chairman Martin - Walt's studying - not studying, he's thinking.
Commissioner Stowe - Walt doesn't like it, but
Chairman Martin - they're putting it on you.

Motion
Commissioner Stowe - I make a motion that we approve the Special Use Permit with the recommendations of staff as noted.
Commissioner McCown - second.
Chairman Martin - we have a motion and a second, any discussion?
Rick Neiley - where you make the change on the ISDS system that that would be

Commissioner McCown - yes, prior to issuance of a building permit is how it will read.
Chairman Martin - is that what you intended Mr. Stowe.
Commissioner Stowe - that's fine.
Chairman Martin - all right, the motion's amended to that just for clarity, friendly second?
Commissioner McCown - yes
Chairman Martin - I think we're faced with a new type of clientele, you're right - making it exclusive neighborhoods and shutting everything off the public access - that is an issue that we'll have to address as it comes up - I had a request also for making sure that we had public access and continue the health of the river and economics of fishing industry as well as boating which we're not addressing in this application.
Commissioner Stowe - well, they may be back - hopefully they'll start thinking about that.
Chairman Martin called for the question, all in favor of the motion.
Stowe - aye
McCown - aye
Martin - opposed.

REQUEST FOR APPROVAL: GLENWOOD AIRPORT SITE TELECOMMUNICATION TOWER SPECIAL USE PERMIT. LOCATED: 2829 COUNTY ROAD 117, GLENWOOD SPRINGS. APPLICANT: AT&T
Greg Butler, Don DeFord, and Becky Glover were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Greg Butler submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; Exhibit E - Project Information and Staff Comments; and Exhibit F - a letter from Glenwood Springs requesting denial of the request.
Chairman Martin entered Exhibits A - F into the record; carried.
Greg explained the request for a telecommunication facility to construct a 150-foot monopole some four miles west of Carbondale.
Greg explained why some are approved and some denied. Degrades the visual corridor - some towers are recommended when there is power lines therefore not adding further visual impacts.
Becky Glover commented they had towers in Woody Creek, Snowmass and Aspen - this is an attempt to cover the area of Carbondale. She had maps showing the areas not covered and added that a 30 foot tower would cover the needed area.
The Commissioners reviewed the other locations that have been approved.
Becky stated that none of the current sites will meet their needs and if necessary they will cover it with a tree. Color versions of the skyline silhouette was submitted by Becky showing the 150’ and the 80’ monopoles.

Recommendation:
Staff recommends Denial of this communication facility by the Planning commission. In the past the Planning Department has recommended denial of all telecommunications sites that create skyline silhouette.
Discussion
Commissioner McCown said they stress co-locations and nothing works - therefore, there are towers everywhere.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a special use permit for a telecommunication facility for AT&T Wireless with the condition that the tower be camouflaged as a tree and will not be higher than 100’.

Greg added additional considerations:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.

2. That the hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at the meeting.
3. That the application is in conformance with the Garfield County Zoning Resolution of 1978 as amended.
4. The applicant must demonstrate FAA regulation and FFA 74-60-1.
5. If the tower lay dormant for more than 6 months, it will be required to be removed by the applicant at their expense.

Commissioner Stowe amended his motion to include these additional conditions.
Commissioner McCown amended his second.
Vote on the Motion
McCown - aye
Stowe - aye
Martin - nay - it does not blend in with the background of the visual corridor.

REQUEST FOR APPROVAL: CATTLE CREEK SITE TELECOMMUNICATIONS TOWER SPECIAL USE PERMIT. LOCATED: 3 MILES WEST OF CARBONDALE, CO. APPLICANT: SBA

Greg Butler, Don DeFord and Lance Evans were present.
Don DeFord determined that the required notices were not timely - only allowed 10 days and the regulations require 15 days. Don stated that the publication notice is not adequate.
Commissioner McCown made a motion and seconded by Commissioner Stowe to note that the publication notice was inadequate to open the Public Hearing. Motion carried.

REQUEST FOR APPROVAL: LOUISIANA PACIFIC/DIAMANTI SPECIAL USE PERMIT FOR TIMBER HARVEST. LOCATED: ALONG COUNTY ROAD 312, SOUTHEAST OF NEW CASTLE, CO. APPLICANT: JAMES G. DIAMANTI
Kit Lyon, Don DeFord, Attorney James Beckwith, Gary Hiner - Forester; and James Diamanti were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Kit submitted the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Project Information and Staff Comments; Exhibit E - Application; Exhibit F - Letter from Burning Mountain Fire Protection District; and Exhibit G - Memo from Town Council, Town of New Castle regarding concerns about traffic on CR 335, CR 312, and Interstate 70 at New Castle and requested any damage to these roadways as a result of this increased traffic to be included in the Special Use Permit.

Kit Lyon reviewed the project report and staff comments. This is a request for review of a Conditional [7 of 12 uses with mitigation] Use Permit to allow timber harvest along the escarpment and talus slopes, and a Special Use Permit to allow timber harvest along gentle slopes and on the lower valley floor. Timber covers approximately 1350 acres of the 1,480 acre property. The plan is to harvest roughly 600 acres.
Recommendation:
Staff recommends APPROVAL of the application for a conditional and special use permit with the following conditions on each permit.

1. That all representations made by the applicant in the application, timber harvest plan, or at the public hearing shall be conditions of approval, unless specified otherwise by the Board of County Commissioners. Said representations include, but are not limited to: a) Best Management Practices (BMPs) shall be adhered to in all cases.
b) No operations will occur during normal migration periods.
c) Stream Management Zones (SMZ's) will be maintained and only selectively cut to remove all diseased trees within BMP guidelines, leaving sufficient cover to protect water quality.
d) The timber harvest will result in restoration of healthy, young aspen, improved wildlife habitat, maintained aesthetics, and will preserve water quality.

e) Roads remaining open will be graded, water barred, and seeded. Final closure of roads shall consist of grading, installing water bars, spreading slash over portions of the surface, and seeding with grass.
f) Warning signs to alert the public of truck traffic shall be posted as necessary.
g) A bulldozer will be kept on site for fire suppression purposes.
h) The property boundaries will be surveyed and flagged to prevent trespass.
i) All logging operations shall be completed by 10/01/03.

2. That roads shall be maintained adequately. The applicant shall execute the Garfield County Road & Bridge Department's agreement. Staff recommends said agreement be approved by the Board of County Commissioners prior to issuance of any conditional or special use permit.
3. That all timber hauling on County Roads shall occur Monday through Friday, between the hours of 6 a.m. to 6 p.m., shall not exceed 10 loads per day, and shall be within legal weight limits. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.
4. That the applicant shall obtain and comply with any necessary access permits.
5. That dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of the trucks, shall be reduced as necessary.
6. That a bond of $100,000.00 will be placed with Garfield County to be used for the repair of CR 312 due to damage attributable to the applicant's activities, for mitigation of impacts, for implementing rehabilitation of the site, and for controlling noxious weeds. The bond shall be valid for the period of time that the applicant is actively logging on their property. The $100,000.00 bond shall be issued solely for the Diamanti project, and not cover any other operations;
7. That newly constructed private roads will be constructed to minimum haul stands and be at least 14' wide, with a maximum grade of 8 - 15%, and be composed of dirt with gravel or shale in places as necessary.
8. That a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance of any permits. The approved program shall be implemented on both County (Specifically CR 312) and private roads.
9. Landing slash will be burned during favorable conditions, with the proper permits. But areas and skid trails will be disked and re-seeded. Culverts will be placed to prevent erosion along abandoned roads. Cut/fill slopes will be stabilized. Noxious weeds will be monitored and treated.
10. Chain saws shall be equipped with spark arrestors and all motorized equipment shall carry at least one shovel and one fire extinguisher.
11. That the Special and Conditional Use Permits are subject to review for compliance or noncompliance with the timber harvest plans and the conditions placed on the permits. The applicant will be required to submit a report one year from the date of issuance of the special and conditional use permits 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 suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.
12. That this conditional approval shall be valid until 4/16/02. If the applicant fails to meet the conditions by 4/16/02, and subsequently the conditional and special use permits are never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.
13. That the forest management practices will be monitored for compliance with the application, the Best Management Practices, and the conditional and special use permits by a consultant agreed upon the by the Board of County Commissioners and the applicant, and paid for by the applicant.
14. Slopes of 50+% slopes shall be harvested only with helicopters. All unstable area and/or highly erosive soils shall not be logged.
15. Drainage shall be crossed at right angles, with 18" steel or ADS culverts placed on a 2-4% grade, covered with at least 1' of dirt, and provided with a rock apron for spillage.
16. All operation will cease during spring run-off (typically March - May) and during elk calving times (May 1 - July 1).

Applicant

Attorney for the applicant - James Beckwith - indicated at the gracious cooperation by the DeFord and Kit, a meeting was held last Thursday in Glenwood Springs relative to this application and relative to new issues that have come up. As a result of that meeting and having obtained and received the staff's recommendations and reports, the first two matters to bring before the Board have been only because of the road's issue and only within the last week. 1) they would ask the Board to do, it to table this application based upon what they were confronted with last Thursday, the cost of this project has dramatically increased. If we could only have $100,000.00 combined bond for everything, that would be nice. But that is not the way your bonding system works. Our bond now purely for the roads without the Town of New Castle, will be $170,000.00, there is attached to that an bond for Weed Control, there is no identifiable determinants that we can turn to relative of violation of any weed control program; but more importantly it is public knowledge and public record that Louisiana-Pacific runs a mill in Olathe, Colorado at which we make way for board and that is what limber pine and Aspen are used for. They are very good for it. We employ 80 people full time and 200 plus subcontractors who are directly dependent upon us. Public record is that we are going to be closing that mill as of April 23. Timber and wood is the cheapest it has been in 23 years and in Denver for the same commodities and what you would have paid last year is advertised for 50% less this year. As a consequence, what Louisiana Pacific has to look at is the model of a time trucker by the name of Lyon Maxion in Craig, Colorado who commented one time "at current cost, I lose less money parking my rig that I do operating my rig and if I do operate my rig, I lost more money." Louisiana Pacific had desired to reopen this mill in June. In order to do that, we had to obtain a minimum bare bones volume of trees. The Diamanti track represents 20 - 25% of the trees of that bare bones minimum volume. But is has become obvious we can not do it in an economically feasible fashion at least at first blush Commissioners. We don't want to make that decision offhand, we don't want to be rash about it because we have a lot of families depending upon our reopening the mill. But based upon the increased cost, the decreased gross vehicle limit on the roads, when we started examining this project, it was our understanding that you GVW limit on Garfield County road was 80,000 lb. We discovered that in January of 1999 this Board reduced that to 70,000 lb. because of a defective bridge which we believe was the Baldy Creek Bridge and damage to the road. The Baldy Creek Bridge has since been replaced with a culvert and rerouted eliminating that problem. According to our information which I will say is disputed by County Road and Bridge. There's question as of who damaged the road before we ever go there as we haven't been there yet. Was it the County project doing it on Baldy Creek or was it some private operator. The point is that road is 8 miles long; roughly 2½ is chip and seal and the rest of it's dirt. The bed based upon visual inspection of the bed, not the surface, appears to be adequate, appears to have been constructed in a fashion by which comparable state highways of the same class and caliber under 43.2.214 could withstand 84,000 to 85,000 lb.. We were told last Thursday - "no, even the road bed is deteriorating. The overweight permits for use, first there's a legal question, and has been discussed with Kit and Don, Tom and Jake out at Road and Bridge. We've been informed that we could obtain an overweight permit for 80,000 lb.. however, our loads are divisible - like gravel - we can load a container light or load it heavy. Divisible loads and entitled to an overweight permit by State Rule and State Regulation. County law however, allows that up to 85,000 lb.. and within the last week on Garfield County Road 215 Mr. Thereon Clark, operator for Brady Trucking out of Vernon, Utah was told specifically, if you have a County overweight permit we will not honor it as Colorado State Patrol because it's a divisible load and there's a reason for that. He is not placing blame of the State Patrol or the operator, nor these Commissioners because there's a number of different Statutes that have never been interfaced. But why would we go to the expense, according to Tom and Jake, the way you do your overweight permits is $15 for overweight - we are not otherwise oversized - plus $5 per axle for a 5 axle rate so that's $40.00. We are told that is valid for one truck per day. Operating 5 trucks, that $200.00 a day. For 1500 loads at 80,000 lb.. for us that $24,000 in overweight permits. Last Thursday, I was given a copy of a Resolution that you apparently enacted - he has not been able to confirm it. A Resolution dated July 6, 1997 dealing with an amendment of your overweight permit rules that say every overweight permit is valid for 30 days. Gentlemen, that would reduce our overweight permit cost to $1200. A difference of almost $22,000. That is why we have to have time to examine. We have to have time to take a look. We do not want to damage the environment at all. However, when you say that we have to have a bond for weed control, okay, out in that same area you have a number of ranchers, hunters, hikers, tourists like me, and you've got Colorado Division of Wildlife growing hay. Weeds don't care who brings them around - it could be the wind, a hiker, a local resident, a tourist or a dumb lawyer. - they don't care. But the mere fact that you find a weed, you're going to hold us to a bond that has never been required of other people - that's not fair. One of the biggest issues that Kit has raised in some of her comments is how we do the harvest. This is

an approximate 1800 acre parcel that has been private land and Jim Diamanti uses it for a private Elk Hunting area and he invites and allows certain people to come in and hunt Elk. It's primary for it. He will not let it become public and Louisiana Pacific is not authorized to let it become public. Why then does this county want to require 14 foot wide roads where we would have to provide fill and also have to provide shale or gravel for surfacing when Jim Diamanti wants the roads removed and returned back to native state when we're done which is reasonable. Why would you control the type of road, he the private landowner? The only suggestion that we can find is the Colorado Division of Wildlife in the 3rd paragraph of the second page of their comments "wants to negotiate with the Diamanti's a public hunting easement" - I'm sorry gentlemen, that won't occur - private landowner doesn't want that.
Because of these costs, Mr. Chairman, I've prepared an original for the record of our request to table the decision on these applications for two weeks. The reason why I say two weeks is because we had the meeting Thursday, we had Easter Holiday weekend, I'm trying to reach everybody that I needed in the basic headquarters in Idaho, so has Mr. Hiner. I have also prepared an original and 10 copies of our response to the comments submitted by staff relative to the conditions that they wish to have you attach to this permit, if we determine that we need to go forward with it. These were presented as Exhibits - H & I.
Exhibits H & I were submitted for the record.
Mr. Beckwith explained his agricultural background and how he looks at an issue of this nature, first from the standpoint of the private landowner and the private businessman, secondly from the need for regulatory control by the local government, by industry standards and others and what we need to now do, is see if we can strike a balance. One thing I haven't added to this, we were informed that the Town of New Castle has now annexed approximately 1 mile of CR 335. 1/2 way through this project, my client right now without any control by the Commissioners could be faced with weight restrictions on 335 going through the industrial area of New Castle and more bonds and if that were an asphalt area, then it's $110,000 bond minimum.
The costs justify us to be responsible and to say, let's stand down and analysis the costs and determine whether we proceed.

The Commissioners rescheduled this hearing until May 7 at 2:00 P.M.
Kit had one clarification on the Minimum Haul Standards one of the conditions calls out this 14' wide road and a certain grade. That information was not from the DOW request for consideration of a public hunting easement, it's completely unrelated. Staff included that because the application did not contain any specific detail to what standard the road would be built or the length of the new roads, so it was staff's stab at getting some level of detail in there. If the applicant proposes otherwise, certainly they would consider.
Chairman Martin - page 8 of 12 pages, subsection 1 is what Kit was referenced.
Jim Beckwith - we had not proposed specification relative to the construction of the road because it has been our position that once we get onto Mr. Diamanti's land, he controls how grades will be built and where they will be built, and in what fashion because they will removed two years later.
Forester Gary Hiner - Mr. Diamanti basically wants very light duty roads left on his property and he's concerned - he has a light truck, ATV's and doesn't want anything left there that is going to encourage public to visit.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue this public hearing until May 7, 2001 at 2:00 P.M.; carried.
No public comments.

REQUEST FOR APPROVAL: STEWART SITE TELECOMMUNICATIONS FACILITY. LOCATED: LOT 8, GRASS MESA RANCH. APPLICANT: CLEAR TALK CELLULAR
Greg Butler, Don DeFord and Craig Hoff were present.
This is a continued meeting for Grass Mesa. We were waiting on a certain item from the Homeowner's Association stipulating the applicant has legal access before building permits were issued.
Craig Hoff said they have 39 total out of 70 - 35 in favor and 4 against. He asked for a hearing on the application with the stipulation that we do show legal access prior to an issuance of a building permit if possible or to continue it instead of starting all over. This is a very critical site for Clear Talk. We are working and putting together co-locations. At present they are co-locating on three, probably four towers as they come down through this area. Some of those are County owned sites - Doghead and Sunlight; and looking in the Carbondale area where there's an existing tower - going through the Amendment process - on BLM Land.

Applicant agreed to this continuance.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this public hearing until May 21,2001 at 10:00 a.m.; carried.

REGULAR AGENDA: PUBLIC MEETING
REQUEST FOR APPROVAL OF TIME EXTENSION FOR TEMPORARY PERMIT AND BUILDING PERMIT. LOCATED: 7343 COUNTY ROAD 313 NEW CASTLE, CO. APPLICANT, SANDRA & JIM IRVINE

Mark Bean, Steve Hackett and Don DeFord were present.
Commissioner McCown, in an unofficial capacity, had discussed this with the applicants - Sandra and Jim Irvine. They posed the problem they were having and he did not have the answer for them and related how this should be handled. Mark Bean informed Commissioner McCown of what had transpired and the only thing that could be done about this other than the execution or recommendations of out different code violations was to come for a hearing on the Commissioners. That was given to the Irvines and back to this point.
Steve Hackett stated the Irvines are the current owners of one expired Building Permit 7182 issued 5/27/99 and one Temporary Mobile Home Permit for a dwelling on their property where they're building their home - 0476 issued 6/27/99 and will expire on June 27, 2001.
Steve stated the Building Department has already issued one extension of the Building Permit - six months later the Irvines notified the Building and Planning asking for another extension and it was granted. The permit at this time expired again on February 24, 2001 - 180 day period passed which by Uniform Building Code is the required amount of time that permit owners have to show substantial progress on the work authorized by the permit and that did not happen.
Steve said the Building & Planning Department can not extend this permit a 3rd time under the Uniform Building Code. What we can do is renew the permit provided no plan changes have been made to the work that is to be done and we reissue it upon application by the Irvines and payment of 1/2 of the original permit fee.
In the case of the temporary permit allowing them to have a dwelling on their site - this one was issued in June of 1999 - Resolution 96-05 adds a section to Uniform Building Code 31.03.1.2 which authorizes us to issue a temporary home permit for 6 months renewal 3 times. Total effective life span of 2 years. That permit will expire for the 4th time and the end of its life on June 27, 2001. As far as Steve can determine is not legally renewable at all.
Steve submitted a recommendation saying that the building permit can be renewed with the payment of half fee ($403.00 payment fee) by application to the Building Department; and the temporary dwelling permit is not renewable.
Discussion
The applicants are doing construction by themselves. To date they have all the foundation completed and 2/3 rd four courses high to finish grouting and putting the anchor bolts in and then they will be ready to put the wooden floor. This is a log home.
The Commissioners mentioned concerns with regard to the progress during the two year period of time. He also questioned the applicants as to how they would address the problem that the temporary dwelling permit can not be renewed.
The applicants have a house in Rifle and understand this permit can not be renewed.
Commissioner McCown asked the applicants if they were given a one year extension could they complete the house?
Mark Bean said if they renew the permit and ask for and get inspections, at least one every 180 days then basically the permit would remain valid. It has technically expired due to the fact that the Irvines have not had inspections with that 180 day period.
Commissioner McCown commented that his comfort level needs to be raised that going though the summer of 2001 is going to cure all of this problem; they will be able to get concrete inspection; framing inspection and within 180 days of each other to keep this valid.
Steve Hackett said the bus being used currently as a temporary dwelling could be converted to storage but if used as a dwelling there would be procurable violation.
Additionally, Steve mentioned that folks have complained about the trash accumulation was described to Steve that it is apart from construction material - a lot of debris and construction material - one asked if an airplane crash occurred there.

Chairman Martin said the remedy for the situation has been offered and that is to go ahead and renew the building permit for 1/2 the cost of the original which is $400 plus that will be determined by the Building Department; that the van can not be lived in - can be used for storage and left on the property; and that the request is also tidy up the area.
Commissioner McCown so moved by way of a motion; Commissioner Stowe seconded; motion carried.

PUBLIC COMMENTS NOT ON THE AGENDA

Driveway Permit - Beth Dardynski and Jim Kroy

Beth requested permission and authority from the Board of County Commissioners to construct a driveway approach on the right-of-way off of County Road 331 adjacent to their property located on the west side of the road for the purpose of obtaining access. The application for the driveway permit was dated March 19, 2001.
Discussion was held and Tom Russell, Road and Bridge, Mark Bean, Building and Planning and Jake Mall, Road and Bridge provided input to the Board.
Beth Dardynski explained that they did not understand that this would hold up a Certificate of Occupancy.
Mark Bean stated that for a garage, a Certificate of Occupancy is not required. They have entered an agreement that no occupancy will be in the garage.
Jim Crowy - Excavation on driveway was to begin on Saturday. Ready to cut the dirt. Liked Tom and Jake to come back out before they move the dirt. They are ready to begin this afternoon.
Beth Darkynski has signed off on final inspection.
Mark Bean clarified that this is a Garage and is not to be used for dwelling - it is for storage only.
Beth indicated that she wanted to operate a business in the upper portion of the garage.
The Commissioners made it clear that this could not happen.

Shirley Willis - Holiday Millennium Tree - Presentation of Seedling

Shirley read into the record a letter on behalf of the Holiday Millennium Tree stating that the Federal Offices appreciated the trees send by Garfield County and the ornaments made to go with them.
The Forest Service gave a seedling of the Millennium Tree - Shirley presented it to the Commissioners.

Shirley mentioned that Colorado's Arbor Day is the 3rd Friday in April - April 20th this year.
Shirley suggested to contact Martha Kettle of the Forestry Service to assist in planting the tree.

HUMAN SERVICES COMMISSION - Women Services

Cheryl Hurst Garfield Legal Services and Julie Olson of Advocate Safehouse were present. ***Woman Services***

Julie - With respect to a recent article in the Post/Independent alluding to the fact that Domestic Violence was down; Julie stated that in Glenwood Springs domestic Violence offenses are only down by 3 cases from last year - this does not include the County - felt the article was a misleading statement. Julie said her domestic violence records show 202 clients since January 1, 2001 - last year the same 132. Prior to Thanksgiving the numbers were low; it has been busy every since. Consistently have had to turn people away and put into hotels. This weekend was nuts. Domestic Assault - 7 to date.

Cheryl Hurst - Garfield Legal Services - they are seeing 133 new clients contacts - 410 as of this year. Of the 410, 257 are women and 94 have been domestic violence; 17 restraining orders have been written so far in 2001.
Cheryl said she has noticed that acts of domestic violence are more severe, more frequent, and more life threatening. Doesn’t anticipate a change this year. Funding VOCA to hire a part-time attorney for this year and to supplement by hiring someone. She has been discussing with Social Services regarding "Father’s Rights." She said if the fathers are not paying child support, then there is a strong connection to whether or not they are involved with their children. If they are not alienated might make a difference - the two agencies are focusing on this.
Cheryl continued by saying they are seeing a lot of women who are getting into the system and getting information. They can go into Women Resource Groups - some women are escaping these dangerous situations. People moving into our community are not leaving their problems behind. One serious affect of domestic violence is the emotional and mental abuse that transfers into the ability to make decision and breaking down their self-esteem. Public education is part of it as well as the growth issues.

Julie Olson added that there are some repeats with victims, but not as many as other years - most are new to the system. There are some men who themselves are victims of domestic violence. The 9th Judicial District has put in place Safety Plans. When there is an arrest made there is a bond condition that clearly states 'no contract to victim;' in order to have it lifted Advocate Safehouse has to do a safety plan. Safety plans include both individuals. Out of 202 clients there are 10 men.
Cheryl Hurst stated that educating the public is essential. There are a lot of male victims. Domestic violence has the same effects to a male or female.

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

BOARD OF HEALTH

Mary Meisner, Lisa Pavlisick and Sarah Harter - Colorado School of Nursing were present. Sarah Harter also did her rotation in Community Health Nursing.
Mary added that Jennifer Martin has also been a participant in Community Health Nursing Rotation Management Rotation.

Health Report

Management Audit - exceeded expectations were presented for review.
WIC - Caseload 990 - 1000
Immunization Program - Hepatitis B school based clinics have been completed throughout the County.
HCP - Staff attended training to put into place the Pilot project to receive care coordination dollars from CDPHE. Garfield will be one of several counties in the state participating in this project. This will mean more paper work for staff in order to justify the dollars, but provides access to dollars not available to Garfield County before.

Senior Programs - Staff continues to work with area seniors to coordinate the monthly health seminars. The planning is moving along nicely for the Western Slope Regional Wellness Fair May 20 - 22 in Glenwood Springs.
Child Health Programs - Staff continues to serve on a number of Early Childhood community councils and committees to provide coordinated quality programs to Garfield County children - Child Find, Colorado Preschool Program, Early Childhood programs. Well child clinic services continue to be provided - fewer physical assessments are provided due to better access to services by area children. A lot of this is due to the Community Health Center.
Communicable Disease - Staff continues daily monitoring of the CDPHE Cedars Disease Surveillance System. The Regional TB Elimination Committee continues four mail areas to be addressed: 1) treatment and diagnosis, 2) education and outreach, 3) funding and 4) patient care services. surveillance - TB - 4 diagnosis, treatment, patient care services - 1 year - 3- 2700
EPSDT - Outreach workers attended cultural and linguistic competency seminar in Denver. They continue to write grants for dental needs of low income clients; $3500 received so far this year. Outreach worker received a plaque from KIND for work in Miles for Smiles Program.
Mountain Family Health Center will be looking at larger space in the near future. The capital project moves forward in Netherlands and Mary attends the meetings. Very educational for Mary being on the Board. She does the participation by satellite.
Valley Partnership Coalition on Substance Abuse - Community Plan includes: 1) inventory of the services, 2) who's working, who's making a difference, and where are the gaps? 3) What should be done next? 4) What resources do we need to implement new services?
UCHSC Student Rotation - Sarah Harter was here last Fall and learned about immunizations- this year she is working with Mary Meisner and Sandra Barnett on managerial issues.
The Community Grant works at the School of Nursing - you apply and they place you with the Counties that are willing to work with the students.

HEALTHY BEGINNINGS

Lisa Pavlisick gave the report.
Statistics:
91 enrollees since January 1, 2001
84 deliveries

61 postpartum patients
137 active prenatal patients
12 in their first trimester
58 in second trimester
21 in third trimester
4 low birth weight deliveries
7 Pre-term deliveries
Lisa said they were fully staffed as of last week. This is the season for staff development and have been going to various classes.
Free Radio to announce the Healthy Beginnings Program and they are placing an emphasis on enrollment in the first trimester. This is being broadcast both in Spanish and English.
They received a Grant to enhance Spanish speaking that will consist of weekly classes beginning in May. Lisa said they currently call Valley View Language line for assistance.
10th Birthday Celebration - May 5 - formal event at Hotel Colorado. Dinner will be at 6:00 p.m. Program at 7:00 p.m. and an Auction at 8:00 p.m. and Dance at 9:00 p.m. The Sculpture for this year's auction is on display at the Post Independent on 10th and Grand; there is also a painting from Nancy Martin to be auctioned. So far they have brought in $13,000 for the year.
Commissioner Stowe encouraged participation of all staff and stressed attendance at this event.
Update - Aspen Foundation Board has a new chairperson - Ellen Friedman.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

BOARD OF SOCIAL SERVICES
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.
Margaret Long requested authorization as Director of Social Services to sign the Cooperative Agreement between Colorado Department of Education and Rural Resort Region Consolidated Child Care Pilot. This agreement shall be effective on the date it is signed by both parties and shall be terminated June 30, 2002. The maximum amount of funds available for this agreement is $453,779 and will be used for the services identified in the Agreement.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Director of Social Services, Margaret Long to sign the cooperative agreement between the Board of Education and Fiscal Agent of the Rural Resort for $53,779 - assuming legal counsel did not have any problems; carried.

REPORTS
KVS Report - working well - attributed a lot to Jesse Smith helping them to understand the report and what can be done.
Audit - Options for long-term - Single Entry Point - audit report showing not one single discrepancy was found. Congratulations to Linda Byers and her crew.
Recap of Child Support Collections - Total of $3,662,312.00;
Families and Children Program Area - March totals 54 family referrals and 26 investigated; total children referrals 107 and 57 investigated.
Report of Placement Type for Child Welfare - 56 in March with 11 in Family Foster Homes and 23 in Agency Foster Homes; 3 in Residential child care facilities placement; 4 in Independent Living; 12 in residential treatment centers; and 1 relative placement.
Out of Home Placements - graph showing 56 in March 2001.
Colorado Works/Gateway - 10 cases closed; 10 new cases - total cases end of March 2001 - 69
Child Care Expenditure and Statistic Report - Caseload Report:
Aid to Needy Disabled - 345 to date
Colorado Works - 1075 to date
Old Age Pension - 366 to date
Food Assistance 520 to date and a total of $86,789
Medicaid Case Loads are up.

TRAILS - Child Welfare - Two major concerns: intake part of the system in additional to taking extra time for input does not produce a document that the department can share with law enforcement or other necessary parties; and the information produced by the system on ongoing cases does not produce an acceptable family services treatment plan so the department will have to use their old format thus increasing the workload.

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

FOUR MILE RANCH/ROAD CONSTRUCTION PLAN

Don DeFord and Attorney Joslyn Wood of the Law Firm Leavenworth and Karp were present.

Joslyn gave the update stating that all the subcontracts have been paid. All lien waivers except from Reams Construction were provided - these are in the mail.

Joslyn stated that the Board is required to agree to release the restrictive covenant in order to have lot sales. She requested the Commissioners to release the restrictive covenant.

She stated that no contractor has been selected but the deadline is April 17. One contractor has submitted numbers and they will contract with the company if there is no competitive bid. The same engineer and the developer have a site meeting Tuesday, April 17 and asked the Board to attend. The issue will be slope on the west side of the road.

Construction Scenario

Joslyn offered the Board the option of either:

No. 1 - 5 day work schedule - completed and paving done July 10

No. 2 - 6 day work schedule - completed and paving done June 29.

She stated the work schedule is very conservative. In talking with Sunlight, there impact begins in June and they will be getting into their summer schedule. Joslyn said the road construction would be willing to cut back if there was a problem.

Randy Withee and Tom Russell were present.

Randy maintained that he did not have a complete set of plans for the road improvements which include widening, laying sewer line to the project and an eight-foot retaining wall. He requested a scope of work to be done.

Tom Russell and Randy both agree that the slope of the road is not what was originally planned - a two to one. The retaining wall was not in the original plan, but widening the road to eight feet would change its slope to more than two to one. Randy said the project will not work as drawn. A steeper, more realistic slope of two and a half to one calls for the retaining wall.

Joslyn tried to focus on the issue of the restrictive covenants.

Don DeFord commented that security is in place but still there are possible changes going into this road and the County may have enough funds in security if the design changes.

Jim Leuthueser is also concerned in order to determine how much property needs to be obtained to connect with the Intersection 116/117.

Commissioner McCown insisted that the restricted covenant not be released until the road work is completed. By allowing the developer to move forward would be the same as what they did last fall. He doesn't want to sign the release without the work being complete. However, he recommended the developer be given until Tuesday, April 24 to come in with a complete set of plans on which to base a new construction schedule.

Joslyn said that Joe Hope of High Country Engineering would be the one to submit the plans and he will be in the meeting tomorrow. She asked the County to let them know what they need and she can find out what can be done.

Tom said the road needs to be widened by 8 feet. The wall area is not certain and leaves Tom with no idea of how this will be addressed.

Chairman Martin - also have a hillside preservation and creates a concern.

Joslyn said she would need to talk to the Project Engineer - County has $575,000 in security and the $58,000 donated by the County.

Don stated a completion date may need to be adjusted.

The matter was set for hearing at 10:00 a.m. on Tuesday, April 24, 2001.

The Board requested a completed set of plans by noon on Monday, April 23, 2001.

Joslyn said they don’t have detailed drawings showing the slope of the grade.
The Commissioners desire is to have this completed as designed.
Tom Russell stated he needs more than just a picture; he will need length, height, road width and drainage.

Liquor Renewal License - Rescind Approval Motion - Consent Agenda- Down Valley Relay Station
Mildred Alsdorf requested the Commissioners rescind the motion regarding the approval of a liquor license renewal for the Relay Station. The Tavern was badly burned last night and she wasn't sure if Phil Henke would still request a renewal license.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to rescind the approval of the Relay Station renewal liquor license until further discussions can be completed between Mildred and Phil Henke; carried.

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

Attest Chairman of the Board

_____ _____

APRIL 24, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, April 24, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

CONTINUED GRAVEL PIT HEARING - DELIBERATIONS AND DECISION OF THE BOARD OF COUNTY COMMISSIONERS TO APPROVE OR DENY THE REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND PROCESSING (CONCRETE BATCH PLANT). LOCATED: APPROXIMATELY 1 MILE EAST OF SILT I-70 INTERCHANGE, OFF OF THE RIVER FRONTAGE ROAD. APPLICANT: WESTERN SLOPE AGGREGATE

Review

On April 10, 2001, the Board of County Commissioners heard from Building & Planning, the Applicant Western Slope Aggregates and Public Testimony. New material was submitted by the public comments and the Commissioners unanimously agreed that they needed time to read the additional submittals prior to making a decision. With the approval of the applicant Bill Roberts, the deliberations, findings, and motion were postponed until today.

Chairman Martin stated this is a continued hearing to consider a Special Use Permit for Extraction of Natural Resources, Sand and Gravel Mining, a process of a concrete batch plant and mining in a floodplain.

GRAVEL PIT HEARING

Present today included:

County Attorney Don DeFord, Building and Planning Mark Bean, Attorney for the Applicant - Glenn Harsh; Western Slope Aggregates, President Western Slope Aggregates Bill Roberts and Manager Shawn Mello, Attorney for the Town of Silt Steve Beattie, Town of Silt Planner Davis Farrar and many community residents nearby the proposed site location in Silt were present.

Chairman Martin stated the rules for today. Questions will be for the Commissioners and County Attorney only. It would require opening the Public Hearing again if the Board were to take comments from the public.

Commissioner Stowe - questioned Don - if the Board were to approve this today could a time limit of 20 years be set to complete the operations of the pit? Can we mandate that they do complete and re-claim the pit as one of our conditions.

Don DeFord said he thought the answer was yes you could.

Commissioner Stowe said he has some comments but will let Commissioner McCown start the discussion.

Deliberations and Comments

Commissioner McCown - everyone was here for all of the testimony - some other gravel operators in the area as well, other municipalities represented, and no one will say this has been an easy project. Having known Bill Roberts and his previous operations, given the locations of other very prominent subdivisions in Garfield County, consider Aspen Glen one of them and Wooden Deer. There was a lot of testimony that was given that was very emotional. The folks in testifying to your proposal believe as to whether it should or should not be done with this property was very sincere. I have to very candid, I don't think it would devalue the possibility of the Stillwater Project going forward and the ability of it to sell its type of homes that it wants to sell because it's simply in the view plain of a gravel pit. I think Aspen Glen and Wooden Deer have both devalued those statements.

The mitigation that Mr. Roberts has done in the past on his other pit, such as working diligently planting trees as buffers, irrigating those trees, doing everything possible to mitigate any noise, any dust, any visual impacts, have made a significant difference with things that might occur with a gravel operation. However, and this one goes against everything I philosophically believe in, because it takes Mr. Peterson's rights to do what he wants to with his property and it hampers Mr. Roberts' ability to do business; the State Statute provides the Commissioners with a rule - a law which we can not violate - and that is a level of noise is prohibited beyond the 25' of the property line if it over the maximum decibels allowed of 55 dba. And, by the testimony of Western Slope Aggregates own specialist and his own engineer, the zone of impact would be 450' beyond the property line. Therefore,

Motion

I would make a motion to deny this application based on the inability to meet the noise criteria set forth in the Statute. I think that any of you in this room that will show me a gravel operation that is not taken place on an agricultural area in Garfield County, I would appreciate it - that's what they all were at one time. Again, the devaluing of the property, I don't buy, because you can look at these two very prominent subdivisions and lots are selling at a very, very good price - high dollar homes are being built - the dust mitigation could have been handled - the visual impact could have been handled - everything could have been handled - except this noise. And I don't want to see Mr. Roberts go in and do the excavation - tear all the topsoil off, get everything piled and go to work and a noise indicator set 25' off the property line goes off the day he starts his operation - and he has to be shut down and all this material replaced. And I don't think he wants to do that. So that is my motion.

Chairman Martin - we have a motion to deny due to the inability to meet the State Statute of noise mitigation.

Commissioner Stowe - seconded that motion.

Discussion

Commissioner Stowe - State Statute CRS 25-12-101 is the one Larry's referring to and if, I suppose at some point in the future you decide you could make and verify that to the Commissioners, it could be a reconsideration. Unfortunately, we are going to find gravel pits throughout the valley along the Colorado River Corridor - given the view plain of a lot of people. Gravel is a restricted mineral and commodity that we all need to use and to be aware that we have to mine and extract it. It's unfortunate that this particular location 2 miles from the entrance to Silt has created such a stir and is not going to be approved because of the noise abatement. But unfortunately, we'll probably lose the opportunity to every recover that gravel, because 5 years from now, the constraints are going to even be worse as the Town of Silt grows out around that area. It's also unfortunate that our State doesn't require us to take an inventory of available gravel and sand deposits throughout the County until we reach a population of 60,000 people - that seems artificial. I think we're in the process already of beginning to take that inventory within Garfield County even though we're only at 45,000 people. We'll identify those sites and I do foresee gravel pit mining and operations taking place along the Colorado River Valley and along the river itself in the years to come. This particular one, because of the noise abatement issue, and I don't know how we address that - if that's something we have to change eventually in the County laws, or if the State Statute has to be changed - I don't know of any gravel operation that can maintain a level of 55 decibels 25' from their property line. They would have to buy the property all around them in order to mine the area within that noise limit. But that's my understanding of that ruling and based on that, I would agree with Commissioner McCown and second the motion.

Chairman Martin - we have a motion and a second. In discussion, I would also like to say thank you to Mr. Roberts, you've been a very good neighbor up the road and you've done everything that we've requested. And you've got a time and effort and the natural resources there, we must protect that natural resource - everything that we're doing from the development to the playgrounds to the sidewalks, curbs and gutter, paving and everything else - is hinged upon your product. We need to give that tremendous thought and we are in the process of inventorying and mapping and working with the municipalities, etc. along both corridors - Roaring Fork and Colorado River basins on inventory of sand and gravel and we will be coming forward with those. Another thank you to the citizens that were willing to come forward, voice their opinion, pro and con, also the people that many phone calls to all of us - we understand your positions. Some of us couldn't respond because of the continued public hearing and the ex-parte communications, please don't be offended that we couldn't respond or agree with you over the telephone. We acknowledge that you were concerned. And thanks to the staff for submitting a good report.

The motion now is on the floor and seconded.
Commissioner McCown - I just have one comment and I think it's critical in this issue. Mr. Roberts and Mr. Peterson tried to do an operation on a 40 acre parcel to create as little of impact as possible. Had they come in with the full 120 acres that's on that ranch, had they reached an agreement, and they conducted this operation in the middle of this 120 acre parcel, which would have - as far as the visual impact - compounded it, they could have probably met this State Statute and the ruling here today may have been different. So in essence, they have been penalized for trying to do a small scale operation with the least impact possible by a State Statute.
Don DeFord - Mr. Chairman does the motion include direction to staff to prepare a written Resolution consistent with your finding?
Commissioner McCown - yes it does and for the Chair's signature.
Chairman Martin - do we have a friendly second?
Commissioner Stowe - yes.
Chairman Martin - is that clarified to the staff? All right, we'll call for the question - all those in favor of the motion for denial?
McCown - aye;
Stowe - aye;
Martin - aye.
Chairman Martin - Motion is denied based on the inability to abate the noise to the violation of State Statute.
Chairman Martin - Mr. Roberts thank you very much and your patience.
Mr. Roberts - thank you guys very much.

FOUR MILE ROAD DISCUSSION
Don DeFord, Randy Withee, Tom Russell, and Leavenworth and Karp Attorney Joslyn Wood for Four Mile Ranch were present.
Joslyn said they have been working with the County Engineer and Road and Bridge Department and have made one design modification to the construction drawings having to do with including a retaining wall mount on the west side of the property. The engineers feel comfortable with the wall being about 180 feet long and 12 feet high - is will be a MSE wall versus a boulder wall. The contractors are pricing it presently and Joslyn said she can't give the Board a contract or even a bid today. However, she will bring the pricing back to the Board; this can be added into the finalized contract and a determination can be made as to whether or not the County is under-secured.
The wall was explained as a key wall made of bricks similar to the ones on Interstate I-70 in DeBeque Canyon and County Road 109.
Commissioner Stowe - if they go ahead and if this does add $100,000, the only risk the County would have is having enough funds to complete the project. Should they go ahead and start it is believable basically that even if this does add $100,000 to the project that they would complete some of the work and the County would have enough money to complete the balance of the work left; that is if we were to approve it today so they could go ahead with the construction schedule. Or the Board could make some sort of approval contingent them getting back to us within a given set of time.
Commissioner McCown - also, he didn't want to see any significant change to affect the sewer line, namely the elevation changes.
Randy Withee - we are waiting on the sewer line information that is the City of Glenwood's responsibility at the intersection. At this time frame if it needs the same alignment then the same 2-1 slopes and elevation will be the same as last year. What needs to take place is for the City of Glenwood Springs to work with High County Engineering to design the Intersection to meet that line. They have already approved and agreed upon that one manhole they are tying into and the elevation and the concern is to meet that 200'-300' section with the County.
Mark Bean - asked if the sewer line is being sized to just deal with just Four Mile or is it being sized to what the City may be putting further up CR 117?
Chairman Martin - not only the pipe size but also in consideration with the expansion of their service plan which is under review right now to go ahead with an expansion of the service plan.
Mark Bean - he hopes the City is looking at that and it's part of their approval.
Commissioner McCown - this was the City's responsibility.
Mark Bean - wanted it in the record that the issue is sitting out there.

Joslyn Wood - with all due respect, the City did deny their request for annexation.
Commissioner Stowe - clarified that Joslyn was prepared to proceed to present a schedule of completion if we were to give the go ahead today.
Joslyn said yes, they have a schedule worked out with Charlie Ellsworth at Frontier Paving - who will be the contractor on this job - that schedule was given to Randy and Tom yesterday. It did address some of the concerns they had with the initially proposed schedule. We are hoping to be under final contract in the next day or two and then we'll have a final contract price and hoping to get the bid on the new wall so the Board can make decisions accordingly.
Commissioner Stowe - clarified that the construction on the new wall had been factored in to the time frame schedule.
Joslyn said they had - it's in there.
Randy - confirmed that in a brief review it was in there, but whether it's the right time or not he wasn't sure.
Don - asked if would be inevitable that the County will need to amend the completion date on the SIA?
Joslyn - the completion as scheduled calls for this week which will happen, so if they can get done this weekend and get the permit next week, they will still be looking at a June 29th completion date. She requested to meet again next week on this issue. Randy had an set of plans as approved in the SIA, that did show the manholes, the reason for the retaining wall on the west side - in their agreement with the County, they had agreed to a 11/2 - 1 slope on that side of the work. They believed that this would work, given the 6' shoulders and the size of the road. This was also confirmed by their engineer who was working off of the City's topographical map done by aerial photographs and there was a 5' plus in those grades and that is the sole reason why it's not working. That's been re-surveyed now and the surveyors and engineers are comfortable with this wall.
Joslyn - with their contract and with the letter of credit the County has and the $58,000 contribution from the County, it will be close. She thought the retaining wall will cost $55,000 - $75,000 range for the design and installation.
Randy mentioned the wall was 1,700 sq. ft @ $25 - $30 per sq. ft.
Schedule agreed to for the work week.
The Board approved a 6 day work week - 7 a.m. - 7 p.m.
Chairman Martin wanted the family that is right in the middle of this project on the west side and suggested to bring that person into the information circle in order for them to adjust their time - one is on an emergency alarm system if she needs assistance - could make it hard for her to get in and out.
Joslyn mentioned they have taken her situation in consideration and have hopefully come up with a better way to minimize the length of the road that is actually burdened by the one-way traffic.
Don stated that prior to posting a letter of credit, the Commissioners need to know what they expect them to do in regard to any addition costs - they should have in place adequate security for all of the improvements that need to be done.
Joslyn said they will post the necessary amount in a letter of credit at the May 7, 2001 meeting and will also be requesting release of the restrictive covenants as well.
Motion
Commissioner McCown made a motion to authorize to proceed with the project with the completion of the additional funds that may be required for the change in the scope of retaining wall; if those are to be additional funds, that money will be held in escrow as well on May 7th at which time the Commissioners will review SIA agreement as well - and to include a 6 day schedule from 7 a.m. to 7 p.m.
Commissioner Stowe seconded.
Commissioner McCown asked both Tom and Randy if there were okay with the.
Carried.

Glenwood Springs Road and Bridge Shop - Cattle Creek
Commissioner Stowe requested clarification on the new staging area for Road and Bridge located in Cattle Creek next to the service road, M&M Construction and Polaris with respect to the fencing. Ron Perau was the contact making the inquiry.
Tom Russell said they were utilizing all the land and the entrance to Polaris' dealership will need to relocated. Polaris overbuild onto County property. M&M Construction has an easement on their own land that allows for public access on the frontage road. Polaris can use the same easement.

Don said that the County has the right to close the access they are using that is on County property. There is no adverse position against the government.
Tom had a map and said he would copy it so Commissioner Stowe could pinpoint the problem and address the issue with Ron Perau.

County Road 109
Chairman Martin mentioned to Tom that the bank is sloughing off; nothing was ever done to end the sloughing - the location is on the west side of the bridge.
Tom agreed to take a look at their budget.
The Commissioners want to see something proposed on that CR 109 area and the Hardwick Bridge.
Tom and Randy agreed to work with these issues.

Discussion Item - Institutional Control and the County - Rifle - East of the Interchange
Don DeFord said he had copies of a letter submitted to him from Leavenworth & Karp that originated from the Department of Energy - Institutional Control and the County - letter sets out Rifle's and County's - discussion with Lee - issue outstanding - DOE - 1) question of 35 acre parcel lay East of the interchange - DOE RO systems to obtain water, Don's position - county's legal ability - can require water because of the City's perspective - who pays.
Don represented that there would not be an issue.
Only other impediment - industrial controls.
Hearing date set under Don's Time - Agenda for May 7, 2001.

COUNTY MANAGER UPDATE: ED GREEN

A. GIS GRANT SUPPORT LETTER
GIS Planner - Rob Hykys, explained that the GIS Department is about to accomplish a long-term goal in the conversation of its Auto-Cad-based parcel maps into our Arcinfo GIS system. The has been a joint goal of the Assessor's office and the GIS department for many years.
Rob said that due to Mildred Alsdorf passing along the information to him, Rob was able to write a grant that was awarded to Garfield County and Rob - "Intermediate GIS Grant Package" - representing a significant milestone in the County's history of service to our citizens. For the first time, a property owner will have access to everything from the assessed value and zoning of that property to the proximity of a flood plain, to wildlife habitat and wildfire hazards, simply by identifying his or her parcel on a map! This grant is for $1.2 million, however, Rob is only asking for $18,000. With respect to this, Rob requested the Commissioners sign the grant application and a letter of support.
Motion
Commissioner McCown made a motion to authorize the Chair to sign the grant application for the software package to tie the Assessor and Mapping together. Commissioner Stowe seconded the motion; carried.

B. CORONER'S OFFICE BURIAL EXPENSE REQUEST
Ed Green received a receipt on March 22 from the Garfield County Coroner's Office regarding a body pulled from the Colorado River at Two River's Park. The body was later identified as Robert Jones and they have exhausted all attempts to locate family members and no one has been located to claim the body; therefore they are requesting approval from the Commissioners for burial expenses in the amount of $1200.
Ed said that next year in the budget process, we will ask the Coroner to include in his budget enough funds for a couple contingencies.
Chairman Martin said this one had a rescue and other things.
Ed said they submitted an itemized list and he didn't see any rescue. This will come out of general fund contingency and the Board needs to authorize Jesse Smith to pay the bill.
Motion
Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.
Commissioner McCown - in the budget negotiations with the Coroner, he does agree that something placed in there for John Doe burials, also he would like to have a flat rate established because this one is considerably higher.

Public Health - Amended TB State Grant

Ed stated that Public Health Director, Mary Meisner asked him to present the Board for execution an Amendment to the TB State Grant for approval for the Chair to be authorized to sign this grant of $9,000.
Motion
Commissioner McCown so moved; Commissioner Stowe seconded. Motion carried.

C. NEW PICNIC DATE

Ed Green submitted a request that he was given to change the date of the picnic due to the winter weather and a wet spring. The Committee is concerned about the 7th of June being too cool to enjoy a picnic. There were other issues as well that created this request.
A new date was set for July 12, 2001 for the County Picnic from 11:30 a.m. till 2:30 p.m.
The Committee will be providing more canopies to provide shade.

Rifle Rendezvous - Request for Servers
Ed stated there was a need for servers at the Rifle Rendezvous on Saturday, May 19 - 5:30 p.m.
Commissioner McCown mentioned he would be out of town. Chairman Martin said he has already volunteered.

TRAVEL RESOLUTION
Ed Green presented a draft Resolution that addressed travel. He circulated it to all elected officials on April 11 and requested comments.
Don DeFord said the only comment was from Georgia Chamberlain who requested using specific page numbers out of the Financial Management Guide because it may change in the future.
Ed added that such a Resolution has not been done in quite some time and this is to clean up the paperwork.
Reference was made that everyone needed to be doing the same thing, following the same policies.
A motion was made by Commissioner Stowe and seconded Commissioner McCown to authorize the Chair to sign the Travel Resolution and anything necessary to make it happen; carried.

TREASURER'S SEMI-ANNUAL REPORT TO THE BOARD OF COUNTY COMMISSIONERS
Georgia Chamberlain submitted the Semi Annual Financial Statement June 30, 2000 through December 31, 2000.
Don DeFord has looked over everything that was included in the report.
Discussion was held with respect to notification to the schools regarding the school impact fees.
Normal procedure has been that the schools make the request to the Board and they will tell Georgia she can release the funds. Georgia stated that she would draft communication to inform the schools of the balance in their account.
An error that occurred within the Treasurer's Office is still in research. Georgia said they were down to the last $130 to locate and correct the error.
Publish and approve the report

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Treasurer’s Semi-Annual Report and to request that Treasurer Georgia Chamberlain to publish the report in the local paper; motion carried.

DISCUSSION: JAIL CONSTRUCTION
Sheriff Tom Dalessandri, County Engineer Randy Withee and Haselden Construction - Joe Howe were present for the discussion.
Randy Withee requested a change order, contract price, and time frame for floor finishing and a number of minor changes such as a door and pipe sizes. The Commissioners approved the deadline from August 26 to September 18 in late March.

Commissioner Stowe said he could understand the 7 days for the floor finishing and millwork, if we were 3 weeks behind schedule in March, why didn't they hear of this prior to now. He was also under the impression that with the contract that there was some time allowance of 2-3 weeks to account for bad weather, minor changes, etc. If changes are proposed that will extend that time frame, typically it's incumbent upon whoever is creating those changes to notify us at the time. Up until today, he though the

jail opening was 3 weeks behind schedule, because the Sheriff had hoped to finish before August 25. The information the Commissioners have been receiving is they were within a week all winter.

Joe Howe with Haselden referred to the good working relationship between the contractor and the County; this is just another example of continuing down that same road. They are a point in the project where they are 3/4 way through and enough money in the contingency fund for that. Adding back features to the project, performance and programming for the Sheriff and safety and security thing that will make this a a better project for everybody. In response to the Commissioner's question on how the 18th came about, he said there was quite a few changes up this point that they haven't pursued formally because singularly they didn't have that great of an effect on the project. But when you get to the point of putting them all together, at the point where they are now, it becomes apparent that while changes No. 1 and No. 5 alone didn't make a difference, No. 1 at this point did. They are working with the County and looking through the entire scheme as to what has taken place to date - they felt that it was a great benefit to the project to go ahead and include all this stuff and keep going forward with everything they have to date - sit down and work out a number that's agreeable to both parties which in this case is no dollars and then to go forward with stuff they are adding from that point on as a reduced rate is what they are actually proposing here to just keep the stuff going and to make this project a success for everybody.
Commissioner Stowe indicated he was not aware of too many of the changes prior to March 18 that added to the scope of work. There were some changes, some door heights and a few things that came into play, but most of that was in the contractor part of the contract originally was it not?
Randy explained how these changes occurred since that last discussion saying that weather, contractor operations - Permanent Builders having trouble hiring local labor for masonry work, change orders in office space on 1st and 3rd floors, officer's station on 2nd floor - putting furniture back in the plan - these were added to the original scope. Due to these minor changes, it was necessary to bring this issue to the Commissioners for discussion and directions. There are no costs associated with the changes pertaining to the actual facility.

Randy said what Haselden has done and requested to date to have the Sheriff's department to go on site and take a good run through with respect to structural and to see if there is anything they see that could be done today. And if there are other things that could be done later, let them know. Tom stated they have done such and this time frame there is nothing they foresee that would delay it anymore.

Commissioner Stowe pointed out that there was a mention of no additional costs, but at the present time the County is paying $4200 a month to house inmates in other jails; new Sheriff employees hired a month earlier than he will need and this is additional cost to the County and every week we go past the schedule there is real cost and real dollars going out. It also precludes Tom from occupying in an earlier time and slows down other construction projects that the County may have. From the start, the schedule was very important to us. He asked the Sheriff how this affects him and his department.

Tom Dalessandri said it didn't except for the prisoner board that he estimated at $4200 a day - totally it will cost the County approximately $130,000 for a month's extension.
Don said there were liquidated damages of $1,000 a day. He confirmed that the 25th was a hard date.
Randy said it was and in response to the inquiry if the officer's station on 2nd floor had been resolved, added that Reilly/Johnson pulled it out and basically put a piece of furniture - tables were put back and the Sheriff's department was concerned about that. At that point they approached R/J saying we need this design. At present the Sheriff is looking at the situation to see what he can live with and that's where we are.
Don asked if this was a deducting change?
Randy said it was the table - asking the cost and what kind of time will be included. At present, Bob Johnson could not give a definite answer but once we find out the final design, then a few days after that we should be able to make a determination. Tom revisited the issue yesterday and Randy will need to get with Tom to see where he's at.
Tom said the down-scale design was submitted to him this week and they submitted it to R/J for drawings.
Commissioner McCown inquired as to why this was changed to a table and now all of a sudden it's going back.

Tom said it was deleted at one point in the drawings and he had no idea why. Many things along the path have mysteriously disappeared and show up again.
Commissioner McCown clearly sees this as a R/J problem if there are any additional costs involved, it should be addressed with R/J. This is something the County should not have to pay because R/J decided to delete something that was there originally.
Tom responded that R/J was not told to eliminate it.
Don said he has had no discussion with Johnson about the cause for this.
Randy said R/J's his contract with the County was so much for the schematic, etc. and it has worked progressively and the County is still paying on a monthly basis for construction observation and inspection and the amount paid to R/J per month is $11,250 a month. There are still 4 - 5 months left. It was budgeted for 16 months.
Part of the overall schedule reflects testing and getting in there to do a punch list and may gain some time from that end. An assessment is underway to see what can be done prior to the 18th. Basically the Sheriff's department getting in there 3 - 4 weeks in advance to start training people and turn over the 1st floor once completed and inspected, then he can start putting in bedding and turn key on the 18th. Then after the 18th would include a security sweep of the facility and start transporting prisoners.
then security sweep - start transporting
Tom felt they could start the training in the last couple weeks; the workers need to be completely out of the building before the security sweep is done and this takes 2 days. Then they can start the process of moving some of the things but all things will be moved after the CO is issued. After that he needs a week to 10 days to move the prisoner's over and be up and running completely. If we're looking at moving in on the 25th, then it will be somewhere around the 5th of October before actually vacating that building.
Parking Lot
Joe Howe said this has been discussed and typically the pavers in the valley lay asphalt clear up to Thanksgiving, but there are other options. Haselden has always planned on putting curb and sidewalks on the site and then putting in some type of a hard surface - road base or something to make sure they can get through the winter. Until they get to that point, it is uncertain as to what will be done.
Don Hackinson said one of his feeling on the entire parking lot issue, not just recently with the change order situation, but throughout the project, it's contingent upon some extremely unknown projective kind of activities that need to happen at the end after the CO is issued for the new jail and one of them is how well they can work with the Sheriff on his move in and another is Mark Gould who will do the demolition. This is as bad a remodel situation that you can find as far an unknown conditions. He has a time frame that he thinks he can make the building go away but because of these, there are some factors such as any hazardous material, location of utilities, and the foundation. There will be discussions all during the demolition and Haselden will make a good faith effort to get this parking lot in shape for the winter.

The Commissioners requested Tom and Randy to come back to the Board on May 7, 2001 with an update. They did not want to delay the project now and then discover that additional time would be needed.

EXECUTIVE SESSION: PERSONNEL DISCUSSION
Don DeFord requested an executive session to discuss a personnel issue. Don DeFord, Judy Osman, Ed Green, Jesse Smith, Mildred Alsdorf, Tom Dalessandri, the Board and Barbara Sunderland from the Sheriff's office would be included in the discussion.

Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.
Commissioner McCown moved to come out of Executive Session. Commissioner Stowe seconded; motion carried.

DISCUSSION AND ADOPTION: PAY PLAN FOR SHERIFF'S DEPARTMENT
Don stated that he has given the Sheriff an original document and asked that he execute the document and the Board take action to also execute document today.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the pay plan for the Sheriff's Department in conjunction with the Sheriff and his signature. Motion carried.

DISCUSSION: PAYROLL RECORDS POLICY

Don DeFord said this is something that Jesse and Ed wanted to bring up in terms of the payroll policy. There's been some discussion on appropriate time keeping procedures under FLSA appropriate documents that need to be executed and one of the things he noted was the Statutory provision Section 30-11-121 that provides that the County Commissioners will designate an appropriate person to receive all necessary records for financial or accounting purposes and also provides that the County Commissioners can designate what documents are necessary to fulfill their obligations both financially and accounting sense. At the next meeting Don said he will furnish the Board a Resolution to designate this person. What he thinks it that Jesse Smith will be designated to be this person, and to also designate certain forms and documents that the Board thinks are essential. Jesse and Ed would like to introduce this topic and some of the documents needed.

Jesse Smith said the concern is that we can't require one unit of the County to submit time sheets without requiring all units of the County because it puts us in a conflict situation. Given the action taken with the Sheriff's Department we need to carry that through the entire County and this is something that will help us unanimously to make sure we are in total compliance with all federal regulations concerning FLSA. A time arrangement needs to be done and it would appear that since the Sheriff has designed a time sheet, then could basically be adopted for the entire County with the additional 31 lines on it in order to account for each day of the month.

Don said he supports the administration in this as for some time he's been concerned about overtime record keeping practices with regard to Fair Labor Standards Act. Also, he said that by requiring time sheets it allows us to dispense with the actual execution of pay vouchers that's been a procedural and mechanical problem, however the employees are well protected because anything that affects their pay, is either established at the beginning of the year through budgetary purposes for PAR Forms and then any changes would occur on the time sheets or leave requests.

Jesse said it will simplify the workload on individual departments heads in that they will not have to calculate a payroll voucher at the end of a payroll period and run down an employee to sign it after the calculation is completed. They will have to monitor the time sheets and sign those at the end of the pay period and submit them. Accounting will enter those hours directly into the payroll system, and the payroll system will calculate the pay.

Ed mentioned some type of approval was needed to establish uniform time sheets throughout the County in order to go back to the Personnel Committee and inform the members of the decisions.

Jesse said this needs to be implemented consistent at the same time and the agreement with the Sheriff's Department locks us into a time schedule.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adopt the payroll records policy in conjunction with the one we just adopted with the Sheriff's Department and move forward in developing that as a Countywide policy of tracking time and overtime. Motion carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

MAY 1, 2001
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 Thursday, May 1, 2001 with Chairman John Martin and Commissioner Walt Stowe present and Larry McCown on speaker phone.. Also present were County Administrator Ed Green, Jesse Smith, County Attorney Don DeFord; Human Resources Judy Osman, Accounting Joanne Nelson, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 4:00 p.m.

EXECUTIVE SESSION - PERSONNEL

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; motion carried.
Don DeFord requested that all present remain for the session.

Motion - Promotional Pay Request - Sheriff

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the promotional pay requests for the Sheriff's Office, also for the Sheriff to submit the request in writing to the Commissioners; carried.

Secure An Attorney - Judy and Joanne

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Don to contact an attorney to work with Human Services Judy Osman and Accounting Joanne Nelson; carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

MAY 4, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, June 11, 2001 in the County Attorney's Conference Room with Chairman Protem Walt Stowe and Commissioner Larry McCown present. Also present were Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Clerk & Recorder Mildred Alsdorf. Chairman Martin was absent at the beginning, but did arrive at 9:24 A.M.

CALL TO ORDER

Chairman Protem Stowe called the meeting to order at 9:00 A.M.

Executive Session - Jail Construction and Contract Issues
A motion was made by Commissioner McCown to go into an Executive Session to discuss Jail Construction and Contract Issues.

Don DeFord stated he had conversations with the Sheriff's office as to whether the Board needs the Sheriff present for this meeting.

Commissioner McCown stated that if nothing has changed since he was updated on Wednesday, May 3, 2001 then there was no necessity for the Sheriff to be present.

Don added that he notified the Sheriff through Barbara Sunderland that Tom needed to be present on Monday, May 7 Board of County Commissioners Meeting at 10:30 A.M. for any questions on the three change orders that were discussed on Wednesday.

The other items Don said he wanted to discuss briefly in Executive Session included: ***The Current Status on the Lease for Space for Social Services and the Intergovernmental Agreement for the Intersection at CR 116 - CR 117.***
Those requested for the Executive Session included: Don DeFord, Jesse Smith, Mildred Alsdorf and if necessary the Engineering Staff - Randy Withee.

Commissioner McCown said he would include the items listed by Don in his motion.
Commissioner Protem stepped down as Chair to second the motion. Motion carried.

A motion was made by Commissioner McCown and seconded by Chairman Protem Stowe, who stepped down as Chair, to come out of Executive Session; carried.

Commissioner Protem Stowe recognized Chairman Martin as being present.

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

Attest: Chairman of the Board

_____ _____

MAY 7, 2001
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 7, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY ADMINISTRATOR UPDATE: ED GREEN

a. Employee of the Month - Marsha Tadus - Clerk & Recorder Office

Staff members from the Clerk's office were present for the award to Marsha as Employee of the Month for May 2001.
Ed said that Marsha started working with the Clerk & Recorder's Office as a temporary bookkeeper and Mildred was so impressed with her skills that she converted her to a full-time position with responsibilities in both bookkeeping and in the motor vehicle section. Mildred emphases the fact that Marsha is loyal, dedicated and very willing to help wherever she's needed; her coworkers emphasis the fact that she's very friendly, positive, and a pleasure to work with. In addition, she receives a lot of compliments regarding her customer service skills and for her outstanding support of the Clerk & Recorder's Office. Ed said he was proud to present her as Employee of the Month.

b. Contingency Funds Request: Search & Rescue Fund Tier III Grant

Ed Green, Tim Arnett, Dale Hancock, and Jesse Smith were present.
Ed stated the Sheriff submitted a request with an explanation to transfer $2273.00 from contingency funds for Search & Rescue.
Motion
A motion was made by Commissioner McCown and seconded Commissioner Stowe to approve the expenditure of $2273.00 from contingency funds into the line items as shown in the memo from the Sheriff; carried.

c. Used Loader Procurement - Landfill

Tim Arnett, Jesse Smith and Tom Russell were present.
Ed Green mentioned that the Screener for the landfill for $48,875.00 and a backhoe for $57,215.00 were purchased previously. The current expenditure of $79,000 is being requested to purchase one used new Holland LW130 Wheel Loader. This will reflect a total of $255,040 expended from the Landfill Budget and there is still a surplus. This will be purchased from the Landfill Contingency Funds.
Western Implement submitted the lowest bid of the two received. The other bidder was Power Motive and it was an older loader. This is a 2001 Loader - the Western Implement demonstration model that was used a total of 65 hours. Tom Russell explained the warranty and that parts are available from other companies.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the expenditure of $79,000 for a used loader for the Landfill; carried.

d. Wireless Communication: BLM - Doghead Peak

Dale Hancock submitted the PCS application and explained that Clear Talk has indicated an interest to erect an 80’ tower with pad at this location. They are also interested and willing to make this a co-location communication site. 1997 was the last use of this site and if the site is not used within five years, BLM can rescind the right-of-way. This makes a nice fit for that location; it provides a stream of revenue into this operation; and secures the continued right-of-way with BLM. Dale said he supports the proposal and feels this is in the best interest of the County to keep their rights-of-way active in perpetuity for public purpose applications. The plan of Clear Talk would be also to allow co-location of other vendors on that who would

have to negotiate with the County for that purpose in that if granted this SUP from the BLM would be a multi-user manager which we are now on several other sites include Lookout Mountain, Sunlight Peak, Anvil Points, Harvey Gap, and others shown on the map. Dale pointed out that the map shows both public and private sites. The area manager is asking for a letter of response on this from the Board. Dale has filed for the Special Use Application the latter part of December and would like to Board to move forward and approving the request.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Wireless Communication on Doghead Peak by Clear Talk to construct the tower and pad as explained by Dale Hancock.

Discussion

Commissioner McCown mentioned that since there is an interest in co-locating that he didn't feel this was competing with private business.

Chairman Martin wanted to see the review criteria for the tower construction to be the same requirements as identified in the County's SUP regulations for all telecommunication facilities.

Commissioner McCown amended his motion to include the review criteria. Commissioner Stowe amended his second.

Motion carried.

e. Technology's Highway

Dale Hancock said the County is participating in a Western Colorado Marketing Alliance. This is a project of economic development out of the Governor's Office. The participants now include the City of Craig, Delta Area Development, Garfield County, Town of Hayden, LaPlata Economic Development Action Partnership, Mesa County Economic Development

Council, Montezuma County Economic Development Council, Montrose Economic Development Council and the Town of Rangley. The first activity of this group will be a Technology Showcase Conference that will be held May 23 and 24 at the Adams Mark in Grand Junction. Discussion panels will be held on: *Telecommunications Infrastructure* and *Doing Business in Western Colorado*. Garfield County will have a table at the Conference as will the 9 other members of the Western Colorado Marketing Alliance. There is a program with featured speakers who are to be Marc Holtzman, Director of the Governor's Office of Information Technology and Senator Ron Teck; and Governor Owens will make a presentation as well. The sponsoring agency is the American Electronics Association - a professional group that typically involve manufacturing and engineering concerns. Sponsors of the Conference include Intel, Quest, Del, Marsh, Excel United Airlines, Applied Films, and the Western Colorado Marketing Alliance. The functions of this group is to do a sole source which is developing leads for companies. On a side note the Region XI, AGNC is going to act as the financial component for keeping the books so there is a local connection in our County with this initiative as well. The Board of Directors originally met in Montrose on Monday, April 30 and there is another meeting where Dale will be attending on May 24 following the conclusion of this technology conference. As another initiative when Dale brought this information back to Ed Green, he was given another improvement project that involves the resources of Ken Maenpa, Airport Manager as well as our artistic person, Liz Nelson of Road and Bridge who will work jointly to produce a Brochure on Garfield County substantively being sound bites of the what the County is, how large, and feature the Garfield County Airport as something the County wants as part of that economic development issue.

Dale added local Institutions of Higher Education are to be included at each of the member's tables. Therefore, he will advise CMC and welcome them to participate in the Conference and be represented at Garfield County's Table, since they have a stake in economic development as well.

Governor's Commission on Community Service

Commissioner McCown stated that he had received a letter from Bob Brooks - the Governor is encouraging, through the Department of Local Affairs, the Commission on Community Service, in looking for Board's recognition of volunteers and on a regional basis. Basically, Garfield County needs someone to be the point person for the Governor's Colorado Cares Volunteer Service Award - a Statewide Award. It comes from local areas to regional to State but it does entail coordination and other local governments are involved through an appointed spearhead.

Lisa Pavlisick - appointed

Ed Green said he has already taken care of this and appointed Lisa Pavlisick to be in charge due to having already gone through that evaluation process for Human Service Awards in February/March and use that initiative and submit those applications.

f. Improvement Projects Update - Courts/Probation

Probation - Electronic Door and Pass Through Window

Dale reported on the Courts request for a couple of improvement projects - security window for the Probation Department. This was approve at $3735 and talked about using the currently used past-through window at the jail as a part of the plan. The pass-through window at the jail will not work. It is custom made for an 8" wall as opposed to the 4" wall in Probation. Dale received a Ray Lyons for the entire project putting in a window too meet the specifications at less that $100 difference - $3824.95 as opposed to the $3735. This was an non-budgeted item and if the Board is going to move forward, he requested to have this approved and funds transferred from Contingency into the Facilities Management Budget. Discussion was held as the urgency, the exact location, the sudden purpose for this installation and the lack of security for the Probation Department when clients exert their frustration when coming out of court. Chairman Martin mentioned that Judge Ossola requested this be done as soon as possible. The security of the staff is getting more contingencies.

Action

Commissioner Stowe referenced the future relocation and remodeling of some of the officers within the Courthouse and understands the urgency, however, he wanted to table this issue for two weeks in order to give staff an opportunity to make sure this was a necessary expenditure. The topic will be on the Commissioner's Agenda on May 21, 2001.

g. Goals and Objectives 2001 - Relocating Nurse and Healthy Beginnings

Ed reviewed the updates of the 14 projects and submitted a report showing the progress, target dates, and completion areas.

g. Storm Drainage Improvements for Riding Arena

County Engineer Randy Withee, Assistant County Engineer Jeff Nelson and Road and Bridge Director Tom Russell explained how they were going to address the problem of drainage at the Riding Arena. Randy and Tom completed an evaluation of the facility and submitted the Board an engineer's estimate: $17,381.25 for the entire system with concrete inlets. $14,976.20 for the entire system with ADS (poly) inlets.

Randy stated that the project would be completed before the County Fair - August 8 - 12.

Commissioner McCown mentioned the urgency in order not to do any damage to the structure. He also reminded the Board that phone lines and conduit will need to be installed this summer and suggested they incorporate both with this project.

Motion

A motion was made by Commissioner McCown to go with the proposed price of $14,976.20 for the ADS pipe and alleviate the drainage problems at the building. Commissioner Stowe seconded. Motion carried.

h. Core Services Plan - 2001-2002

Margaret Long and Ed Green were present.

Ed Green presented the Core Services Plan FY 2001-2002 submitted by Resa Hayes, Child Welfare Manager II. Resa commented in a memorandum to the Commissioners saying it was essentially the same as previous years. All funding amounts remain the same and there are no extra requests for county funds. A small amount of funding has been changed from Colorado West Mental Health to DSS. The dollars had been previously used for extra counseling funding. That funding is no longer being utilized and can be better used to fund a portion of the DSS crisis after hours programs. Colorado West Mental Health is aware of these changes. Additional, Ed said the plan needs to be submitted to the State Department by May 19th and requested approval now.

i. Child Care Licensor Contract

Don DeFord, Margaret Long and Ed Green were present.

Margaret submitted the Child Care Licensor Contract stating that it had been reviewed by County Attorney Don DeFord.

Don said that the document appears to be substantially similar to the Contract first considered in 1999 and later considered in 2000. Many of the initial issues he raised concerning this Agreement have been resolved through the completion of an Intergovernmental Agreement with Pitkin, Eagle, Summit and Lake Counties. Margaret Long has assured Don that she has written assurance from the State of Colorado that they have no objection to the assignment of responsibilities under our proposed Agreement to other counties. The termination provision continues to provide no remedy for Garfield County and the indemnification contains no reciprocity with the State of Colorado. Previously, this Board has accepted those provisions realizing that the State of Colorado will remain intransigent on those issues.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to execute the Child Care Licensor Contract.
Comments
This is one of the revenue sources of the Rural Resort Child Care Resources Program.
Motion carried.

CCI Conference - Vail
Conference dates - June 11 - 14, 2001 in Vail, Colorado
Commissioner Stowe, Commissioner John Martin, Jesse Smith and Ed Green will plan to attend. Commissioner McCown will be on vacation.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update that included:

a. Kautsoubos Tax Payment and
b. Errors & Omissions: Elected Officials
Don said this is an item that has been discussed in the past and some final decisions now from the County's insurance carrier and the bonding company involved. The insurance carrier Allen Chapman and Don had discussions and there is a CTSI Board Meeting on May 18, 2001. Don will be in Denver for federal court and will plan to attend that meeting and present the County's position that they should be providing coverage through CAPP for at least the Treasurer and the Clerk concerning errors and omission in the collection of taxes. At present, the position of CAPP is that there is an exclusion for that type of activity in our coverage.
Also with respect to the bonding company, Georgia Chamberlain has had discussions and confirmed clearly that their position is that at the end of the day they would seek reimbursement from her for any payment that was made as a result a claim of negligence or an error in her office. With both those positions being what they are, Don's recommendation as it has been in the past, is that the Board authorize payment of the Kausoubos Tax Claim from the general fund in the case in the amount of $1000.00.
Motion
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

c. Discussion: Institutional Controls/Department of Energy Property
Don said at the last meeting he handed out a letter that Attorney Lee Leavenworth tendered on behalf of Rifle and actually on behalf of his office to the Department of Energy. He asked for feedback from the Board concerning this.
The Commissioners did not have comments regarding this.
Don said as he represented last time concerning payment, he will go forward with DOE on that basis and hopefully some progress will be made toward getting a final agreement in place.

d. Action of Intergovernmental Agreement for Development Review
Don and Steve Beattie were present. The request was for approval of the Intergovernmental Agreement for Development Review. In the Resolution of the case with the Town of Silt, one of the things that was on the table was a joint agreement with all the municipalities and the County for development review - a process to be followed by both municipalities and the County for land use applications. The County's agreement was that at such time that all of the municipalities executed that agreement, then the County would also execute that. Don has received a fully executed agreement absent only the signature of the County. So,

consistent with the earlier agreement, he asked that the Board go forward and authorize the Chair to sign this agreement on behalf of the County. He included that with the pending growth legislation he was not certain what the impact of this agreement will be. It may require redoing this in the very near future. But until that time, this will be the binding agreement.

Motion

Commissioner Stowe made a motion to authorize the Chair to sign the IGA for Development Review as presented. Commissioner McCown seconded.

Chairman Martin said he attended the mayor's meeting and all the mayor's there were very supportive of the agreement and to both give and take on this. Since this is a two-way avenue, he urged the Board to approve it.

Commissioner Stowe clarified that this overrides the County's previous agreement.

Vote on the Motion:

McCown - aye
Stowe - aye
Martin - aye
Motion carried.

e. Presentation and Setting of Petition to Vacate Road Easement (Oak Lane) over Lots 22 and 23, Westbank Ranch Filing No: 1. Petitioner: Westbank Ranch Homeowners Association

Steve Beattie and Don DeFord were present.

Don stated that he had received a petition for Westbank Ranch Homeowner's Association the petition to vacate a road easement in the Westbank Filing No. 1. Mr. Beattie has presented this on behalf of the Homeowner's Association at Westbank. He refreshed the Board from discussions held a few weeks ago that in the Westbank Subdivision Filing there is an indication on the plat that there is a public road easement that extends from an existing road to the Prehm Ranch. This is a petition to vacate what has been platted to the extend that this is a public road. In order to comply with the Board's past practice, the Board needs to set this for a public hearing because notice is required. The easement runs across at least two private properties - it does access a public road that impacts a number of other homeowners so the County will need to provide notice to those individuals of the hearing. He requested this matter be set at least 30 days from today.

Attorney Steve Beattie representing Westbank Homeowners Association and a member as well of the Association. Warren Wright and Dan Duroux of the Association were present as well. When the annual meeting was held at Westbank several weeks ago, a vote was taken and by a resounding majority the Homeowners would like to see that roadway easement vacated and therefore filed the petition in accordance with the statute. The only two suggestions would be: 1) do it as soon as the County's procedure would allow it to be done. The developer of Prehm Ranch, despite the Board's decision to deny a driveway access permit back in January 2001, is advertising the Prehm Ranch as having access through Westbank recently and the Homeowners Association feel this issue needs to be addressed as soon as reasonable possible; 2) in terms of time, they would expect probably 30 plus people would come and have something to say about it. Steve's schedule would not permit him to be present on the 4th and 5th of June.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set this over for June 11, 2001 at 1:15 P.M. Motion carried.

INMATE HOUSING AGREEMENT

Don DeFord said in the past, the County has housed inmates in the Clear Creek County Jail Facility without a written agreement in place. However, over the last several months this issue has been discussed and the Sheriff's Department in Clear Creek and in Garfield County have discussed this issue and the form of agreement Don was presenting to the Board is one that Clear Creek has used in the past with just a couple minor modifications. It provides that the County will compensate Clear Creek County for housing our prisoners and will provide for payment for all medical expenses, the obligation for Clear Creek for medical treatment is that if it is an emergency or a severe enough situation that the inmate can not be treated in the

jail, then any decision to treat the person outside of the jail must be made by their medical staff or the County's medical staff. In that event, the County will be obligated to make that payment as well.
Chairman Martin added that Clear Creek has a new County Attorney and this is some of the paperwork they are trying to complete.
Motion
A motion was made by Commissioner Stowe that the Chair be authorized to sign the Intergovernmental Inmate Housing Agreement with Clear Creek County. Commissioner McCown seconded.
Comment
A price of $50.39 a day is the rate and it will stay the same.
Motion carried.

EXECUTIVE SESSION - LAND ACQUISITION MATTERS AS TO CR 116/CR 117 INTERSECTION

Don DeFord requested an Executive Session to discuss land acquisition matters as to County Road 116 and County Road 117 Intersection.
Don requested, Jesse Smith, Ed Green, the Board, Jim Leuthueser, Mildred Alsdorf and himself to be present for the discussion.
Motion
Commissioner Stowe made a motion to go into Executive Session to discuss land purchase agreements. Commissioner McCown seconded. Motion carried.
Motion
Commissioner Stowe made a motion to come out of Executive Session. Commissioner McCown seconded. Motion carried.

COMMISSIONER REPORT

Commissioner Stowe - Rural Resort met and set their summit meeting to be September 19 in Snowmass. Topic will be the immigrant work force and how we can facilitate those in the valley. They plan to have speakers statewide anticipating anywhere from 100 - 400 people. Nothing has been settled as to whether it will be a panel or individuals speaking. More after the meeting on May 18, 2001.
Another meeting was in Kansas City put on by the Federal Reserve - the Rural Leadership Initiative basically discussing what happening in Rural America - about 250 people attended and 25 from the State of Colorado. Discussion - salvaging the rural area and treating it as an amenity - the fact remains that at this point America is no longer the bread basket of the world, in fact we import over 1/2 of our agricultural food presently so as the rural areas are changing. Speakers attended from Italy, Spain and England telling what they did in their counties and what they are doing. It will continue on with the 25 from the State of Colorado including any Commissioners that went from Colorado - meeting again in August/September to further discuss what might be done in Colorado and then the 3rd Annual Meeting next year around May 8 back in Kansas City. This was paid for by the Federal Reserve by a grant they gave CMC.
Joint Glenwood City Council and County meeting Tuesday.
Wednesday, Upper Valley's Governments' meeting in Carbondale at 8:00 a.m. and tentatively the Ruedi Water and Power Authority are meeting Thursday at 5:30 p.m. Healthy Beginnings dinner was a success but the reports are not ready as to how much money was raised. About 70 attended.

Commissioner McCown - Thursday, May 10 - Northwest Oil and Gas Forum in Rifle from 10 - 2; Next Wednesday - an Open House from 4 - 6 at the Communication Center in Rifle - all Elected officials and administrative staff are welcome to attend. On Thursday, he leaves for Rangley and the Coal Conference moves to Craig on Friday.

Chairman Martin - Last Tuesday, Mark Bean, his staff and the Geological Survey team did a tour of Western Garfield County - Glenwood Springs to Parachute - establishing the different gravel beds through quadrangle maps and a report and proposal will be coming back to us. Mark Bean said they will include in their proposal how the County can go into more detail with identifying potential water funding sources to pay up some money to go into this type of project. They will give the County a range of options so that an

evaluation can be made as to how far to go with this. It will also give the landowners an opportunity to have more than mere agricultural or house tops to chose from.
Colorado Inter-mountain Fixed Guideway on Wednesday in Idaho Springs - a valid initiative coming out in November to ask for $50 million dollars to allow the Fixed Guideway Authority to run from DIA to Golden to establish that corridor. The City of Denver has almost $400,000 to keep the initiative going. Also, a claim for that went to the finance department so hopefully those will be in place. Meeting of the Healthy Mountain Communities in Carbondale on the growth and transportation issues; the rodeo meeting in Rifle; Jail House Rock Committee is setting up a fund raiser and hopefully they will have the opening of the jail before October 1 and they wish to have their annual event using the new facility and inviting the entire public, giving people tours. The Sheriff is also coordinating that effort. Sunday -it's Mother's Day and on Saturday his son is going to graduate from CSU after 12 years of college and he has a job.
Commissioner Stowe mentioned he has the latest Video on the Monorail Solution.

Ed Green stated that he will be gone Friday and Monday - May 11 - May 14.

a. Appoint Planning & Zoning Commission Members

The following is a list of those requesting appointments to Planning and Zoning Commissioners:
Ray Schmahl - regular member; Roland Fisher - alternate member; John Deer vacancy by Herb Nelson's resignation; Collin Laird applying for current openings.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to re-appoint Ray Schmahl - regular member Roland Fisher - alternate, John Deer regular member and Collin Laird alternate. Motion carried.

b. Appoint Housing Authority Board Members

The Housing Authority Board had requested to interview the applicant and there was no indication they had done that, therefore -

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to table this until next meeting to ensure Ms. Baldwin has been interviewed by the Housing Commission; carried.

CONSENT AGENDA

A. Approve Bills
[The following bills were excluded - Camera for the Coroner - who authorized the purchase and the hefty bill ($12,000) for Autopsy's from the Coroner Office. Jesse Smith was requested to do a follow up and report back to the Commissioners.]

B. Sign Resolution of Approval for the Amended Service Plan of Roaring Fork Water and Sanitation

C. Sign Amended Plat: Lots 1 & 2, Aspen Glen, Filing No. 5

D. Sign Amended Plat: Lot WP5, Aspen Glen, Filing No. 3

E. Sign Resolution of Approval: Floodplain Special Use Permit for the Ranch at Roaring Fork Homeowners Association

F. Sign Resolution of Approval for Sanders Ranch Planned Unit Development

G. Approve Extension of Time to Complete Conditions of Approval for Dangling Rope

H. Sign Satisfaction of Subdivision Improvements Agreement for Ranch Creek Planned Unit Development

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items A - H with the exception of the items under A - Bills - that were referenced, pending an explanation by Jesse Smith; carried.

REGULAR AGENDA

Weed Management Plan Amendments: Revegetation Guidelines

Steve Anthony and Tom Whitmore were present.

Weed Advisory Board - Appointment

City Manager of Rifle, Selby Myers submitted a letter nominating Tom Whitmore, Parks Superintendent for Rifle, to be the representative from the City of Rifle to serve on the Weed Advisory Board.
Motion
Commissioner McCown made a motion that Tom Whitmore from the City of Rifle be appointed as an alternate to the Weed Advisory Board. Commissioner Stowe seconded. Motion carried.

Amendment to the County Noxious Weed Management Plan
Steve said that when he reviews proposals for the Building & Planning Department, he generally requests that the applicant provide a revegetation plan that includes: a plant material list (seed mix, listing all species by common name and scientific name) and a planting schedule (that includes timing and methods).

Steve presented for the Board's review and consideration, a proposed amendment to the County Noxious Weed Management Plan. He also provided a slide presentation that demonstrated the problems experienced regarding revegetation.
Included in the presentation was a map of the area that is to be disturbed and a revegetation plan on the projects. The slides demonstrated what Steve would like to be included in the projects before the Board.

A revegetation plan that includes:
- A plant material list (seed mix, listing all species by common name and scientific name)
- Planting schedule (that includes timing and methods).

Currently, the Weed Management Department have not been asking for a revegetation bond, or a soil plan.

Weed Bond
There is currently no revegetation bond or a soil plan, but Steve understands that the County Commissioners have the discretion to request revegetation bonding.
The Weed Board and staff recommend that the County adopt the proposed amendment to the County Weed Plan. Revegetation bonds should help insure that revegetation is completed in a timely and effective manner. The goal of this proposed change is not to add another layer of regulation, but to ultimately eliminate the need for weed enforcement in certain instances by encouraging proper land stewardship that will hopefully prevent the establishment of noxious weed.
The amendment proposed would be to add, at the discretion of the Board of County Commissioners, as part of the Planning & Zoning approval process, for land disturbances outside the building envelope. This would be a requirement at preliminary plan and prior to Final Plat the following items:

- A Soil Plan to include:
  - Provisions for salvaging on-site topsoil.
  - A timetable for eliminating topsoil and/or aggregate piles.
  - A plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
- A Revegetation Plan to include:
  - Plant material list (specific)
  - Planning Schedule
  - Map of the area impacted at preliminary plan
  - A revegetation bond
  - A revegetation security if the proposed project has:
    - A potential to facilitate the spread of noxious weeds.
    - A potential to impact watershed areas.
    - A potential for visual impacts from public viewing corridors
    - Steep slopes (15% of greater) or unstable areas.
    - Disturbs large areas (fifty cubic yards or greater)

Steve said the revegetation security will be in an amount to be determined by the Board of County Commissioners that will be site-specific and based on the amount of disturbance. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the a Reclamation

Standard. The Board of County Commissioner will designate a member of their staff to evaluate the reclamation prior to the release of the security.

The Reclamation Standards include: Site Stability, Soil Management, Erosion Prevention, and Revegetation.
Discussion
Mark explained that this would be part of the Subdivision Improvements Agreement.
Chairman Martin identified this as staff's attempt to control noxious weeds.
Commissioner McCown does not want to see weeds coming back after the developer has completed the criteria - weeds come back and then what happens?
Steve said it takes four - six hours of staff time to do a site inspection, follow-up with letters, etc. Therefore, he favored prevention.
Steve Anthony will be the one inspecting and reporting.
Commissioner McCown foresees a lot of staff time throughout the County to keep tract of the sites and the time frame. Enforcement side a concern and he doesn't want a regulation that can not be met.
Steve said he strongly believes in prevention and goes a long way toward solving the weed problem situation.
Mark said this needs to be consistent and applied one way to all.
Steve said seeing the new weeds coming up is where this will help. He feels they can win these battles. Knapweed is a main noxious weed.
Commissioner Stowe said he would be willing to give this a try for a year or so and see how we can move forward on this - the Weed Board has put a lot of effort into this.
Motion
Commissioner Stowe made a motion that we approve the Garfield County Revegetation Guidelines as presented and monitor and review this 12 months from now and see where we are at.
Commissioner McCown seconded.
Discussion
Steve said he would change to 50 cubic yards to 1/2 acre.
Vote on the Motion
Stowe - aye
McCown - nay
Martin - aye
Motion carried.

Jail Project: Changes and Schedule Modification
Discussion and Decision
Haselden Construction - Joe Howe, Randy Withee Tim Arnett, *and* Sheriff Tom Dalessandri were present.
Jail Project
Haselden and county staff personnel submitted a request to the Board to authorize the County Manager to sign the following change order requests:
Change Order 14
The jail project has approved thirteen (13) change orders through April of this year for a total dollar amount of $108,996.00. Brief descriptions on these change orders were submitted with this request. It was mentioned that during the processing of these change orders, Haselden did not request a time extension. The as-built schedule through the end of March, 2001, shows an owner occupancy date of September 18, 2001. As per contract requirements, an owner occupancy milestone date of August 26, 2001 was established. This project is faced with a time differential, which can be attributed to weather, contractor operations and change order directives.
It was also noted that Haselden realizes that they had an opportunity to ask for time and monetary compensation for general conditions but chose not to during the processing of these change orders. Today is the same - Haselden is not requesting for any costs associated for general conditions for this time period. Change Order 14 reflects an extension for the CO to be issued with respect to separating the floor finishes and millwork from the remaining outstanding issues. The date change is from August 26, 2001 to September 18, 2001.

Haselden developed a list reflecting the outstanding issues that relate to time and monetary compensation. Brief descriptions of these outstanding issues were detailed in the memo prepared by Randy Withee. These change orders requests are separating the floor finishes and millwork from the remaining outstanding issues.

Change Order 14 - Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Change Order No. 14 with the aggregate changes today at a cost of $108,096.00 and thereby extending the completion date from August 26, 2001 to September 18, 2001 and approve the Change Orders to-date through No. 13.

Vote on the Motion:
Stowe - aye
McCown - aye
Martin - aye
Motion carried.

Change Order No. 15
Haselden is representing the combined value of the floor finishes and millwork as $128,821.00. Additional millwork was added to support the sheriff department in providing furnishing for offices located in both the detention and administrative areas of the building. As for floor finishes, the request was to add back certain types of floor finishes that were deleted through the value engineering process. The value being added back is still leaving the project with cost savings of over $26,000.00.
Change Order 15 - Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve change order for millwork and floor finishes for an amount of not to exceed $128,821.00.
Comment
Commissioner Stowe asked Tom Dalessandri, Randy, Joe with Haselden, if they were comfortable with this. He stated that the Board has gone through all the change orders, the proposed ones and the ones that have not been approved yet and this puts a wrap on anything the Commissioners want to change from their standpoint; it would just be unforeseen things that would crop up.
Everyone responded yes, they were comfortable with the proposed changes.
Commissioner Stowe made a motion that we accept change order No. 15 in the amount of not to exceed $128,821.00 for the re-establishment of the floor tile and the millwork as discussed. Commissioner McCown seconded.
Chairman Martin commented that it will be a better building if we do go forward of these two items.
Vote on the Motion:
Stowe - aye
McCown - aye
Martin - aye
Motion carried.

Change Order No. 16
Haselden has quantified the remaining known outstanding issues as they relate to value and time. Regarding value, the remaining outstanding items have a total value of $100,865.00 inclusive of direct costs and costs associated for general conditions as they relate to extended time. Regarding time, based on the scope of these outstanding issues, inclusive of millwork and floor finishes, an additional 12 days will be required to complete the additional scope of work.

Haselden is requesting the board to approve the change order for a not to exceed amount of $100,865.00 with a time extension of twelve (12) days (includes 12 calendar days of general conditions is at $1,200.00 per calendar day). The time extension would be from September 18, 2001 to September 30, 2001 for a certificate of occupancy. Haselden is reserving its right to ask for additional compensation and time if additional change directives/orders are given and/or unforeseen conditions are encountered that are not attributable to Haselden and their subcontractors.

Commissioner Stowe added that the balance of the change order items that the Board looked at will leave a contingency in the Jail Project of about $78,000 to carry through to the balance of the project and will extend another 12 days till September 20, 2001; Joe are you comfortable having reviewed all this stuff at this time, that this is an adequate amount of time so the Board doesn't have to come back on September 15? Joe stated that if they can bottom line at what they have on this list that's known to us to this date, he feels comfortable that this is a good date.
Jesse Smith said that Haselden has taken the position that if any change order should come in after these that would impact that date in anyway, their response would be no. And that would force it to come to the Commissioners.
Chairman Martin said he thinks that is reasonable and that the Board needs to take it on the chin if we have to extend it, but we believe in Joe and his outfit and has come through for us. Randy has kept an eye on things, Tim has done well, Tom has worked with the Board and they appreciate that.
Commissioner Stowe - as a point of discussion, a couple of things came up out of the work study group last Wednesday, and it relates back more to Tom and his staff, with that $78,000 contingency, they had discussed potentially needing $120,000 to buy the miscellaneous furniture and that would come out of the County's contingency leaving about $45,000 short. Tom indicated he might be able to glean that his budget, is that still a possibility?
Tom Dalessandri stated yes, it looks like they can. They did a budget review and couldn't come up with any more than that and still leave a cushion in the event of overtime, but he was comfortable they could do the $45,000.
Commissioner Stowe said he appreciates the Sheriff's cooperation and willingness to work with the Board on that. The only thing he wanted to make for public record, if Joe were to finish on September 25 or something, and Tom indicated he needs 10 days to be able to move in from the CO, how much lead time would Tom need from Joe to gear up.
Tom Dalessandri said mostly training related, and estimated he needed a 2 - 3 week window; but they stay in touch weekly with Joe and will know if this is coming along in advance and can make adjustments.
Change Order No. 15 - Motion
In view of those comments, Commissioner Stowe made a motion that Change Order No. 16 be approved which would grant outstanding other items total value of $100,865.00 and the extension of 12 days with open completion not to go beyond September 30, 2001. Commissioner McCown seconded.
Chairman Martin added that he wanted to make sure the contingency stays in the perimeter that it is supposed to for fixed furniture only - that is the agreement with the finance department. He said the Commissioners watch that extremely close.
Vote on the Motion:
Stowe - aye
McCown - aye
Martin - aye
Motion carried.

Executive Session - Land Acquisition
Don DeFord said relative to the discussion that was held earlier, he would request an Executive Session to discuss land acquisition for the County.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.
Don requested Ed Green, Jesse Smith, the Board, Mildred Alsdorf and himself. He projected 15 minutes.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

PUBLIC MEETING: REQUEST FOR APPROVAL: SPLIT ON 85.75 ACRE TRACT INTO TWO TRACKS OF 2.01 ACRES AND 83.74 ACRES. Located APPROXIMATELY ONE MILE SOUTH OF CARBONDALE, CO OFF OF CR 111. APPLICANT: FOUR BAR RANCH, LTD.

Don DeFord, Mark Bean, Dan Kerst and Roz Turnbull were present.
Don reviewed the public notification and notices to all four of the property owners within 200 feet and determined they were timely and advised the Commissioners were entitled to proceed.

Mark submitted the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Application; Exhibit C - Project Information and Staff Comments; Exhibit D - Garfield County Subdivision Regulations; and Exhibit E - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - E into the record.

This is a request for exemption from the definition of subdivision on an 85.75 acre tract located approximately one mile southeast of Carbondale, off of CR 111.
The proposal includes the parent tract to be subdivided calling for the creation of two (2) parcels of approximately 2.01 and 83.74 acres.
Mark continued to review the staff report including the major issues and concerns, suggested findings and recommendation.
Recommendation:
Staff recommends Approval, with the following conditions of approval:

1. 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.
2. A Final Exemption 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.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption, unless an extension of time is approved by the Board prior to the expiration of that time.
4. That the applicant shall submit $200.00 in School Site Acquisition Fees for the creation of the new exemption parcel.
5. 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 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. sew., 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 all exterior lighting will 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."
"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."
6. Prior to signing the exemption plat, the applicant will pay Carbondale and Rural Fire Protection District the applicable impact fee.
7. Prior to the approval of an exemption plat, the applicant test the existing well 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) Am 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, nitrates and suspended solids.

The applicant requested that No. 3 under Plat Notes No. 7 - 4-hr. pump test had recently been done - and would like to see that portion removed from the plat notes.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for approval of an exemption from the definition of subdivision for Four Bar Ranch, Ltd. with the recommendation of staff 1 - 7 excluding the portion of No. 7 that would require the four hour pump test.

Vote on the Motion:

Stowe - aye
McCown - aye
Martin - aye
Motion carried.

CONTINUED PUBLIC HEARING - REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR TIMBER. LOCATED: ALONG CR 312, SOUTHEAST OF NEW CASTLE, CO. APPLICANT: JAMES G. DIAMANTI REPRESENTED BY LOUISIANA-PACIFIC CORPORATION

Don DeFord, Kit Lyon, James G. Diamanti Attorney James Beckwith, representative for Louisiana-Pacific Corporation, and Gary Hier, Forester were present.

Chairman Martin swore in the new speakers.

Kit submitted Exhibit J - Memo from Steve Anthony, Exhibit K - Staff Memo dated May 2, 2001, and corrected errors on the original project information and staff report - only a Special Use Permit and eliminate the Building Use Permit, and zoning should be changed from R/L to A/R/RD.

Recommendation from April 16, 2001 Project Information and Staff Report.

Staff recommends Approval of the application for a special use permit with the following conditions:

1. That all representations made by the applicant in the application, timber harvest plan, or at the public hearing shall be conditions of approval, unless specified otherwise by the Board of County Commissioners. Said representations include, but are not limited to:
   a) Best Management Practices (BMP's) shall be adhered to in all cases.
   b) No operations will occur during normal migration periods.
   c) Stream Management Zones (SMZ's) will be maintained and only selectively cut to remove all diseased trees within BMP guidelines, laving sufficient cover to protect water quality.
   d) The timber harvest will result in restoration of healthy, young aspen, improved wildlife habitat, maintained aesthetics, and will preserve water quality.
   e) Roads remaining open will be graded, water barred, and seeded. Final closure of the surface and seeding with grass.
   f) Warning signs to alert the public of truck traffic shall be posted as necessary.
   g) A bulldozer will be kept on site for fire suppression purposes.
   h) The property boundaries will be surveyed and flagged to prevent trespass.
   i) All logging operations shall be completed by 10/01/03.
2. That roads shall be maintained adequately. The applicant shall execute the Garfield County Road & Bridge Department's agreement. Staff recommends said agreement be approved by the Board of County Commissioners prior to issuance of any special use permit.
3. That all timber hauling on County Roads shall occur Monday through Friday, between the hours of 6 a.m. to 6 p.m., shall not exceed 10 loads per day, and shall be within legal weight limits. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.
4. That the application shall obtain and comply with any necessary access permits.
5. That dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of trucks, shall be reduced as necessary.
6. That a bond of $100,000.00 will be placed with Garfield County to be used for the repair of CR 312 due to damage attributable to the applicant's activities, for mitigation of impacts, for implementing rehabilitation of the site, and for controlling noxious weeds. The bond shall be valid for the period of time that the applicant is actively logging on their property. The $100,000.00 bond shall be issued solely for the Diamanti project, and not cover any other operations.

7. That newly constructed private roads will be constructed to minimum haul standards and be at least 14' wide, with a maximum grade of 8 - 15%, and be composed of dirt with gravel or shale in places as necessary.
8. That a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance of any permits. The approved program shall be implemented on both County (specifically CR 312) and private roads.
9. Landing slash will be burned during favorable conditions, with the proper permits. Burn areas and skid trails will be disked and re-seeded. Culverts will be placed to prevent erosion along abandoned roads.
10. Chain saws shall be equipped with spark arrestors and all motorized equipment shall carry at least one shovel and one fire extinguisher.
11. That the Special Use Permit is subject to review for compliance or noncompliance with the timber harvest plans and the conditions placed on the permits. The applicant will be required to submit a report one year from the date of issuance of the special use permit indicating the measures taken to comply with the performance review 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 suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.
12. That this conditional approval shall be valid until 4/16/02. If the applicant fails to meet the conditions by 4/26/02, and subsequently the conditional and special use permits are never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners
13. That the forest management practices will be monitored for compliance with the application, the Best Management Practices, and the special use permit by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.
14. Slopes of 50+% slopes shall be harvested only with helicopters. All unstable areas and/or highly erosive soils shall not be logged.
15. Drainage's shall be crossed at right angles, with 18" steel or ADS culverts placed on a 2-4% grade, covered with at least 1' of dirt, and provided with a rock apron for spillage.

All operations will cease during spring run-off (typically March - May) and during elk calving times (May 1 - July 1).
Kit explained that the was continued from April 16, 2001 in order for a decision to be made by the applicant related to the costs of permits with respect to weight limits on CR 311 and CR 335.
James Beckwith commented that they needed time to conduct a cost evaluation.
Kit submitted a Memo dated May 2, 2001 to update the Board of County Commissioners on the Diamanti special use permit application. She reviewed her memorandum and highlighted the following:
Satisfaction of Ordinance Standards for Permit: Mr. Beckwith has stated that staff concludes that their application meets the Garfield County Zoning requirements, and that the submissions were not found to be deficient. Staff has not found this to be the case at all. Careful review of the staff report, especially pages 8 - 12, discuss the ways in which the application is deficient. The suggested conditions of approval were crafted in an attempt to mitigate impacts and deficiencies. If the conditions of approval are followed as discussed in this memo, staff believes the proposal may be found to be consistent with the Zoning Regulations. However, if the conditions of approval are not followed, staff believes the proposal does not meet the Zoning Regulations, and should therefore be denied. The Board of County Commissioners is certainly authorized to deny the application based on the fact that the impact statement contained in the application is inadequate. Furthermore, Mr. Beckwith claims that the conditions of approval are not site specific and are arbitrary. Staff finds that in actuality, much of the application is not site specific (i.e. the constant referral to "BMP's" instead of a detailed plan). All the suggested conditions of approval are specific to this project, are appropriate, and staff maintains they should be included in any approval, as discussed in this memo.
Condition #1 - Adoption of applicant's representations
Condition #2: Road Maintenance Agreement
Condition #3: Hours and Volume
Condition #4: Access Permits and Surveys
Condition #5: Dust Abatement
Condition # 6: Bonds

Condition # 7: Roads of Private Property
Condition #8: Noxious Weed Control
Condition #9: Slash Burning
Condition #10: Fire Protection
Condition #11: Compliance Review
Condition #12: Validity of Permits
Condition #13: County Monitoring for Compliance

Attorney James Beckwith prepared their written responses to Kit's comments and a separate response with respect to the County Roads that he submitted as Exhibit L and Exhibit K.
Chairman Martin admitted the applicant's Exhibit K & L.

Mr. Beckwith referenced Exhibit L saying, to make the Diamanti Project economically feasible, Louisiana-Pacific Corporation (LPC) has the following transportation requirements:
1) GVW weights for 5 axle trucks at 80,000 lbs. over Garfield County Road (GCR) 312 to GCR 335 to the I-70 Interchange in New Castle.
2) A roadbed and surface which can sustain 80,000 lbs. weight without the necessity of County overweight permits - since Colorado State Patrol (CSP) and Colorado Department of Transportation (CDOT) do not validate the County permits for divisible loads. This includes travel on GCR 335 through New Castle to I-70.
It is LPC's opinion that the current condition of GCR 312 and 335 will meet these requirements.
Mr. Beckwith referenced LPC Photos A - G, taken in April, 2001, depicting GCR 312 and a portion of GCR 335. Field inspection does not reveal deteriorated road bases nor substandard road construction nor substandard surfacing which would prohibit 80,000 Gross Vehicle Weight (GVW) weight limits as *legal* loads. In Photos A and B, it shows "chip and seal" surfaces. However, on GCR 312 the GVW limit is 70,000 while the GVW limit on GCR 335 is 80,000. The depicted locations are less than 25' apart.
Mr. Beckwith proceeded to give detailed information as to load limits on roadways with respect to a function of tire width, axle width and spacing between tire units.
Hr further stated that obtaining Garfield County overweight permits will create more problems that it will solve. State officials will not honor an overweight permit for a divisible load. Thus LPC holding a Garfield County Overweight Permit for 80,000 lbs. on CR 312 (posted at 70,000 lbs. GVW) does not protect LPC trucks from being cited - and being required to off-load timber - by State officials. He referenced Sec. 42-4-509, C.R.S. To avoid this problem, therefore LPC must load only to 70,000 GVW and not obtain an overweight permit- nor provide a bond to Garfield County.
Mr. Beckwith said, the LPC estimated 1,500n loads for the entirety of the Diamanti Project. This was based upon 80,000 GVW per load. At 70,000 GVW, LPC estimates 2,000 - 2,200 loads, with the additional loads being lighter. Lighter loads, however, do not mean less operating expense. A diesel tractor-trailer burns just as much fuel to transport 45,000 lbs. as it does 70,000 lbs. Travel time, and driver hours, do not vary according to the weight, but, instead, vary according to the number of trips. Obviously, the more trips, the more dust, the more dust the more Mag Chloride which must be spread - resulting in a repetitive, and vicious cycle for all aspects of this project. For these reasons, LPC must require that the GVW Limits on GCR 312 be reclassified from 70,000 lbs. for a 5 axle combination to 80,000 lbs. for a five axle combination. Without such reclassification, LPC does not consider the Diamanti Project economically feasible.
Mr. Beckwith responded to staff comments with respect to the wafer board mill in Olathe saying that the injury from the closure of LPC's Olathe mill is not to LPC. The injury is to those families dependent upon employment and those Counties who must cover the unemployment conditions resulting from the closure. Moreover, it is inaccurate to claim that regulations need not bear a relation to economic impact. (referenced Sec. 24-4-103.5 - requiring economic analysis or regulatory impact on small businesses by state agencies). He said when regulations impose conditions which practicably disallow use or maintenance of private property, they may be considered "takings" under the Fifth Amendment. When regulations impose conditions without a logical basis, or without a demonstrable factual basis for those conditions, then they may be deemed "arbitrary", "capricious" and "unreasonable".
LPC has not found a demonstrable basis for the 70,000 GVW limit on GCR 312. That limit was imposed in 1998 due to a faulty bridge and damaged road surface. Both of these conditions have been remedied. LPC

has determined that its axle weights, at 80,000 lbs., are well within governing State requirements for surface weight dispersal. Yet, the 70,000 limit is being applied to the Diamanti Project.
Additionally, Mr. Beckwith reviewed his Exhibit K for the record. This was a response to Kit Lyon's comments Conditions 1 - 13 and added comments to Conditions 14 - 16. His general comments included the representations of the application shall be considered conditions of approval saying with that in mind, LPC reiterates or perhaps clarifies it position:

1. LPC intends to operate approximately 500 acres of land out of a total 15,000 acres of land owned by the Diamanti Family.
2. The goals of this Project are: to restore the Diamanti Tract to a healthy condition by regenerating the decadent Aspen stands and remove diseased Fir and other coniferous trees; maintain and improve wildlife habitat; reduce fire danger; maintain aesthetics; preserve water quality' and provide a financial return to the Diamanti Family.
3. LPC has clearly stated in its application how it intends to achieve these goals.
4. LPC intends to protect water, air and soil quality by operating in conformity with the Best Management Practices developed by the Colorado State Forest Service, the Timber Industry and the academic world. LPC has done so in the past, and will continue to do so in the future.
5. LPC will operate in accordance with the principles of Sustainable Forestry Initiative; which audits and monitors LPC's harvest and mill activities.
6. LPC intends to utilize the best available manpower and expertise in the form of contracts that have been trained in BMP's, silviculture, water quality, motor carrier safety and in conformance to the landowners' goals, national standards for timber harvest and conformity with BMP standards developed in the Western States.
7. LPC intends to operate in a prudent manner to protect not only the property of landowners but also the properties of adjacent landowners.
8. LPC intends to regenerate the Diamanti Tract by natural sprouting of Aspen as outlined in the material provided to Planning and Zoning.
9. LPC intends to re-seed and close roads according to its contract with the private landowner using the best methods applicable to the specific site.
10. LPC intends to operate within the framework of schedules and rates of operation that we have estimated, but to retain flexibility to accommodate weather, road conditions, public safety and economic consideration as such factors arise during the course of the Project.
11. LPC intends to abide by the terms of its contract with the Diamanti Family, and to do so in a economically prudent manner for both LPC and the Diamanti Family.

Commissioners
The Commissioners responded to Mr. Beckwith's presentation with questions needing an explanation in order to clarify concerns.
Mr. Beckwith provided the Board a drawing depicting the truck loads, tire width, distribution of weight and referenced Section 42-4-509 - the State of Colorado in harmony with the federal government, allows two different limits: on the Interstate system as defined in the Statute, a tandem duels may have a maximum of 36,000 lbs. On the State system, they may have a maximum of 40,000. The State has set up two means of uniformity for these weights: 1) the weight allowed per axle, per wheel, 2) is the gross load limits. Under those gross load limits, essentially all Counties, Cities, everyone else must comply with those gross load limits unless there are certain criteria. There are three different statutes: one says that this is what we set, nobody can descent and everybody shall follow it; another Statutes says counties, because of deterioration of roads may reduce the limits on certain roads but not for longer than 90 days out of every calendar year; but that same statute then says counties on roads within their jurisdiction can lower limits and set them as they want. So when he references 40,000 and 36,000, it depends upon whether you are Interstate or non-Interstate System. Garfield County Road 312 is unquestionable non-Interstate. I-70, the over-crossing on I-70, even some of the frontage roads sometimes will fall within the Interstate system. US 85 or some of the federal highways will tie in will fall in with them. Garfield County Road 312 is not part of the Interstate system, so if would fall under the State system if at all. Under State system you maximum allowable gross weight, regardless of how it is configured, without an overweight permit is 85,000 lbs. The question that has arisen in his mind, as pointed out in original comments, the State of Colorado said every county for a road within it's jurisdiction for a road that would have the same classification or same class as a State road, must built it to the same standards. Garfield County Road 312 is a county primary road. The way they say

primary and secondary is "counties shall create a road map, and any road appearing is a primary road - and any road not on the map is a secondary road." CR 312 is regularly maintained, regularly repaired, therefore he felt save in saying it's a county primary road although it's more arterial than main in terms of what it's used for. But it has to have been built to the same standards as the State. Therefore, the State of Colorado is, by Statute, interested in uniformity of axle weights, wheel weights as maximum limits, total gross weights within the State of Colorado so that any trucker driving down the road, unless he sees a sign, can say he's entitled to have 85,000, 80,000 or whatever the case may be. Now all of the sudden, you hit CR 312, and 70,000 lbs. appears and the question is why.
Commissioner McCown inquired as to the maximum weight on a steering axle and other weight distribution.
Mr. Beckwith said the steering axle maximum allowed is 18,000 lbs. It is measured because the steering axle has two wheels - one at each end - and each wheel is entitled to a maximum of 9,000 lbs. This is based upon a nomadic tire and it is usually a tread width of between 6" - 8". Once you get over 8" States will accommodate a heavier load because of the dispersal of weight over the road.
Mr. Beckwith explained what he learned in the 1980 during the transporting of oil and gas, there is no ratio for the transfer of weight by using a sliding 5th wheel to move loads forward on the drive axle and if you do, how much to you actually throw on the steering axle, or if you move it back, how much are you removing. What it comes to, even the American Trucking Associations - no actually study has ever been done.
Commissioner McCown referenced the financial impact and asked if those were today's prices or were they were from the last time he was before the Board? According to the lumber yards in this valley, they have gone up 30% in the last 30 days.
Mr. Beckwith said he indicated last time and again today, lumber is a 23 year low, the 50% discount based upon advertisements in Denver Metropolitan Lumber Yards for the same product from the previous year.
Mr. Gary Hiner, LPC Forester - it's true that prices have come up a little bit but it still won't put that plant at a break even cost even at today's prices. The problem is they don't expect them to stay there more than about 2 - 3 weeks at most. We're looking at a possible 3 year market condition.
Commissioner Stowe said there were a couple of reasons the County might have the lower weight limit on these back roads is the narrow bridge, curves, dips, and you have 70,000 moving through that and attempt to break it on a curve, your stopping distance is a lot further than on a 70,000 load. Another reason on back roads - country road, rural road you will have dips and when you take an 80,000 load and go through that dip it's like a 10 lb. sledge hammer as opposed to 8 lb. sledge hammer and regardless of the fact that you are going through it, you are basically bouncing and creating a bigger dip that you would even if you come through twice with a lighter load. He also went back to his original figures and projected it would take 214 additional load at $500 a load = $107,000 and is a substantial amount of money but it's not $350,000. This is just some justification as to why they use 70,000 lbs. on the county roads. He said there were other reasons than just having the road in bad condition or a bridge that couldn't support it - there's some dynamic things happening out there.
Agency Comments
Kit said DOW made recommendations that the start of operations be delayed one month from June to July. BLM also commented on a concern regarding trespassing.

Public Comments
Michael Blair - Town of New Castle - Town Council submitted a written memo dated March 27, 2001. The council is concerned with the amount and the effects of heavy truck traffic on the existing CR 335 within the industrial area on the south area leading to I-70 via Intersection No. 105. The road has been in poor condition for several years and is rapidly deteriorating and additional heavy truck traffic will intensive damage to the road and truck traffic will add to the congestion at the I-70 access intersections and observe that the county weight limits - 5 axle at 80,000 lbs. and 3 axle for 48,000. They ask that provisions are made for any repairs needed as a result of damage to any part of the roadway caused by the traffic produced by the proposed project.
John Fergan - 3125 CR 312 - his concern is with at least one curve on the road that scares him if you were to meet a logging truck, it's a sheer drop of 50’ - no guard rail - and no room for a logging truck if he was over the center. No incident last year when logging took place. The other concern is the mag chloride that's paid for by the landowners - what's going to be done on that?

Alice Billmeyer - CR 312 - commented on the noise and the trucks did not obey the speed limits. The road suffered a lot of damage from the last batch of logging.
Beth Cook - lives at the end of the road at mile marker 8 - condition of the road is a concern. People are blaming the logging when simply the road is not being taken care of. DOW didn't own all the land 30 years ago and they do not have to participate in taking care of it, but as landowners they are enduring the damage. The road is in horrible condition. There hasn't been logging in two years. Her understanding is with the logging trucks, that they are supposed to leave the road in the same condition it was when they started. That's not saying much; she stressed that the road is in very bad shape and the landowners need something done.
Tom Russell - CR 312 was not built to CDOT standards.
Eric Sorerson - Delta Timber Company - small company that cuts Aspen. His concern is how this will affect them in other activity within the county. They purchased sales summer before last called natural gas that would be coming down CR 311. Before bidding the timber sale, he wanted to know their cost so they would know an appropriate amount to bid. He was told by the foreman at that time, in 1999, there were no bonds required and no weight limit problem other than the 80,000. Know they have the timber sale with the obligation to remove it and they may be subject to this same limitation. That change in philosophy just cost his little company $15,000 just on a 100 load sale. He is here on results of this and how it might affect his company when they go to log that sale. The other thing to take note as far as the effects of such regulation is the economics of being able to bid and log timer and manager the forest. The amount of difference from 80,000 to 70,000 will cost $100 a load. That's actually more than a lot of the actual stump is to the forest service by buying the timber. That's the magnitude of that costs. In a number of cases the Board will have timber sales that are going to be put out of the realm of feasibility for logging and managing.
Lee Morgan - he lives in Glenwood but he owns about ¾ mile above CR 312, which is a private road and wanted to ask Mr. Beckwith what he plans on doing with that road.
Gary Hiner - the obligation for maintenance on that upper portion of CR 312 has been abandoned. They checked with the County Road and Bridge as far as what kind of an obligation they would have from the end of county maintenance on. Also, this county road goes through road goes through goo-hoo property. Basically, that road has not been maintained for many years and it's going to require a road grader, installation of some culverts, some drainage's and the last time he was up there with Mr. Diamanti the road was sideways and in a couple of instances backward. We hope to be able to rectify that where the residents that do have some property up there - Schmueser, Morgan's and a couple of other smaller holdings. When they are done, they do the same as they will on Jim Damaniti's road - put final grade on the road, clean out any culverts that have been added, grass seed the banks, and generally put the road back so that it least it will last the local residents another 4 - 5 years before it gets to the rutted shape it is in today. Hopefully, there is going to be no damage whatsoever to the county road - they normally leave them in better shape that they found them. He suggested they could check with Larry Schmueser and we put a mile of road into Larry's property and put in $35,000.
Lee Morgan asked if they could make all the corners.
Gary Hiner said he thinks they can, they may have to put a small extension on some of the pipes - he knows one or two places where the pipes are tight. So they will probably have to put a 5' section on the end of it and fill it in. A log truck with the articulated centers work better than a regular straight truck. A log truck will track front to back whereas a 40' semi trailer will take up a lot more room. If you can make it with a normal 20' truck, the trailer will track right behind it unless there is something weird with the road. Normally, they will probably grade that road once in Spring before they operate it, once in midsummer and once just prior to shutting down, then the same next year. He didn't think they would want to put too much gravel up in there, you can either have grass on the road, or you can have gravel once you are done; and normally if you can get a good stand of grass on the road, it will hold a lot better than a little bit of dirt and gravel.
Lee Morgan - thinks it needs gravel and wondering if their first load isn't going to cave in the bridge across Garfield Creek.
Gary Hiner - said he didn't think so and in the event there should be problem they would probably put in an oversized culvert or something. They are leaving that to what conditions they find on the road. The availability of culvert extension. They would probably have to put some gravel on that corner.
Lee Morgan - what about the gates, are they going to open and close every gate they come to?
Gary Hiner - we can - one spot they're going to bring up a portable cattle guard and simply open the gates, set the cattle guard in place and be able to go across it without the cattle getting through. Then when we're

we will remove it and reinstall the gate crossings as necessary. They have always put in new gates if necessary, sometimes both gates and posts.
Lee Morgan - thought Gary was referencing the upper gate, but he's run cattle on there for 18 years and doesn't want his cattle getting out. He said he would second Beth Cook's statement about the current condition of the road - the road is terrible. It will be trucked to death if you're driving up very long, which Lee does almost daily. And he would like to get that road graveled.
Commissioner McCown - asked Lee if that was a private road going through your property?
Lee Morgan - yes sir.
Commissioner McCown - have you signed an access agreement with these people?
Lee Morgan - no, he hadn't even been talked to.
Ashley Smith - leaves a 7650 CR 312 and has been here less than one year, moved here from Boulder and one reason she moved to this location was thinking that this was a county maintained road. She is a concerned homeowner and car owners. Her car has been destroyed, her CD's are destroyed, they actually skip now due to all the ruts in road. She reemphasized what Beth Cook and Lee Morgan has said, it's a miserable road and would appreciate anything they can do - come out there are drive it twice a day for a week. However, it was just graded today so suggested to wait a week as it will be in horrible shape again.
Commissioner McCown asked if this road had deteriorated drastically since the year she's lived there?
Ashley Smith - said it has always been bad.
Commissioner McCown clarified that the road was bad when she purchased her property.
Ashley Smith - said it was bad but was told they would grade it. In less than one year, the road has been graded twice or three times and it lasts possibly a week.
Mr. Beckwith - one question while Mr. Morgan was present. On an easel he drew the property that they would need to access to get to Mr. Diamanti's property. He drew the road as it splits off of Baldy Creek determining the middle road was the subject of discussion. One road goes to a house, the middle road has a gate and the other road has a gate. And so far as he could tell just driving the road as a member of the public, you can't get past it here - you have to go through a gate and the first one doesn't go anywhere except a driveway. Mr. Morgan, as he understands it, lives apparently some distance on the middle road that is gated. The road comes back through in some fashion and then it accesses the Diamanti property.
Lee Morgan - said the road goes through Schmueser's property, then through Prestowich's property and then Diamanti's.
Mr. *Beckwith* - clarified that it goes through Property Owner No. 1 and then Property Owner No. 2 and the Diamanti's. Lee was asked a question as to whether the road is a private road or a public right-of-way. What we understand is that County Road 312, as a right-of-way, does in fact continue past these two gates and this house. Has the County at any time, vacated the public right-of-way that's on there? By act of vacation? As opposed to not doing maintenance?
Don DeFord could not tell whether they have or not - he would have to check the county record and find out.
Mr. Beckwith said he would appreciate it. If it had been, at one time, a county road back through here, the only way of vacating it, making it anything else, is a formal act of vacating by the Commissioners. Even though the County does not maintain it, it would still be a public right-of-way because one of the questions that the Commissioners asked LP was did we get an access agreement with Mr. Morgan. And, the question is first of all, where was Mr. Morgan in relationship to the road, and secondly, whether that road at one time was in fact a county road and has not been vacated. If it has not been vacated, we don't need an access agreement with him.
Chairman Martin said as a rule of thumb, the County doesn't usually have a gate across a county road, there generally are cattle guards.
Mr. Beckwith understands and part of his practice gets into whether roads or public or private. But this is one of the questions about this area - whether it has ever been vacated.
James Diamanti - Mr. Morgan, that was county road on up a little further up to No. 1 or 2. He said he thinks at the time when Mr. Morgan bought that land, he wanted to put a gate in. So in putting the gate in. The county wouldn't maintain it any more.
Lee Morgan - the county would discontinue maintaining the road? They don't maintain my road. And he believes there is an abandonment of the road down through that from Mike Rapassardi and Sheldon Prestowich and perhaps James Diamanti was not involved at that time. So the County Commissioners abandoned the road and told the previous owner of his property to contact the other two.

James Diamanti family has owned the property for 67 years and he remembers horse drawn wagon for transportation. The road has always been bad and not very much maintenance. He wants to reclaim his property as there are a lot of fallen trees and basically overgrown. He wants to use the land for pasture.
Steve Anthony - suggested that photos be taken and an inventory of noxious weeds. If they could develop a plan of attack and a plan for revegetation before they begin the project, that would satisfy the Weed Board. He stated there is poison hemlock, yellow toad flax and oxide daisy not.
Additional discussion was held regarding the matter of whether or not CR 312 was a public road.
Tom Russell said he can not tell if it is a public or private road.
Gary Hiner said it was a public road and served all the properties; there is a right-of-way and approved access for 70 years - just because a landowner puts a gate on the road does not automatically deny access.
Mr. Beckwith said if the Board of County Commissioners did vacate the road and in doing so left a parcel without access then it would be an invalid vacation. Therefore, it appeared to be a proper county road as it would leave Diamanti without access.
Beth Cook - has lived on her land for 15 years and the county has maintained it up to that point; her understanding is that you have to advise landowners if it vacated. She was not notified and believes it is a county road.
Tom Russell - commented on Mr. Beckwith's drawing showing the axles and weight distribution; however he added that CR 312 was not built to CDOT standards and not appropriate to withstand the weight. He questioned if LP be willing to repair any damage?
Mr. Beckwith explained to Tom that LP would have no obligation to repair damage nor post a bond if they were at the 70,000 limit; if the County raises the weight limits to 80,000 they still would be under no obligation to repair the road if damage occurred - only if they pulled 85,000 lbs.
Kit Lyon interjected that the County has required a $100,000 bond to cover damages.
Mr. Beckwith further stated there is no legal basis to putting in a load limit; speed limit function is the way to handle this and not based on load. He added that repetitive trips, even in a passenger car, will do more deterioration on the road, due to these repetitive trips even thought a car is comparatively light. It is a function of repetition and volume of trips as well as weight. That is why they pointed out the conflict LP found, relative to 70,000 lbs. and 80,000 lbs. and the conflict for the County regarding road damages. They see it as the Board allowing them to go to 80,000 lbs. as a legal load. What LP and the County has seen relative to that road, is that it would handle 80,000 lb. legal loads up until 2 years ago, and this was the first time that you reduced the load limit. Commissioner Stowe had previously mentioned that the load limit had possibly been reduced due to the safety and operation of a vehicle. This is not a legal basis for putting in a load limit on a road. The load limit relates to what the road, the structures on the road will sustain. The operating safety of the vehicles who travel it whether it be serpentine or straight, that is a function of the speed limit not the load limits itself. Depending upon what type of load you may have, some truckers may have a real argument with the County about a difference in stopping capabilities as 70,000 and 80,000 lbs. While on a serpentine road with your standard length, maximum of 70' on a semi-tractor trailer, that's a tough length anyway. Again this is the function of the speed limit and not the weight.
More discussion was held on the structure of the road, curves, and the lack of maintenance.
Gary Hiner explained the logging truck tipping over was due to the side of the road give way. But he couldn't explain why the damage has not been repaired due to this accident - this was 2 years ago and agreed that perhaps the maintenance is slightly lacking.
Beth Cook - asked about that damage and the possibility of more damages, could they remain unfixed?
Mr. Beckwith stated that the safety of the construction and maintenance of a public road is the duty and responsibility of the governmental entity having control of that road; if an operator a passenger vehicle or a commercial vehicle within legal load limits, if the operator's act is not a negligent act causing the damage then he is not responsible, the County, State, or City - depending upon the jurisdiction - has the duty of repair and maintenance. The case in point where the shoulder gave away and caused the logging truck to fall into the ditch was due to the fact that this was a dirt rural road and no shoulder as on State Roads. Road base on the road will sustain the weight - that road is poorly maintained - it is the responsibility of the County. And with respect to access over Mr. Morgan's property, if it is an abandoned public right-of-way, then LP will begin negotiations.
Alice Billmeyer - inquired as to how many trips would they be making per day.
Mr. Beckwith answered that it depends upon the weather - it could vary from 2 - 10.

James Diamanti - the family has owned the property for 67 years and he remembers horse drawn wagon for transportation. The road has always been bad and not very much maintenance. He wants to reclaim his property as there are a lot of fallen trees and basically overgrown. He wants to use the land for pasture.
Steve Anthony - suggested that photos be taken and an inventory of noxious weeds. I they could develop a plan of attack and a plan for revegetation of the bare ground before they begin the project, that would satisfy the Weed Board. He stated there is poison hemlock, yellow toad flax and oxide daisy not.
Kit Lyon referenced 5.03.09 par. 3 - dust in excess as stated in Condition No. 5 "dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of the trucks shall be reduced as necessary."
Don DeFord 5.03.07(c) and (2) the applicants are required to demonstrate what their impacts will be county roads and they are also required to demonstrate the type of mitigation with regard to those impacts and also Section 503.12 they are required to demonstrate that the proposed access routes to their special use are adequate and safe and will accommodate their traffic. Under both of those provisions in the past this Board has required not only bonds but in fact on a variety of special uses, have actually required the applicant to reconstruct and rebuild county roads to meet those uses. That's not just applicable to the timbering industry. Resurfacing of roads, reconstruction of road base to carry the loads that are being suggested.
Commissioner McCown inquired if LPC did any core sampling on CR 312 to indicate what the base was; what were they basing their assumption that it would support an 80,000 load?
Mr. Beckwith - visual observation and the County's prior records. And the County's prior ordinances setting the weight limits on that road.
Don DeFord commented that there were two issues for deliberation - 1) question of the special use permit which is unique to this applicant; 2) the weight or load limits on a county road - this is one that the applicant has raised but it is applicable to all users in a general sense and should be considered separately from the special use permit.
Jim Beckwith added another issue - the Garfield County Road 312 whether it was vacated or not.
Mr. Diamanti clarified that any roads built on his land will be created but reclaimed.

Motion
Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded. Motion carried.
Kit verified the date the application was received as January 17, 2001; deemed complete on March 2, 2001 and the Board has 120 days from that date to make a decision unless the applicant waives the 120 day rule.
Jim Beckwith and Don DeFord will speak regarding the CR 312 as to whether or not it was vacated and be prepared with an answer for the next meeting.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
Motion carried.

Motion
A date of May 21, 2001 at 3:00 P.M. was set in a motion made by Commissioner McCown and seconded by Commissioner Stowe.
Don DeFord clarified that the Public Hearing was closed except for evidence pertaining to CR 312 and cautioned the Board that no discussion, other than the County Road 312 access, could be held with anyone.
Motion carried.
REGULAR AGENDA: **BUILDING & PLANNING ISSUES: PUBLIC HEARINGS REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR TWO-FAMILY DWELLING UNIT. LOCATED: 0701 FARANHYLL RANCH ROAD, GLENWOOD SPRINGS, CO. APPLICANT: RAYMOND DITTAMORE**

Don DeFord, Planner and Rick Davis for Raymond Dittamore were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin 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; and Exhibit E - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - E into the record.

Mark stated this is a request for a special use permit for a two-family dwelling unit located at 0701 Faranhyll Ranch Road in Glenwood Springs, applicant Raymond Dittamore.
Rick Davis gave a history of the construction of the house and the unfinished garage apartment.
Recommendation:
Staff recommends Approval, of the applied for Special Use Permit, with the following conditions:

1. 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.
2. Approval is subject to your acquiring all necessary permits, approvals and inspections required by Garfield County.
3. Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this Special Use Permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the Special Use Permit.
4. Only leasehold interests in the dwelling unit(s) is allowed.
5. That all construction complies with the appropriate County building code requirements.

Close Public Hearing
Commissioner McCown moved to close the public hearing; Commissioner Stowe seconded; motion carried.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for approval for a Special Use Permit to allow a two-family dwelling unit for Raymond Dittamore with the 5 recommendations of staff and that the Chair be authorized to sign the SUP.
Vote on the Motion:
Stowe - aye
McCown - aye
Martin - aye
Motion carried.

REQUEST FOR APPROVAL: KLEIN ZONE DISTRICT AMENDMENT FROM A/I TO C/G. LOCATED:
PARCEL LIES NEAR RIFLE, NORTHEAST OF THE COTTONWOOD MOBILE HOME PARK. APPLICANT: ROBERT KLEIN
Don DeFord, Planner Kit Lyon, John Barbee and Robert Klein were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Kit submitted the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Project Information and Staff Comments; and Exhibit E - Application and attachments.
Chairman Martin entered Exhibits A - E into the record.
Kit reviewed the staff report and the request that the property be rezoned from A/I to C/G.
Recommendation:
The Planning Commission recommended the Board of County Commissioners Approve the application for a zone district amendment from A/I to C/G, and further recommended the BOCC review and possibly amend the Capital Improvement Plan, as necessary.
John Barbee - Comp Plan indicates this area as commercial and the request is to rezoned for Commercial General.
Close the Public Hearing
Commissioner McCown so moved to close the Public Hearing; Commissioner Stowe seconded; motion carried.

Motion
A motion was made by Commissioner McCown and seconded by Commissioner to Stowe approve the request for approval of the Klein Zone District Amendment for A/I to C/G in the Cottonwood Mobile Home Park with the recommendations and noted that central water and sewer must be provided prior to the development of this property. Motion carried.

AFFORDABLE HOUSING REQUEST FOR APPROVAL: AMEND SECTIONS 4.14 AND 5.10 OF THE ZONING RESOLUTION. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Don DeFord, Mark Bean and Jim Leuthueser were present.
Don DeFord determined that the required notices were timely and the Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Mark explained the proposal and reviewed the staff report. He explained how the lottery system would work saying that the existing language provides for a waiting list to be developed by the Garfield County Housing Authority, but no clear definition of who would be given priority in the purchase of a unit.
It was determined that the present regulations leave too much room for accusations of fraud and favoritism. Everyone agreed that the lottery system used by other jurisdictions is the fairest way for all of the eligible buyers to have a chance to acquire one of the units.
Amending Section 4.14 and 5.10 of the Zoning Resolution will provide deletion of the waiting list discussion and substitute a lottery system. Qualified buyers will be interviewed by the Housing Authority and assigned a number for the lottery drawing. The first priority for qualifying for the lottery will be given to buyers who are employed by a Garfield County based employer. If there are still units available, buyers living in Garfield County, but not employed by a Garfield County based employer will be put in a second lottery to sell the remaining units. There will be a separate lottery for each set of units that become available from the developments obligated to provide affordable housing units. There are seven (7) units at Coryell Ranch and these should be available by mid June 2001.

Recommendation:
The Planning Commission recommended approval of the proposed zone district text amendments as stated.
Motion
Commissioner Stowe moved to close the Public Hearing; Commissioner McCown seconded. Motion carried.

Chairman Martin requested that a Public Notice be placed in the newspaper making individuals aware of the Affordable Housing Units at Coryell Ranch.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Affordable Housing request for approval to amend Sections 4.14 and 5.10 of the Zoning Resolution. Motion carried.

FOUR MILE RANCH DISCUSSION

Don DeFord stated that earlier he held a conversation with Joselyn Woods for the Four Mile Ranch Development Company and they would like to delay this in order to have Joe Hope with High Country Engineering to be able to answer all of the Commissioners concerns regarding construction scheduling and the proposed ESC wall.
Don said he had a brief discussion with Tom Russell and that he and Randy Withee would be needed for the discussion.
A new date of May 14, 2001 at 11:15 a.m. was set for further discussion and decisions.

OTHER ISSUES

Colorado Natural Heritage Program: GARCO Plant Inventory
Peggy Lyon and John Segal presented the report.
Peggy said that the County applied to Great Outdoors Colorado for a grant to do this survey and received matching funds for it with EPA. They began April 2000 and selected targeted inventories focusing on the west end of Garfield County. They worked through September 2000 doing the analysis, writing report, GIS coverage, and will be presenting the results to the public tonight at 7 p.m.

She gave a walk through the report highlighting the methodology descriptions, and the land for long-term survival to be used in planning for their protection. These areas contain resources that should be considered.
She thanked the Commissioners, GIS, Planning Department and the Assessor's Departments in helping them prepare the report.
Randy Russell commented on the publicity that has been given for the public regarding the presentation tonight.
Additionally, Peggy submitted a report on the Wetlands Project that was funded by the Environmental Conservation Agency saying it gives- additional information on the Reparian and wetlands areas.
The Commissioners thanked them for all the hard work and the reports.

Consideration and Action on Request to Vacate Portions of Right-of-Way on County Road 245. Applicant: Darrel Bond

Don DeFord gave copies of the proposal to the board.
Don explained that Darrel has given the County Road and Bridge Department a petitioning letter and a map that shows the area on County Road 245 to be vacated. No part of the existing roadway and does not affect the travel portion of the roadway. Notice did not need to be given because it didn't and practical matter no public - it is a relinquishment by the County;
The Board agreed to proceed. There is no legal description by the County Surveyor and this should be obtained - a written description of what is to be vacated.
Don DeFord said what he was looking for is a motion that the Chair be authorized to sign a Resolution vacating a portion of CR 245 as requested by Mr. Bond in his application upon provision of an appropriate legal description of that property.
Motion
Commissioner McCown made a motion that the Chair be authorized to sign a Resolution vacating a portion of the right-of-way of CR 245 as shown on the survey and accompanied by a legal description in said Resolution. Commissioner Stowe seconded; motion carried.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss land acquisition by the County.
Don said he would need the Board, Ed Green, Jesse Smith, Mildred Alsdorf and himself for the session. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session and to recess until 7 a.m. Tuesday, May 8, 2001; carried.

Attest: Chairman of the Board

_____ _____

MAY 9, 2001
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting with the Board of County Commissioners began at 10:30 A.M. on Wednesday, May 9, 2001 with Chairman John Martin and Commissioner Walt Stowe present. Larry McCown was on the telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, County Engineer Randy Withee, Assistant County Engineer Jeff Nelson, Operations Dale Hancock, Contract Administrator Tim Arnett, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:30 A.M.

EXECUTIVE SESSION - LAND ACQUISITION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss land acquisition.
Don requested that those present remain for the discussion.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come of out Executive Session; carried.

Adjourn

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

Attest | Chairman of the Board

_____ | _____

MAY 14, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 14, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cattle Creek Location - Road and Bridge Shop

Jeff Nelson, Engineer Randy Withee and Ron Perau were present.
Ron Perau - Polaris Sports - came before the Commissioners regarding the road right-of-way at his business location and adjoining Garfield County Road and Bridge Shop Building.
Ron stated that he had the land surveyed and aerial shots taken of the road, where it had been in place for 20 years, before he built the building for Polaris Sports. He said he thought they had possession by adverse possession. Just recently found out that you can't take land from the government by adverse possession. Today he appealed to the reasonableness of the County as to their needs to take back the land for the Road and Bridge Shop.
The Commissioners discussed two specific issues: 1) does the County have enough land to build their shop without encroaching into the land Polaris has been using? and 2) would Ron be willing to purchase the land if they were to agree to sell it?

Ron Perau said he was willing to purchase the land at a reasonable price.
Jeff, Randy and Tom Russell need to get together and report back to the Commissioners regarding the land and right-of-way issue to make sure there is enough room to build what they had planned for this location. If this is acceptable, then a surveyor will be doing a survey of the land - a price will be assigned and negotiate with Ron Perau from that point.

ASSISTANT COUNTY MANAGER UPDATE

Jesse Smith gave his update that included the following:

a. Community Corrections Parole Contract

Guy Meyer informed the Commissioners that the Division of Adult Parole State of Colorado for ISP Non Residential Services for the period July 1, 2000 through June 30, 2001 has been increased by $2,000 to a new total of $5,630. The rates remain unchanged.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the $2,000 increase in the Community Corrections Parole Contract; carried.

b. Forest Receipt Payments

Jesse explained the U.S. Forest Service Receipt Payment Options. The Forest Service sent out a survey with two options; the Board sent back their form and signed it saying that the County would continue the way we had been over the previous years. They had given us an option to change to one that would take a certain amount of the receipts and put it back into public works in the Forest Service. We received another questionnaire with 3 questions: 1) has your County made a decision on Forestry Receipt Payments; 2) would you or your staff be interested in a workshop on Forestry Receipts Payments; and 3) would you or your staff be interested in a workshop on Wildfire Planning.

Commissioner McCown had discussed this with Ed Green and the newly proposed option would be that 15% of the County contract would go back to the Forest Service for special projects.
The Commissioners said they did not want to change the method on Forestry Receipt Payments - the current method is where 95% of the funds go to schools and 5% to Road & Bridge; no they did not want to attend a workshop; and no they would not be interested in Wildfire Planning.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

a. Agreement for Mental Health Service - Jail

The Sheriff has been working with Mental Health but no Agreement to date.

b. Consideration of Award - Banking Agreement

Treasurer Georgia Chamberlain and Deputy Public Trustee Bob Slade were present.
The Committee comprised of Georgia Chamberlain, Bob Slade, Jesse Smith and Ernie Gerboz met and performed an analysis of the three banks that responded to the RFP they had sent out: US Bank, Wells Fargo, and Alpine Bank.
Georgia reviewed the bids including interest, charges for service, basis points, and fund rates.
The need for on-line banking was discussed, Alpine is not as sophisticated as the other two but the Committee recommended staying with Alpine Bank - their fee is $375 a month, down from last year due to the Courier Service being eliminated with the opening of the Merchant Bank located across the street, 25 basis points over the 90 days, on-line banking services and the insured balance is $5 million with no cap. It's a local bank with local people. This is a yearly contract subject to renewal for four (4) additional years. This year will be through December 30 and then will be on calendar year.
Motion
A motion was framed by Don DeFord saying the Commissioner's need to authorize the Treasurer's Office and staff to conclude a contract with Alpine Bank.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

EXECUTIVE SESSION - CONTRACT NEGOTIATIONS

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
Assistant County Manager Jesse Smith, the Board, Don DeFord, and Mildred Alsdorf were to remain.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Meeting - Scheduling

Don DeFord received notice that he will have to be in Denver at Federal Court regarding Intermountain Resources Case, a pretrial conference. The County's perspective as with a number of road cases, we will abide by whatever order the Court enters in that case. This is scheduled on a regular Board of County Commissioner's Meeting date of June 11, 2001.

COMMISSIONER REPORT

Commissioner Stowe - Ruedi Water and Power Board met last Thurs. they agreed to hand over $5,000 this year to Roaring Fork Conservancy to perform a needs analysis on the Roaring Fork River and establish a baseline. It's a $150,000 project, Colorado River Water Conservancy District is giving $25,000 for two years. Basically, it will allow us to do is, as they vary the flows coming out of Ruedi, we can show them how this will affect not only the fish population but the microbiology population. There never has been such a study done. Ruedi Reservoir Coordinated Operations Annual Meeting Tuesday, 6 p.m.; Communication Center Open House - Rifle, 4 p.m. on Wednesday; Wilderness Workshop at 4 p.m. on Wednesday; Rural Resort in Eagle at 9 a.m. on Friday; and Rifle Rendevauz Friday - Sunday at the Fairgrounds.
Commissioner McCown - Northwest Oil and Gas met last Thursday in Rifle; Communications Open House 4 - 6 p.m. this coming Wednesday; Thursday - Coal Conference in Rangley and Friday moving to Craig; Saturday the Annual (WTR) White - Taylor - Rippy festivities at the Yampa Valley Golf Course.

Chairman Martin - A request to assist Pitkin County with our Telecommunication Process and Land Use because they have none - scheduled for Tuesday - 2 p.m.; Information Exchange with BLM, Forest Service - Ben Nighthorse Campbell, 4 - 6 p.m. Wednesday; Wellness Program - Saturday and Sunday - Hotel Colorado; Republican Lunch - Wednesday.

Jesse Smith said the Northwest Region Rodeo went very well at the Fairgrounds this weekend.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution of Approval: W. Page Spracher/High Aspen Ranch
c. Sign Resolution of Approval: Amendment of Sections 4.14 and 5.10 of the Garfield County Zoning Resolution

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda. Motion carried.

Board of Equalization
The Commissioners were informed of the anticipated hearings. They would probably result in a two week hearing. July 17 - Aug. 3 were tentatively set aside for the hearings.

REGULAR AGENDA

- ***Colorado Department of Transportation - Owen Leonard - Future Transportation Issues - Discussion***

Doug Aden, Transportation, Weldon Allen, Jim Knoll, David Miller Regional Planner, Ralph Trapani, Owen Leonard, Mayor Sam Skramstad, Engineer Larry Thompson, Randy Withee, Tom Russell and Mark Bean were present.
Owen Leonard passed out information booklets - "Garfield County - Highway Maintenance Summary" and Colorado Department of Transportation Traffic Division Accomplishments in Garfield County. He fully reviewed the reports.
The department has a 20 year long range plan and it contains two elements - preferred plan and the constrained plan to use for the projects they do have. This fall they will draft the STIP for next Spring and go into discussion; the TPR's will be before the Transportation Committee next Spring.
Other regional Priorities - we're around $25,000,000 per year for projects in 14 counties.
Upgrading a highway cost is $1 - 2 million per mile.

Doug Aden - tremendous competition for funds for projects. In the 20-year plan, there is a huge gap in the amount of funding versus the money in the plan which results in a minus $30 billion in funding. Trans Bonding Program has excelled the completion of projects - Hwy. 82. A lot of momentum going - are we happy with our current level of funding. He encouraged the Board to make your views known to the Legislature and local representation - continue to be involved in the local TRP.
2nd Priority - *State wide programs - maintenance and surface treatment.*
3rd Priority - *other regional programs - prioritized through the local TRP.*
And the Last Priority - the Commission has a very preliminary report of an 8th pot - the next generation of project - should we, how prioritized. This pot of funds is open to ideas and suggestion - must think about projects for the future.
The benefit of the 8th pot, theoretical would be the next group of projects with Statewide projects and high priorities.
Ralph Tapani - gave the update on the project of repaving Grand Avenue Bridge - this is part of the $12 million repave project; the Glenwood Canyon will begin next week. The Grand Avenue Bridge will be paved and completed this weekend. Glenwood Canyon - Granite Construction out of Grand Junction stated they could do it all this year.
Other Jobs - Hwy. 82, Snowmass Canyon - Oct. 05; Buttermilk finished this year.
In process of the planning stages with Carbondale in a feasibility and access study on Hwy. 133. Expecting this to be a $95,000 study. Need to know the issues. Interested where Carbondale's city limits end and understands the city limits do not join Hwy. 82. The Commissioners are to be involved in the study of this

Hwy. 133 project. Supports a separated interchange at Hwy. 133 and Hwy. 82 - definitely needed there. He encouraged the Board's participation in the feasibility study.
Chairman Martin - brought up the issue of sound barriers in certain areas of Hwy. 82.
Doug Aden - the Commission is willing to look at where sound barriers are needed. Where development was there before the increase to 4 lanes is more of a priority.
Chairman Martin - included that it needs to be a sound absorbing barrier. He also mentioned the CIS of I-70 was to go to Glenwood Springs. Now this has been limited and reduced to Vail and didn't go to Eagle either.
Ralph Trapani explained how the system would work in Eagle County via the transit connection bus, to the light rail to Vail then to the Consignor train to Denver.
Doug Aden said to make sure the west I-70 corridor does not get neglected. Important that the Commissioners are staying in the loop.

Glenwood Canyon - Rotomil - CR 150 in Sweetwater
Weldon and Tom Russell are working together on the Rotomil.

Chairman Martin inquired as to programs getting priorities and not jumping the schedule.
Doug - the funding for paybacks is not given to the municipalities until the project date comes around.
Ralph Trapani suggested the City/County proceed with planning for the connection of Hwy. 82.
Sam Skramstad - the City discussed this issue with the County regarding some preliminary engineering for the Hwy. 82 interchange. Two weeks ago Sam requested to Owen Leonard that they be allowed to go forward; the City would fund that portion and then get refunded when the project comes up in 2004.
Dave stated that the Hwy. 82 Intersection project is showing on the C-DOT prioritization list for funding in 2003 with $200,000; $200,000 in 2004; with construction funds of $1.8 million in 2005.
Owen Leonard clarified that the City is wanting to go ahead and advance the Preliminary Engineering and then be reimbursed in 2003. He said he thinks they will need to write an IGA to do that - send the letter directly to him. It doesn't change anything in this plan.
Ralph Trapani voiced some safety interests in that Interchange Project relative to the combining of accesses at Red Canyon/South Grand Avenue. He would like to see everything consolidated into one intersection.
Welden Allen gave a summary on maintenance in Garfield County - $3.5 million has been spent. He added that they value the partnership with their counter parts such as Weed Management Director Steve Anthony and others who exchange equipment and resources. Maintenance is customer oriented and they can gauge their customer service by doing an open dialogue.
Jim Knoll - Safety Department - alluded to his responsibilities that include the lining and stripping, signalization, and also issue all the access permits in the traffic section as well as the non-construction utility permits. They take all the calls from the citizens that have concerns - use the one-stop shopping - a live person takes the call and if Jim can't answer their concern, he forwards it to someone who can. His department is working with the Town of Carbondale - one is an access and transportation feasibility study; also working with the Town as putting some extra widening on the "New Historic Bridge," some Monuments at the Overlook to discuss it; looking at changes at the Hwy. 133 interchange trying to make a double left turn from Carbondale on State Hwy. 82. They did some intensive signal timing at that intersection trying to get the left turns cleared out during peak time.
Jim said besides being an engineering section they are also a maintenance section - he submitted a handout that includes a maintenance section and cost estimates under the routine maintenance section and cost estimates. They also put out construction projects up to the area particularly on I-70 and Hwy. 82. In the last 3 -4 years they have been spending a lot more money on epoxy pavement marking and feel it is a benefit to the I-70 and Hwy. 82 Corridor. It cost approximately 6 times as the regular paint but the investment is worth it due to heavy traffic and volumes in this area. Recently, they completed a signing project that ran the length of I-70 for the Type 1 and Type 2 signs - the single and double posters; as well as State Highway 82.
For the Town of Silt they put a flashing beacon at Intersection; New Castle's flashing beacon works very well also.
Commissioner Stowe asked about the Hwy. 82 at the Intersection at Rose Ranch.
Jim said the way they work with the development is to base it on their projected build out, what the numbers are going to be there plus the background traffic already there. They put a standard clause on all intersections stating "when warranted." The Statewide Manual of Uniform Traffic Control Devices has

been adopted and means when certain traffic volumes are triggered that would give consideration to a signal. Under this permit for Rose Ranch, "when warranted" includes some site distance consideration. Now as soon as this get going and numbers warranted they will start installing a signal.

Pedestrians and Traffic - Grand Avenue

Chairman Martin inquired as to what was planned for the pedestrians and traffic on 8th and 9th on Grand Avenue. There's a movement that wants the Barnes Dance to come back and asked the Highway Department to consider this.

Jim said currently they have asked a consulting firm of PBS&J to analyze several scenarios for the State Hwy. 82 Corridor - part of this includes looking at a Barnes Dance. Jim tries to ascertain the need but the traffic impacts need to be considered as well. The consulting firm will do some simulated models, levels of services for them. This will be going within 3 - 4 weeks. Jim and Larry Thompson have been working together on 8th and 9th and have come up with some interim solutions that would eliminate the left hand turning conflict. That's where the 3 accidents have happened. They plan to eliminate some left hand phasing - separate the left turn phasing from the side street so there's no conflict with the pedestrians. This work should be done in a month.

Commissioner McCown voiced a concern that would be more of a disco versus a Barnes dance and that is the West Glenwood Interchange - during the peak traffic hours in the morning, traffic is way out on the shoulder almost approaching the curve. This is creating a very hazardous situation. In the winter with poor visibility, fog, ice or whatever, makes this a very dangerous condition that occurs every morning. Both lanes will be full on the down ramp and traffic will still be backed almost all the way to the intersection.

Jim said he has reviewed the situation and they are working on a couple of fronts on that location. They've actually looked at putting some guard rail next to the piers to protect their pier columns and also seeing if this area could be widened out to three lanes under the structure to help the mobility through there. They are looking at putting a signal light at the bottom of the ramp but the difficult thing is trying to coordinate that with the signal at US Hwy. 6 and the flows. These are things that PBS&J, before they do anything, is to measure cause and effect and asked them to look at off ramp to see what things could be done for future improvements to help alleviate the problems.

Announcement

Owen Leonard announced that the Commission will be meeting next week looking at some projects in Western Colorado on their Semi-Annual Road Trip.

PUBLIC HEARINGS

- ***Ski Sunlight Optional Premise Request for Liquor License***

General Manager of Ski Sunlight Mountain Resort Tom Jancowski, Food Beverage Manager Jasmine Coons, and Mildred Alsdorf were present.

This is a noticed public hearing. Mildred said it was posted and according to our Resolution we passed in 1990 for Optional Premise, we post notice, we don't have to publish. What Tom has asked for is shown on the map (posted).

Mildred said we received the application on last September but were busy with too many other things during that period of time and Tom said he would wait until later this Spring. We do have his application and we do have the map that is posted here and according to the Resolution we adopted at that time, the main thing is the fact that we need the drawing of the area. Rob Hykys gave Mildred some small renderings of the area.

Mildred - Tom do you want to come up and explain, using the map, where you wanted optional premise?

Mildred - at the present time he wants just one optional premise.

Tom - last year we did the Blue Grass Concert which we did in July 2000. We had an area in front of our day lodge which was the concert seating. We're not going to do a big concert/festival this year - the Company is going to a number of just small concerts where we will hire local Colorado named bands to come in and bring in a stage in front of the day lodge. We want to be able to allow - I guess the way our permit is now you can, our permits for our decks and our lodge - but if somebody walks up in front of the stage off onto the grass, then they're violating our permit - a liquor license - so we'd just like to have the seating area here in front of the day lodge to be approved for liquor license.

Mildred - and that will contiguous to where you have your alcohol.

Tom - it's contiguous to our alcohol operation right now and actually we'll still be serving our alcohol off of our deck and at our bar. We just don't want to get into a situation where we're breaking our permit by somebody who walks up on the grass.
Mildred - and what type of security will you be having?
Tom - we'll have two of our eight staff for security and then we're using the volunteer ski patrol which will be about eight people to do security and also first aid. And the size of our concerts this year, we estimate are 400 - 500 people - not a whole lot different from what we've done in the past.
Commissioner McCown - will there be a fenced area Tom?
Tom - yes, if we do a bigger concert, this will all be fenced but this will be fenced off of our deck - looking at the map where the condominiums are located - it will be fenced up to the side of the condominiums, it'll be fenced up here on this side, there won't, it won't be fenced here on the top, we will have security there just to make sure that everybody is out - there's paid, we'll lock up our stairs, we'll check ID there, we'll put on a bracelet for ID so you can - you know - who's 21 who's under 21 - kids 13 and under get to go free.
Mildred - you don't feel that this will adversely affect the neighborhood whatsoever?
Tom - no, we've got good relationships with the Brettleberg Condominiums, Sunlight Inn, the only residents up there is the Brigham residents, we're all - I don't see any problems.
Mildred - what about traffic on Four Mile?
Tom - well traffic on Four Mile, we are going to run busses for these events, but it will increase traffic somewhat on Four Mile, but nothing compared to what happens in the winter time. Our peak capacity is 1500 - 2000 in the winter - if we had a really great concert we might have 1000 people but we're looking more at the 4 - 500 range.
Mildred - the thing you need to remember is the fact that before you have anything on the optional premise, 48 hours before you have to notify myself and I will inform the State that you're going to be serving alcohol on the Optional Premises.
Tom - and how long does it take for this to go through - this permit?
Mildred - this permit? The Board has the option today to approve or deny and then after that I would be sending the permit in to Denver and then they - if the Board approves then the State will approve. And then the Liquor Enforcement Division a lot of times comes out and checks. I talked to the Sheriff's Department and they said as long as you had the security they didn't feel there would be a problem with it.
Commissioner McCown - what did we approve last year for the big concert?
Mildred - what you approved last year was an area off their deck and then Tom - you can probably explain it more.
Commissioner McCown - a lot of that is the same area?
Tom - yeah, it's pretty much the same area..
Commissioner McCown - so is this going to be an ongoing process where he has to come in ..
Chairman Martin - no
Mildred - no, see last year it was just for that
Commissioner McCown - a Special Events License.
Chairman Martin - yeah
Mildred - yeah, just a one time
Chairman Martin - an expansion of the Special Events
Tom - for 5 days.
Mildred - and this time when he gets it what he'll have to do is just renew it each year unless he adds anymore area or another Optional Premise - then he'd have to come back before you with it again. Otherwise it'll just come with his renewal license, with additional fees each time.
Chairman Martin - any other questions? Anyone in the audience would like to make any comments on this?
Mildred - anything else you'd like to bring up Tom?
Tom - no, I'm TIPS trained, Jasmine's TIPS trained already so we're very conscience of the drinking age, etc. so.
Mildred - cause that's real important with doing this.
Motions
Commissioner McCown made a motion to close the public hearing. Commissioner Stowe seconded. Motion carried.

Commissioner McCown made a motion we approve the Optional Premises request for a liquor license for Sunlight Mountain Resort. Commissioner Stowe seconded.

Chairman Martin - as described? And we're ready to go? Any further discussion?
Motion carried.

- ***Four Mile Discussion/Decision***

Don DeFord, Mark Bean, Joe Hope, Joselyn Woods from Lee Leavenworth, Randy Withee, Tom Russell and Bob Matey Frontier Paving were present.
This is a continued issue with respect to construction scheduling and the retaining wall.
Joselyn said they are working with Frontier Paving for the completion of these improvements and said it is a 60 day project. They are hoping to finalize the financing of the public improvements this week and will include an increase in the letter of credit that's presently posted with Garfield County due to some excess cost from the original cost estimate. There is now a final set of construction drawings prepared by High Country Engineering and anticipate these have been reviewed by Road and Bridge as well as the County Engineer.
Tom and Randy reviewed the drawing and what's in there is fine. They do not want to put their names on it as something they approve.
Commissioner Stowe commented that there is an engineer stamp on it already.
Joe Hope said High County wanted the County to sign off that they reviewed and are satisfied with the contents of the plans. Since the fiasco last year they are having everyone involved sign off, then they will give an Engineer's Issue a Number Set of Plans to verify that everyone is working off the same set. If an addendum or change in the plans, this will be numbered addendum and go out to everybody so only a set of plans with a red number in the corner can be used for construction. This has led to part of the current problem because some changes were made to the plan, walked the site a couple of times with the County making these changes to satisfy Road and Bridge. Now they need to get their bids finalized.
Don inquired if the County has a certified cost estimate from Joe.
Joe said the bids are higher than his cost estimate and this will necessitate raising the amount in the letter of credit.
Don reminded Joe that the County's security is not based upon a specific contractor.
Joe said he could submit a certified cost estimate to the County this week and should be ready to have the Board approve it on Monday, May 21 - an agenda item.
Joselyn will be submitting it to MidFirst Bank in getting an additional or increased Letter of Credit; that will take them 2 -3 days to get it through the banking procedures and then to Bank of America who is the actual Colorado Bank that actually posted the Letter of Credit currently with the County.
Don inquired if the potential date of completion would be the end of July for completion.
Joselyn said that would be early as they may not be able to start construction until they have certified funds in the bank to pay the contractors.
Don clarified what needs to be done - amend the SIA and include the cost estimate and a time alteration in the same amendment.
Joselyn felt the letter of credit as well as an amendment to the SIA could be ready by Monday, May 21, 2001 at the Commissioner's meeting and asked the Board to set it on their agenda for the approval.
Don asked if they would looking for release of the restrictive covenants next week?
Joselyn said they probably would not ask for the release of restrictive covenants until the new letter of credit is in place which should be June 4, 2001.
A date and time was set for May 21, 2001 at 11:30 a.m.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

FAIRGROUNDS - FEE SCHEDULE
Michael Erion presented a comparison of fee schedules at other locations nearby. This was for the group to look at the facilities and the point is that the County facility is higher priced than other places.
Michael requested the Commissioners review the handout. He also commented on the Rate Schedule Changes for 2001 noting that various activities have various fees. He called attention to the fact that the Quarterhorse Association is a nonprofit organization. The Quarterhorse Association requested the Board consider a price somewhere between the youth and the community fee.
Chairman Martin said that staff has been also working on a fee schedule as well.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS:

REQUEST FOR APPROVAL: AMENDED PLAT TO MOVE PROPERTY LINE. LOCATED: PARCEL B, DIXON SUBDIVISION EXEMPTION, HWY. 82, CARBONDALE, CO. APPLICANT: BILL & KATHIE BOLLOCK (OWNER) MARY MCCARNEY

Mark Bean, Don DeFord, Bill and Kathie Bollock were present.
Mark said this is a request for an amendment to the approved Dixon Exemption to Parcel B for Kathie & Bill Bullock on a 2.650 acre +/- tract of land located off of Hwy. 82, Carbondale. The property was divided into 4 parcels with a conservation easement under Resolution 79-60, recorded on June 12, 1979. The applicants are proposing to amend the configuration of Parcel B from 2.65 acres in size down to 2.209 acres, basically Parcel B will lose .48 of an acre. The reason this is occurring is apparently there was a fence line claim, right by adverse possession, against the property with the neighbors on the east side of the parcel. The neighbors to the east, the Powers, will take that .48 of an acre and add it to the Powers which is a 400 acre ranch. Because this is a platted lot it does require an amended plat. Staff has gone through the review of the application, it meet the minimum lot size (still 2 acres) and all of the other issues in terms of the water, sewer, legal access do not change as far as the ability to use the property.

Recommendation
Staff recommends **Approval** with the following conditions:

1. 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.
2. An Amended Exemption Plat of the Dixon Subdivision (include-Second-Amendment) shall be submitted, indicating the legal description of the parcel, proposed easements for setbacks, drainage, irrigation, access or utilities.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request by Bill and Kathie Bollock to move the property line as presented making the parcel of 2.209 acres the Chair be authorized to sign the final plat when presented; carried.

REQUEST FOR APPROVAL: FINAL PLAT. LOCATED: 2102 CR 321 SOUTHWEST OF RIFLE, CO. APPLICANT: MS. GAYE LEO

Kit Lyon, Gaye Leo, Mark Hamilton of Coloia and Houpt, and the Engineer Chris Manera were present.
Kit stated that the Leo Final Plat was submitted to the Building and Planning Office on November 27, 2000. The application has been reviewed by the County Attorney, County Engineer, and Planning Staff and was deemed complete on May 4, 2001.
The applicant represented during the preliminary plan process that natural gas would be provided by Public Service and that service would be available to the parcels. The preliminary plan staff report specifically stated that it, "...shall be the developer's responsibility, as is customary, to extend utilities to the lot lines of the newly created lots in cases where the utilities are not located along CR 320." The Preliminary Plan resolution of approval states, "The improvements required by the Subdivision Regulations shall be the cost responsibility of the subdivider."
Staff understood that the developer would extend natural gas service from CR 321 to the newly created lots. The developer maintains that natural gas is not typical on CR 320, that all the houses are on propane fuel, and that natural gas is available in CR 321 at the individual lot purchaser's expense. If this is consistent with the Board's approval, staff recommends that the Leo Final Plat receive final signatures. If this is inconsistent with the Board's approval, staff recommends the Leo Final Plat documents be amended accordingly prior to final signatures.

Kit further explained that the gas issue was unclear to the staff. Testimony in the application included that natural gas would be available and put the statement that the developer would be responsible.

Gaye Leo - her farm boarders CR 321 and CR 320 and when she did this, she was ignorant in any errors she made. She went forward at that time thinking this was an easy process to do - maintaining 41 acres. Natural gas not available on CR 320 and very expensive to connect to the property; basically it is not feasible to do so. Felt it was better for the new property owners to use natural gas - the lots are on the CR 320 side. She added that it is not the engineer's fault or anyone other than hers.
Commissioner McCown clarified that the lots she was subdividing off are on the east side of her property.

Gaye - yes.
Commissioner McCown - and you maintain property that runs between CR 320 and CR 321 - the 40 acres that are left.
Gaye - yes.
Commissioner McCown - and neither of these parcels on the east side reach CR 321 because of the water flow?
Gaye - no they do not. She went on to explain that tanks are being installed for reserve to make sure the water is sufficient. In the prior meeting, Chairman Martin suggested this would be a good idea, so that's what they did.
Don DeFord - Mr. Hamilton and Don have not had an opportunity to discuss the attorney's certificate on this plat and thinks that should be done before recording. He said after their discussion, he suspects there will be an acceptable attorney's certificate so if the Board wants to go forward, he would ask that the Chair be authorized to sign this plat, but that it not be recorded until he authorizes that after his discussion with Mr. Hamilton.
Commissioner McCown said he did not remember whether the applicant indicated they would provide natural gas to those lots. The water was an issue and the Board addressed it. The natural gas situation is a true statement that propane is a way of life in that area, and thinks that it isn't because there natural gas on CR 320, it just they don't have a line you can get it out of. There is nothing prohibiting the owners of these lots to petition or to put in their own line to CR 320 if they wanted to bear the cost of doing that.
Motion
Commissioner McCown made a motion that the Chair be authorized to sign the final plat.
Commissioner Stowe asked if the Board wanted to strike the part about requiring natural gas on the plat.
Kit stated that note has been removed.
Commissioner Stowe seconded the motion.
Chairman Martin added there was a stipulation of Don DeFord's.
Don asked the Board to condition that motion to direct that the plat be recorded by the Clerk & Recorder subsequent to authorization by the County Attorney's Office and tendered with the appropriate security.
Commissioner McCown yes; Commissioner Stowe yes.
Vote on the motion:
Stowe - aye
McCown - aye
Martin - aye
Motion carried.

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: AMENDED PLAT TO MOVE LOT LINES FROM 16 INDIVIDUAL LOTS INTO 3 TOTAL LOTS. LOCATED: SOPRIS AVENUE, SUTANK, CO. APPLICANT: CHARLES MOORE & COMPASS

Don DeFord, Charles Moore, and Mark Bean were present.
Don determined that the posting at the end of Sopris Avenue was adequate and the notices to all adjoining landowners and one school were notified in a timely fashion, therefore he advised the Commissioners that they were entitled to proceed.
This is a Public Meeting and Mark presented the following Exhibits: Exhibit A - Returned Receipt; Exhibit B - Application; and Exhibit C - Project Report and Staff Comments.
Chairman Martin submitted Exhibits A - C into the record.
Mark said this is a request for an amendment to the Plat of Cooperton Townsite, Block 11. Block 11 is currently platted in sixteen (16) individual lots. The request is to amend the plat for lot numbers 16 -20 and to be redrawn as one (1) parcel.
Mark reviewed the major issues and concerns, suggested findings and recommendation.
Recommendation
Staff recommends **Approval**, with the following conditions of approval.

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

2. An Amended Plat, Cooperton Townsite, Block Number 11 shall be submitted, indicating the legal description of the parcels, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

3.

4. Charles Moore is not representing officially Compass, the parent of the Carbondale Community School who owns the adjoining land and one parcel belongs to them and the other two will belong to him.

5. Chairman Martin commented that the Carbondale Treatment Center for waste is very close and asked if they would be willing to join when it becomes available.

6. Charles Moore said there is one thing that keeps them from joining - the DR&G right-of-way. The land is not in the Town of Carbondale however, he would certainly be supportive and join when a sewage treatment line is available. The parcel owned by Compass is thinking about building a faculty residence, and they are on the sewer line and on Carbondale water line.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the amended plat from 16 individual lots into 3 total lots in the Sopris/Sutank, Colorado, Cooperton Townsite as presented by staff with the recommendations of staff and the Chair be authorized to sign said amendment when the final plat is presented; carried.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT TO EXPAND ON EXISTING CUSTOM LOG SAWING FACILITY. LOCATED: 7190 STATE HWY. 13. APPLICANT: GEORGE STRONG

Don DeFord, Greg Butler, Attorney Calvin Lee, and applicant George Strong were present.
Don determined the public notification was timely and the notices to all landowners within 200' of the property as well as public lands were notified and in a timely fashion. He advised the Commissioners that they were entitled to proceed.
Chairman Martin swore in the speakers.
Greg presented the following Exhibits:
Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; Exhibit E - Project Report and Staff Comments, and Exhibit F - recent communication from the Rifle Fire Protection received Friday, May 11, 2001.
Chairman Martin submitted Exhibits A - F into the record.
This is a Special Use Permit to expand an existing custom log sawing facility located at 7190 State Highway 13 in Rifle. Mr. Strong was granted a SUP by the County on August 7, 1984. The applicant would like to expand this operation to include peeling, notching, chinking and stacking of logs.
Greg reviewed the project information and staff comments, description of the proposal, Garfield County Zoning Resolution, Referral Agency Comments, Staff Comment, Suggested Findings, Recommendations.
Recommendation:
Staff originally recommended approval of this proposal based on the above Suggested Findings and the following conditions:

1. That all representations of the applicant, either written, implied or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.
3. This Special Use Permit is valid for one-year after which time the Planning Department can inspect the site for compliance.
4. The applicant will do a dust control mitigation plan, reviewed by the Planning Department can inspect the site for compliance.
5. An acoustical engineer will conduct a decibel test on the subject property and the results will not exceed the limitations set forth in the Colorado Revised Statutes.

However, Greg changed his recommendation and said staff has two problems - noise level are over the 65 dBa and the inability of water for fire fighting . Based upon this, staff changed the recommendation to denial.

Calvin Lee voiced a concern that he was not informed of the change in the staff's recommendation. He referenced page 2 of the Strong Lumber Narrative with respect to noise levels saying there was zero levels within the 25' and over the limit of 65dBa at the property line. Dust - it is an enclosed facility. Fire Fighting abilities - does not have a 30,000 gallons water tank.
George Strong stated that he and Mike Morgan have discussed the water situation. Has cooperation from Mike to set the water tank up there.
Commissioner McCown stated the Board has allowed dry hydrants filled with run-off to provide water for fire fighting.
George commented that he was stunned by the letter from staff recommending denial, as well. Nothing has been discussed with staff.
Commissioner Stowe mentioned that under recommendations, would he be willing to do a noise study by a registered noise engineer?
Calvin Lee said that they would be glad to continue the hearing and have this report submitted.
Commissioner Stowe suggested to put this on hold for two weeks and wait for more information.

Public Input
Lynn Enystrom - said she is one property over from Strongs. She stated that the saw mill has not been used for over 10 years and knew this when they bought their property 8 years ago. The permit in force does not allow the log operation that he has been doing for 3 years and they are the ones who have been complaining about it. She refuted the noise level of zero as they are about 1/2 and 3/4 miles away and they can hear the pounding, the cranes, the chain saws and the noise is part of their complaint. She read her comments into the record including some of the things included in the Master Plan "to ensure that commercial and industrial development is compatible with the adjacent land uses, to encourage the location of industrial development in areas where visual, noise, air quality and infrastructure impacts are reduced, the commercial and industrial development will be encouraged to be in areas where existing infrastructure is currently available and the County will provide an adequate buffer zone between industrial and residential areas." They feel that this cutting, processing and building of log homes as well as the transportation and storage is not compatible with the adjacent land uses. This is still residential out there. There are several areas in Rifle and new areas along the I-70 Corridor and at the Airport where the industrial impacts have been addressed and mitigated. They chose the peace and tranquillity of the area to live in. Privacy and views are enhanced by the stillness of the valley. It is a major corridor for the elk and deer. She said she had spoken to Mike Morgan and he claimed that no communication has been held with George Strong with respect to a 30,000 gallon water storage tank.
She commented further on noise, traffic, fire fighting capabilities, the fact that Mr. Strong was operating without a welding permit, and asked the Commissioners to rule denial of the industrial use.
Steve Wilson - adjoining northwest property owner and it is true as Lynn stated that he will be coming before the Board to request approval of a Special Use Permit to start a log yard and also when he purchased the property 6 years ago, there had been a well drilling outfit on the property, and he understood there was a Special Use Permit at an adjacent property, and that encouraged him to purchase his property. The problem is truck traffic on Highway 13; it was used for hauling mill tailings for years.
Calvin Lee requested a continuance of 3 - 4 weeks and agreed to waive the 120 day time restriction of the application.
Motion
A new date of June 18, 2001 at 10 a.m. was set by a motion made by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

REQUEST FOR APPROVAL: REVIEW OF SPECIAL USE PERMIT FOR A RESORT. LOCATED: 1213 CR 112, CARBONDALE, CO. APPLICANTS: GREG AND DIANNE PARK

Don DeFord, Greg Butler, Greg and Dianne Park were present.
Don determined that the public notification was adequate, timely, and posting were in order and he advised the Commissioners that they were entitled to proceed.
Chairman Martin swore in the speakers.
Greg presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E - Project Report and Staff Comments.

Chairman Martin submitted Exhibits A - E into the record.

This is a request for a Special Use Permit for a Resort on 6.81 acres on CR 112, Carbondale, CO.
The Parks are requesting permission to develop a six-bed Resort by using the existing cabin and future house and garage of the property.
Greg stated that approval or denial of this application on how well the applicant's proposal conforms to the criteria outlined in the Garfield County Zoning Regulations, Chapter 5.03 Conditional and Special Uses.
Greg reviewed the project information and staff comments including the application's conformity to the County Zoning Resolution; Referral Agency Comments, Suggested Findings and Recommendation.
Recommendation:
Staff recommends Approval of this Special Use Permit with the following conditions:

a. That all representations of the applicant written, implied or stated at the hearing before the Board of County Commissioners shall be considered conditions of approval.
b. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended and the Uniform Building and Fire Codes.
c. The applicant should work with the Fire Protection District to develop a fire-safe envelope around the buildings.
d. This Special Use Permit is valid for one-year and then the Planning Department can inspect for compliance to Zoning Regulations, Building and Fire Codes.
e. The ISDS or systems will be designed by a registered professional engineer and installed according to the engineer's recommendation.
f. This Resort is for guest staying only for short periods of time, three weeks or less.
g. This Resort will be limited to six guests at any one time.
h. Prior to signing the resolution the applicant will provide staff with the following information: that there are no restrictive covenants on this property disallowing this type of use. The applicant will provide proof that they and their guests have legal access of the driveway shown in the plat map. That a new plat map will show well placement.
i. There will be no expansion of this Resort without a full Special Use review.

Greg Park gave his review of the project and why they decided to proceed with the application.
Commissioner McCown asked the operation hours included in this 72 hour limitation.
Greg Park said they have not determined specific days of the week as they do not know the usage, the water amounts they have assigned for this use; however, they assume Fri., Sat, Sun. and it was indicated they will use an ISDS, but no they will get an engineer to plan a new ISDS.
Commissioner Stowe questioned the period of time that was being requested to only 3 weeks or less stay at the Resort.
Greg Park said that longer term guests were not their intention.
Jay Powers - asked a question as to whether the Board could summarize the 8 conditions that were referred to in the staff's presentation.
Greg Butler read the above recommendations into the record.
Ellen Woods - voiced her opposition to the application. She's an adjacent property owner and has lived there since 1987 - it is zoned as a residential property and feels her privacy would be sacrificed. This is zoned rural/residential.
Steve Halsey - adjoining property owner and said he was opposed. The 6 cars a week is not acceptable. The approval of this application will effect his quality of life negatively.
Letter from Mark VanHaffe - 1028 CR 112, property owners that lives near the property in question, said this is a rural and noncommercial area and if a zone change is allowed, it would open the door to allow other commercial operations. This Bed & Breakfast would attract others to the neighbors. Deny please.
The traffic originally proposed by developers of the Pinyon Peaks was down-zoned due to the unsafe CR 112 - additional traffic would be hazardous.
Naomi Bird voiced her concerns, also Wayne Kings, over water issues. They have lived on the property for 32 years. During drought years their wells are affected drastically. Her wells are adjudicated and that means they can shut down other wells. Traffic on CR 112 includes horse riders, cyclists, walkers, and vehicles.
Jay Powers - President of Pinyon Peaks - commented that they were one of late comers and attribute to the additional road traffic - CR 112 is a narrow road. Horse riders ride on the paved portion of the road. Also concerned about the zone change of "Resort".

Applicant
Greg Park stated they had lost some of the water rights on the property by proposing this project. They have water committed to a new home and over 200,000 gals a year is going for commercial use.
Kirk Dever - questioned the density and inquired of the Board if this SUP could be used as a two-four-six person operation.

Chairman Martin - clarified that guests can not stay longer that 3 weeks.
Dan Keating - Pinyon Peaks - inquired as to the method they would advertise saying that a sign would possibly increase traffic.
Greg Park mentioned that they intended to use the Web site having a sign indicating where the Resort is located.
A question and concern regarding wells was responded to by Commissioner McCown - this Board does not permit wells and has no control except for the type of water - potable and no nitrates. The State Engineers Office handles well permits.
Greg Parks - admitted, in regards to the traffic, that he does not disagree. At their driveway there are signs indicating horse riding and should have one that indicates a driveway ahead.
Commissioner McCown - asked Greg Butler if the Fire Protection District had been contacted for comments.
Greg Butler admitted it was an oversight on his part and they had not.
Jay Powers said he was not an adjoining property owner - Pinyon Peaks is north of the Crystal River Ranch.
Ellen Woods and Steve Halsey voiced concern about guests that may wander onto their property while a guest at the Resort.
Greg Parks said they could fence their property if it was necessary or post it as needed. 3 sides are already taken care of with fencing.
Steve Halsey - also voiced a concern with respect to guests with dogs saying they have horses and a lot of wildlife around here. The neighborhood does not need more barking dogs in the middle of the night.
The Parks said they will not allow pets - they have 2 cats and one dog of their own.
Commissioner Stowe - referenced that the SUP limits the Parks to 6 guests - what about a young couple with two children?
Greg Parks - responded that they are obligated to stop at that point. The intention of going on the Web site is for identification of the amount of people and even going as far as breakfast selections which will provide them with dates, time, where they are from, etc.
Jay Powers - mentioned the omission of consulting the Fire District. This particular area is largely Pinyon forest and Juniper and highly inflammable in dry times. They have had many meetings with the Carbondale Fire Protection District with the Homeowners Association to try cut down the amount of fuel there and do everything they can to minimize the possibility of an unfortunate fire will occur.
Commissioner McCown - requested that Ellen Woods pinpoint her property on the map to have a better idea of her concerns.
Naomi Bird said she has worked consistently to keep businesses off CR 112 and is concerned it will open up more - if approved this will set a precedent.
The Parks expressed their genuine concern for their neighbors regarding noise, traffic impacts, and privacy. This is not something they dreamed up overnight and their intention are fully to ensure that their neighbors are not disturbed. They have no children and no family with respect to that end of it and outside of the fact that a family with more than 3 - 4 children would probably creating something to that effect as far as actual people on the property. Greg said they do not want to inconvenience anyone anywhere around their property.
Commissioner McCown asked whether approval or not of this request, that the Parks were going to continue to build their home and be a resident of this property?
The Parks said that was correct.
Chairman Martin clarified with staff that a Special Use Permit stays with property and does not go away with the present owner. Therefore, if the Parks were to sell this could be continued and this is one thing the Board looks at in making their decision.
Motions

Commissioner Stowe moved to close the Public Hearing; Commissioner McCown seconded. Motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Special Use permit for a Resort for Greg and Dianne Park with the recommendations a - i changing c from "should work with the Fire Protection District" to "work and obtain and comply with the Fire Protection Plan from the Carbondale Rural Fire District Association with a letter from the Rural Fire Department stating that there is an agreement that this plan will provide adequate protection" and also adding Item J - "that perimeter fencing will be installed prior to any guests arriving to protect the surrounding properties."
Commissioner McCown asked if he wanted to change the verbiage in "d" that Don made note of that a Special Use Permit is to be reviewed at end of one year?
Commissioner Stowe - that would be fine.
Commissioner McCown - second.
Chairman Martin - Also, we also had discussion no dogs allowed - did you want to add that?
Commissioner Stowe said this was testimony and would leave it as that.
Vote on the Motion
Stowe - aye
McCown - aye
Martin - aye
Motion carried.
Chairman Martin added that he didn't think it would be a negative impact but you will have a lot of neighbors that will watching very closely; he would expect them to be an extremely good neighbor; and that they are subject to review; and if there are violations reported by the neighbors within the following year, this can be revoked.

OTHER ISSUES

DISCUSSION: PROPOSED COLORADO OIL AND GAS CONSERVATION COMMISSION RULE CHANGES

Mark Bean submitted proposed changes to the Oil and Gas Conservation Commission (OGCC) regulations that affect the County's ability to intervene in certain spacing issues. Section 5.08 has been modified to only allow the County to call for a Local Public Forum in cases that would result in more than one well per 40 acres. Our only intervention was for the increase to 20 acres, but there may be a time that an increase to 40 acres may be a cause for us to request a Local Public Forum. Additionally, the OGCC does not have to automatically grant the request. It requires a determination of potential health and safety issues by the OGCC, before a local public forum is held. This will make it more difficult to have a forum due to the burden of proof and a relatively short turn around between the notice of request and the time to request the local public forum.
We will need to identify the public health and safety issues and then a determination made as the relativity of the need. Comments need to be made on the proposed rule changes by May 21, 2001.

Discussion was held and the Board postponed any decision until Monday, May 21, 2001. The Board agreed to prepare comments.

Other Issue

Mildred Alsdorf called attention to the fact that a couple of motions were made today that the Chair be authorized to sign the plat; she would prefer the Chair not be authorized until the plat is in front of the Board. Example - the amended plat to move property lines, the Board could approve they do the plat but not to sign unless in a meeting. Her concern is the developer may bring in the plat, ask John to sign and take off without have the items necessary for recording. Therefore, this should back in front of the Board and placed on the consent agenda.

Don agreed with Mildred and said that's why the Consent Agenda was created.

Adjourn

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

Attest: Chairman of the Board

_____ _____

MAY 21, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 21, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

- ***CDOT Grants - New Castle Streets - Enhancement Funds Application***

  Mike Blair, Planner representing the Town of New Castle, said the Town of New Castle is preparing an application for funds from the Transportation Enhancement Program, Colorado Department of Transportation, to assist the Town project for developing a new "streetscape" for the Town's Main Street. Mike said they are asking for the Commissioners support of their application simply with a letter to the Town Mayor, enthusiastically stating such.

  The Project is a continuation of the development initiated in 1999, and will include engineering design, street and sidewalk beautification, pedestrian safety, parking safety, sidewalk lighting, tree plantings and street drainage, all to serve the officially-declared purposes of pedestrian safety and enjoyment, historic character and enhancement, and to encourage and enhance business development in historic Downtown New Castle. An example of the project is the newly created plaza (park). With this enhancement they can go to the West they go to the Elk Creek Bridge and to the East they go to the post office. A bus stop is included.

  Commissioner McCown made a motion to draft a letter of support for the Colorado Department of Transportation Enhancement Funds Application for the Town of New Castle for developing a new “streetscape for the Town’s Main Street. Commissioner Stowe seconded; motion carried.

- ***Site Report on Rifle Road and Bridge Remediation***

  Ed said in a couple of weeks, Craig Heydenberk will submit a report for remediation.

- ***Western Colorado Marking Initiative***

  Dale Hancock submitted the draft of the Brochure for Garfield County. This is at the printers as we speak and will be on the County table at the Western Colorado Marketing Conference this Thursday. Board of Directors will be meeting Friday.

COUNTY ATTORNEY'S UPDATE - EXECUTIVE SESSION - Lofton Litigation; Four Mile Ranch - Public Hearing Diamanti - Personnel Issue

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

Don DeFord requested that the Board, Mildred Alsdorf, Ed Green, Jesse Smith, Mark Bean and himself remain for specific portions of the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

- Appoint Board of Adjustment Members

Steven J. Boat and Pete Cabrinha submitted applications for re-appointment to the Board of Adjustment.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to re-appoint Steven J. Boat and Pete Cabrinha to the Board of Adjustment; carried.

Commissioner Activity Report

Commissioner Stowe - Personnel Wed. at 1:00 p.m. - Rural Resort met last Friday - most of the discussion centered around the upcoming Summit in September Meeting and how they will characterize that - it will be a 6-part forum over 2 days. It will be held in Snowmass - looking to have a panelist - 2-3 with pro and opposing positions and discussing immigration and how it relates to law enforcement, economy and social services. After this 2- day meeting there will be a summary wrap-up. Looking at getting Legislatures, people from Para Latino and other groups.

Commissioner McCown - Attended the Coal Conference last Thursday in Rangley and Craig on Friday - very well attended and a lot of good information was shared by the industry - the industry seems to be very open with each other even though they are competitors for the same contracts - they are faithful with information on production, method of production, updates, problems and Friday afternoon there was some new technology that is forthcoming to supposedly bring the industry in the 21st century getting rid of the bad rap on the clean burning and the efficiencies with coal; and in Associated Governments Meeting, Jackson County requested to join the Associated Governments - they felt they shared more interest with the 5-counties that are currently than they did in Northwest COG they were in - they welcomed them in and still some negotiations to work out.

Chairman Martin - Tuesday, Pitkin County Commissioners - Telecommunication and setting up their grids for land use review criteria and use of their own telecommunication sites that they have for TV - Garfield County shared their maps, rules and regulations; Wednesday - Walt and John were both present and talked about redistricting - including the make-up and how it affects Garfield County; Wednesday - Wilderness Exchange met with them; change from Barrett Oil to Williams - calling for a new PR; Saturday - Rifle Rendevouz - successful; Sunday - Wellness Program in Glenwood - 16 Teams in Garfield County - a very nice program especially for the seniors; and then the Dandelion Festival in Carbondale. The Senior Center in Rifle loaned chairs for the events for Rifle Rendevouz - these chairs are for sale and they hope the Fairgrounds will purchase them.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution: Mamms View Preliminary Plan
c. Sign Mylar: Chiarelli Lot Line Adjustment - Harriman Exemption
d. Sign Final Plat for Lots C8-C11, Aspen Equestrian Estates Subdivision Planned Unit Development
e. Sign McGovern Special Use Permit

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - e; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

REGULAR AGENDA - BUILDING & PLANNING ISSUES - PUBLIC MEETINGS

REQUEST FOR APPROVAL: AMEND/ENLARGE BUILDING ENVELOPE. LOCATED: LOT 18, ASPEN GLEN, THE FAIRWAYS, 0328 MIDLAND LOOP, CARBONDALE, CO. APPLICANT: ROCK AND CHRISTIE LEONARD

Jim Leuthueser, Mark Bean, Attorney Larry Green for Rock and Christie Leonard were present.

Mark stated that this request is to amend the building envelope of Lot 18 - The Fairways at Aspen Glen Planned Unit Development. The owners, Rock and Christie Leonard, are requesting this plat amendment to enlarge the building envelope on their lot. After the modification, the building envelope will comply in all

respects with the setback and other zoning restrictions contained in the applicable zone district for the Aspen Glen P.U.D.
This lot as it stands now, is not affected by any geological constraints and will not be affected with the requested modification. The increase in the lot size is consistent with the preliminary plan conditions regarding building envelopes.
This request was also reviewed and approved as proposed by Aspen Glen Golf Company. Based on these findings, staff recommends that the Board of County Commissioners grant approval of this request.
Commissioner Stowe made a motion and seconded by Commissioner McCown to approve the amendment to Lot 18 - Aspen Glen Fairways, Midland Loop, Carbondale for Rock and Christie Leonard as proposed with the amended plat - any signatures deemed authorization.
Motion carried.

REQUEST FOR APPROVAL: AMEND/ENLARGE BUILDING ENVELOPE. LOCATED: LOT 20, CORYELL RANCH, 0700 CUTBOW LANE, CARBONDALE, CO. APPLICANT: HARRISON & RONDA P. LINGLE
Jim Leuthueser, Mark Bean, and Attorney Larry Green for Harrison and Ronda Lingle were present.
Don reviewed the notification and advised the Commissioners they were entitled to proceed.
Larry said this is a larger increase in the building envelope and is a request to amend the building envelope on Lot 20 of the Coryell Ranch Planned Unit Development. The owners, Harrison and Rhonda Lingle, are requesting this plat amendment to enlarge the building envelope on their lot. After the modification, the building envelope will comply on all respects with the setback and other zoning restrictions contained in the applicable zone district for the Coryell Ranch P.U.D.
Davis Kotz, P.E. with Schmueser/Gordon/Meyer, reviewed the revised building envelope. He reviewed the geological hazard mapping provided by CTL/Thomson and concluded that the proposed building envelope expansion will not encroach into any geological hazard areas. Davis found no reason why the building envelope expansion to the extent proposed should not be allowed.
This request was also reviewed and approved as proposed by Coryell Ranch. Based on these findings, staff recommends that the Board of County Commissioners grant approval of this request.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request to enlarge the building envelope for Harrison & Rhonda P. Lingle on Lot 20, Coryell Ranch, 0700 Cutbow Lane, Carbondale and authorize the Chair to sign the Amended Plat. Motion carried.

REQUEST FOR APPROVAL: REVIEW AN APPLICATION FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: ON THE WEST SIDE OF PARACHUTE, CO. APPLICANT: ROBERT BORUCH
Jim Leuthueser, Kit Lyon and Robert Boruck were present.
Jim reviewed the notification of adjacent property owners and those property owners within 200 feet including public land owners.
The applicant noticed all but public land owners.
Jim advised the Commissioners there was no jurisdiction unless you notify all land owners and public land owners.
The Board made a decision that it was imperative that BLM be notified and the notification was not complete. Robert Boruch needs to renotice and have a new hearing date.

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: APPLICATION FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A SCHOOL: ASPEN WALDORF FOUNDATION. LOCATED EAST OF THE CR 100/HWY. 82 INTERSECTION. APPLICANT: ASPEN WALDORF FOUNDATION
Jim Leuthueser, Mark Bean, Attorney Bob Schultz, Jeff Dickson - Architect, and Eric Shepard, representative from the Aspen Waldorf Foundation, were present.
Jim reviewed the noticing requirements with Attorney Bob Schultz and found the legal publication and notices to property owners within 200 feet to be in order. He advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark presented the following Exhibits:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Report and Staff Comments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - E into the record.
Mark stated that this is a request for a Conditional Use Permit to amend the permit for the operation of a day school by Aspen Waldorf Foundation on a 13.16 acre tract of land located approximately five (5) miles east of Carbondale, south of State Highway 82 frontage road.
Mark continued to review the proposal, major issues and concerns, suggested findings, and recommendation. He referenced a problem concerned with parking saying the calculations for parking submitted by the applicants were based upon standards not consistent with the County's Zoning Resolution requirements.
The number of spaces provided by the application is 69, which is 36 spaces short of the minimum for the known final build out and 21 spaces short if you reduce the number by 15 due to no actual construction of 3 of the 5 classrooms in the second building. This does not account for the possible 10,000 sq. ft. of future area. All of this may result in a lot coverage over the 15%. The present application needs to be modified to reflect the needed parking, along with a new calculation of lot coverage with the increased parking area.
Recommendation:
Staff recommends approval of the application, pursuant to the following conditions:

1. 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 Commission.
2. The application will be modified to identify on a site plan the required on-site vehicle parking consistent with the County requirements for parking contained in Section 5.01.03. Additionally, the applicant will demonstrate that the application is still consistent with the lot coverage requirements by demonstrating that the additional parking and building area will not exceed 15% of the lot area.
3. The permit is restricted to the use of the central hall for events directly associated with the school curriculum and that the facility may not be rented or allowed to be used for events not directly associated with the school curriculum.
4. All other conditions of approval contained in Resolution No. 97-36, shall be considered conditions of approval for the present application.

5. *Applicant*

Bob Schultz presented a framed photograph of the Aspen Waldorf School and a layout of the facility showing what has been built, what is planned, and the proposed amendment for the Conditional Use Permit specific to this application.
Bob said these were straw bale buildings and they are the most efficient building for a school in this area. They have been careful to focus on the recommendations for the Conditional Use Permit. They have tried to be a good neighbor and feel this has been successful. The school holds festivals for seasonal activities; want to expand their music program and orchestra that will include all students in the valley who want to be a part of this expanded program. The school is ruled by the State and therefore the Commissioners have probably heard very little about the school's parking. They are pleased to have C-DOT shuttle lot and use it periodically.
Back in 1997 when the original application was before the Commissioners, some logic was included in the parking coverage of 15% which Mark has now stated as not being consistent with the County's Zoning Resolution requirements.
Exhibit F - Attorney Bob Schultz submitted an Exhibit showing Waldorf Conditional Use Permit Parking Calculations - Scenario A and Scenario B.
Chairman Martin entered Exhibit F in to the record.

1. Bob said that Mark has recommended that Waldorf approve the amendment to the conditional use permit and then return to him with a site plan that is under the lot coverage, minimizes impact on neighbors and accommodates 96 spaces. In Scenario B showing a little more latitude in the regulations than maybe interpreted and that would be where they try and round off some of the corners of the square peg and make it look a little more like the round peg that it is and that is basically discounting everything by 25% and that comes up with the 72 spaces. It is a difficult issue and he said he understands where the regulations are coming from and unfortunately they find themselves in a weird spot that they don't quite fit. The second comment, Bob said, was in Condition N0. 3 in the recommendation. Mark is requesting a pretty tight restriction on the use of the Central Hall and the fact

that they have been operating for 4 years with minimal impacts shows they are willing to be a sensitive user of our space and they would like to be able to serve these other needs of the Valley Wide Children's Orchestra, Valley Wide Choir, the Festivals, etc. and he was concerned that if one took this literally, then they wouldn't be able to fulfill those parts of Waldorf's Mission. He requested on behalf of the Foundation that the Board remove Condition No. 3 from the recommendation. They are the only facility open to serve all the children in the valley and hope to continue.

2. *Public Input*

3. Bob Schuller - parent of two children enrolled at Aspen Waldorf School - Condition No. 3 - one of the reason he and his wife decided to send their children to the school is based on the fact that the curriculum is different and focuses on the entire life of the child. Programs in which students are not included in the school are integral to the community and urged the Board to remove this restriction.

4. Commissioner Stowe - Condition No. 3 - if the Board left that in but maybe where it says, "with School Curriculum" and then add "the promotion of youth programs and youth activities" - what they are trying to do is make sure it doesn't become a future "Carbondale Mountain Fair."

5. Bob responded saying what if we added "this was strictly for events associated with educational youth or family oriented activities."

6. Commissioner Stowe said he can live with that.

7. Eric Shephard - Treasurer of the Foundation, said they have a national lecturer or reading and there may be 40-50. It is not for youth, but for parents and it certainly is educational.

8. Commissioner Stowe said the concern is that this does not become a future “Carbondale Mountain Fair.”

9. Commissioner McCown said he would agree to educational use and doesn’t want to see it become a social center and other activities take place making it a community center that does not apply to the school.

10. Chairman Martin - commented that all events associated with the school curriculum, educational programs and school sponsored programs/activities and limited to a clearing house, understanding the Board doesn't want it be just a "for rent hall" for any activity. This is a unique program and want to make sure it stays unique and positive. We took a chance in approving this in 1997 and realize they have some plans but want to steer from their uniqueness.

11. Commissioner McCown - need to reach a compromise on the parking spaces.

12. Bob Schultz said they can contain a full assembly on site; but when they have Festivals, the parents use the C-DOT shuttle lot and guests use the parking lot. There is a KN Energy Easement that they can use for overflow.

13. Jeff Dickson - the Festivals are held in the evenings and weekends and at a time when there is no conflict with the C-DOT shuttle parking.

14. Mark added that he understands the issue and the parking spaces are a difficult process in the zoning resolution. He offered ways in which areas could be identified on site to meet the criteria. He did acknowledge they do have adequate parking for the school; however the original application had an error which Mark did not notice and a second mistake over the same issue of parking in this application and suggested that the same mistake should not be done again.

15. *Motions*

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

17.

18. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request of the Waldorf Foundation School subject to the recommendation of staff with a change in Item 3 beginning on line 2, "directly associated with the school curriculum, educational events for the promotion of the school staff and/or parents for the further development of the youth of the school and the community" and then continue on with "the facility may not be rented or allowed to be used for events not directly associated with the school curriculum."

19. Bob asked for clarification on parking.

20. Mark said that he and Bob need to work this out - assuming that Bob’s calculations are correct, he didn’t have a problem accepting them.

21. Motion carried.

REQUEST FOR APPROVAL: APPLICATION FOR A SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER. LOCATED: NEAR THE CR 113/HWY. 82 INTERSECTION. APPLICANT:SBA COMMUNICATIONS

Jim Leuthueser, Greg Butler and Lance Evans were present.

Jim reviewed the legal notification and advised the Commissioners it was timely and they could proceed.

Greg submitted the following Exhibits: A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E - Project Report and Staff Comments.

Greg Butler stated, in the original application submitted by SBA, the Garfield County Zoning Resolution was closely adhered to. However, in this submittal SBA is trying to develop their site contrary to Section 5.05.03 and thus creating an intrusive tower. Staff should have received this modified request earlier so that referral agencies would have had a chance to comment. In the past, staff has always recommended denial of any telecommunication facility that creates a skyline silhouette.

Greg stated when the Stewart Site request first came before the Board on January 22, 2001 it was continued until March 12, 2001 and subsequently April 16, 2001 to May 21, 2001.

Lance Evans - submitted photo simulations saying the tower might appear to be more of an impact however the photos are showing the impacts of the site are virtually identical. The new photo simulation shows the tower with roof tops and a telephone pole in the background; basically the tower line is on the same level as before and the site is behind the ridge.

Exhibit F was admitted into the record.

Commissioner Stowe asked why they couldn't co-locate with the tower approved near the CMC area?

Lance Evans explained why that was not possible.

Chairman Martin mentioned the AT&T location as a possible co-location site.

Commissioner McCown inquired about the referral agency's response.

Greg said they are usually allowed the chance to comment on this type of development and is even more important when a telecommunication tower goes above the crest of a hill in the proximity of an airport. However, when the applicant reapplied for this site and the photo-simulations showed the towers to be on the crest of the hill, there was not enough time to send this application out for referral. Greg added that Pitkin usually doesn't respond and Glenwood Springs seldom comments.

Motions

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to support staff's recommendation to deny this application for a telecommunication tower.

Commissioner Stowe commented that to him, where the tower was going to be located in the skyline, considering the housing and development that's going on just below this site - Westbank and Rose Ranch - he wasn't sure that a communication tower above the skyline in that area is appropriate; and there are other co-locatable towers in the area. We just approved two of them in the last four months. So until Lance has explored how those might tie into this system, he is hesitant to approve another one - it will be so impacted visually for the valley floor.

Chairman Martin - this has been designated as a view corridor in that area - this is a watchdog organization that needs to keep track of that and also to provide services - we have done so and at that point, he would agree with Mr. Stowe.

Commissioner McCown said he doesn't find them particularly offensive and feel they fill a very important need and look at them as an emergency communication tower. Any other tower that we might see on the skyline, you can look directly east in this building on Lookout Mountain and see several of them and they all serve a very necessary function as do these. He would like to see the developers of these networks such as Lance to come in with your network, where you need towers, how many are needed, etc. on one application as opposed to piecemeal one at a time. This makes it really tough and if we could look at the applicant's entire system network throughout Garfield County, what and how you want it to work, would make it a lot easier for this Board.

Chairman Martin said they were picking on just one tower provider, it's the entire network system, the total grid we have in place. That is the idea behind co-locations and locations that have been identified.

Vote on the Motion

Stowe - aye

McCown - nay
Martin - aye
Motion approved by a vote of 2 - 1.

OTHER ISSUES:

REQUEST FOR APPROVAL: CONTINUATION OF A SPECIAL USE PERMIT. LOT 8, GRASS MESA. APPLICANT: CLEAR TALK DBA NTCH, COLORADO

Greg Bulter, Jim Leuthueser, Site Development for DBA NTCH, Clear Talk - Craig Hoff were present.
Chairman Martin reminded everyone that this was a continued public hearing and that everyone that was previously sworn in to give testimony was still under oath.
Negotiated Easement - Grass Mesa Homeowners Association - Stewart Site
Greg submitted a memorandum stating that when the Stewart Site request first came before the Board on January 22, 2001 it was continued until March 12, 2001, again to April 16, and now today. Each time it was to allow the applicant to obtain permission from the Grass Mesa HOA to place the tower and access to the site.
Craig gave an update of where they are today in getting the approval from the HOA. He clarified that they were a phone provider and how they market their system is they go and look for places to locate towers and want competitors on the same site. They have been looking for two years for a site. It's hard to get a signal in that area. This site is very important to them and have put in a lot of effort in this process. Today, Craig said he is 3 votes short and would like to have it approved with the stipulation of having permission from the HOA; or have this continued once more until after the HOA meeting.
A date was set for June 18, 2001.
Jim Leuthueser obtained agreement that the applicant was waiving his 120 day requirement.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the request for a Special Use Permit for Clear Talk, dba NTCH, Colorado until June 18, 2001 at 10 a.m.
Motion carried.

REQUEST FOR APPROVAL: SITE APPLICATION FOR SEWAGE TREATMENT WORKS. LOCATED: WEST OF THE WEST GLENWOOD I-70 INTERCHANGE. APPLICANT: WEST GLENWOOD SANITATION DISTRICT

Mark Bean, Jim Leuthueser, and Greg Schroeder, P.E. from Schmueser | Gordon | Meyer were present.
Mark said this is a request for a site application for approval for expansion of domestic wastewater treatment works on a site located adjacent to the west side of Glenwood Springs, near the West Glenwood I-70 Interchange. This is a revised application that was originally reviewed and recommended for approval by the Board in 1998. This District did not act on the application, due to a requirement by the Colorado Department of Public Health and Environment to acquire additional land for the facility owned by the Colorado Department of Transportation. The District has acquired the land and now wants to proceed with the proposed construction. Due to the lag time between the last time the local jurisdictions reviewed the application and the present, CDPHE is requiring the District to get updated Comments.
The District is proposing to expand the treatment facility to deal with the growth in the area and the transient population of the area resulting from the motels and hotels. The proposed expansion will essentially duplicate the existing facilities, part of which are in the City Limits of Glenwood Springs and part are in the unincorporated area of Garfield County. The District has purchased or acquired additional property to the east of the existing facility, but within the City. They acknowledge that it would be more appropriate to create a regional facility for the District and the City, but have found that it is fiscally premature for the development of such a facility at this time.
Mark further reviewed the project information and staff comments dealing with major issues and concerns as well as the recommendation.
Recommendation
That the Board of County Commissioners recommend denial of the site application with the comment, that the West Glenwood plant expansion should be consistent with the City of Glenwood Springs plans to develop a regional facility across the river from the existing facility and incorporated into the City's 201 Facilities Plan.

Greg Schroeder explained this was back to the Board due to the request by the Colorado Department of Public Health. In the actual capacity of the facility, the plant operation is 77% capacity and greatly increased in the summer. Peak capacity, typically morning and evening, is approaching 93% presently and these numbers are essentially at the threshold of where they are reaching the capacity of the facility. One of the concerns they do have is that if the Board recommends denial of this site application, there's potential that we could be in a situation where we'd be having to recommend or have a monitorium for future expansion in the West Glenwood Sanitation District due to the fact that the lengthy process it would take and working with a regional plan and all the coordination efforts. Another point, is that this planning process which is the 80% threshold triggered some 2 - 4 years ago had been strung out and this time frame between now and from 1998, due to the land acquisition issue, and for that reason they are seeing that the plant is running to his capacity and if there isn't a way to expand, they will be in trouble later on. Due to the immediate concerns with both the County and the City and the Sanitation District and the future talks of future regional plant. Greg submitted a summary of a meeting that took place with the Glenwood Springs City Council, City Manager and members of West Glenwood Sanitation, to discuss long term regional plant issues, one of the conclusions was to go ahead and complete the 208 plan, to fully analysis the full effect of a regional plant and also that the fact that the West Glenwood Plant needs to expand and the City of Glenwood Springs still has some number of years out before they are at a threshold where they need to expand. A report that was prepared by Wright Water Engineering, a study of the existing Glenwood Springs plant and an estimation of when they felt that the plant would need to be expanded. The number they were looking at was a period of 5 - 10 year off. Given these concerns, he asked that the Board consider approving this application with these conditions that the West Glenwood Board would actively pursuing all talks and all agreements to work toward a regional plant in the future, but the West Glenwood Sanitation District needs to address the concerns of their customers also.
Chairman Martin - noted that the graphs and comments submitted by Greg Schroeder are a part of the staff packet.
Mark said the City of Glenwood Springs will also need to sign off on the application because they are within 3 miles; and conversations with the City Engineer and Larry Thompson confirmed that at this point they are planning on initiating the 208 plan but they have not actually selected a contractor - they are in the process of putting RFP's out. Procedurally, the 201 can take time. Mark said he believes there are some issues beyond the physical capacity of the Glenwood Springs plant that may prompt them to want to move up that schedule than actual capacity - it is more of treatment and being able to meet certain standards they have to meet for the discharge within the plant itself - these may need to be dealt with down the road. This would be in the planning of the 201.
Discussion was held on the previous approval and conditions of the approval by the Board in 1998. Mark said there are different issues on the table that didn't appear in 1998 that appear to be a little eminent in terms of the discussion that are going to occur.
Commissioner McCown commented that there is no difference in the size and scope of the application.
Greg Schroeder said the size and scope remain consistent.
Greg said that Mark noted there were discussions with the City of Glenwood and they are also doing the same process which is reevaluating the site application with the City. They are also in the process but hasn't heard the status.
Commissioner McCown mentioned since the City has to sign off on this application, has their input carry as much weight as the County?
Mark said yes - the same.
Commissioner McCown said, then if the City is not on the same page with this application, they could deny it.
Mark said they can recommend denial too and it would carry the same weight. He added that it would be nice for him to be able to present their position, but they are not in a position to take action since City Council has not taken action - there is discomfort at this time. This was a noticed hearing and the City was definitely aware of today's meeting.

Chairman Martin - agrees that something is needed and there is an obligation to take of the folks that are there and improving the water quality and discharge. This places this Board against a brick wall with the West Glenwood Sanitation District - they are in a dilemma and a definite efficient system needs to be there and need some movement on the City's part either to take it over, build a regional plant, or cooperate with the Sanitation Board in one way or the other.

Commissioner Stowe made a motion to go ahead and approve the original agreement made in 1998 for West Glenwood Sanitation District and would encourage them to coordinate their efforts with City of Glenwood in planning for future use of a regional plant.
Commissioner McCown seconded the motion.
Mark clarified there was a recommendation of approval with comments.
Motion carried.

- **FOUR MILE RANCH DEVELOPMENT - DISCUSSION AND DECISION**

Randy Peck - Senior Vice President of MidFirst Bank in charge of loan administration and special assets, Guy Harold - Project Coordinator for this particular asset, Mike Longley - in-house counsel for MidFirst Bank and Joe Hope - High Country Engineering were present.
Randy said they met with Joe Hope this morning on the construction completion budget proposal that MidFirst Bank would now ask that the Commissioners consider the following:
Mike said last Tuesday, MidFirst Bank took title of this property due to a default of their borrower - Four Mile Ranch Development Corporation - pursuant to a deed in lieu and forbearance agreement, the breach of which resulted in a deed passing to MidFirst Bank. Mike said he had preliminary discussion with Don DeFord and spirit of why they are here is to assume, not only the financial obligations that are attendant to completion of the on and off site improvements but to agree to legally assume the assignment of the Subdivision Improvement Agreements and all documents executed attendant thereto consistent with that conservation. They asked, in return, that the Board treat us as new 3rd parties - MidFirst Bank is a capable lender and hope to be a capable neighbor. He said they understand that there have been a lot of problems and the Board knows this was with their money. They are here to increase their financial amount substantially to make these improvements.
Commissioner Stowe asked what was their time frame for completion of the improvements.
Mike said they believe they can have the sufficient documentation of their assignment and assumption of the Subdivision Agreements and any increase in the letter of credit that might be necessary because of increased costs and could have these by the end of this week. They have a new completion cost budget to show to the Commissioners that Joe Hope put together; a construction contract that has been proposed and they believe it is acceptable to Mid-First Bank and felt this could also happen this week. And given the discussion with Joe Hope they think they can still meet the June 1, 2001 time frame. Joe Hope and Guy Harold have done all the work. Mark added that Randy, Guy and he have been educated and do understand that June - July is an incredible important threshold. When Don DeFord told them about some of the obstacles that they faced both on-site and off-site. These are being addressed and discussed them more today with Joe Hope and said they have good people in place recommended from this part of the country who have agreed to step in contractually and do those projects on a turnkey basis. They may need to ask for an extension of time, the SIA had a June 30 trigger date on it and they might just a little more time on it, but if they are diligently pursuing, if we have given the County the project specifications that would, if completed, comply with all of the final plat requirements and they were out there doing everything they can to accomplish this, but for unforeseen circumstances, they are going to get it done hopefully August 1 - August 15. They have some on-site improvements that they know need to be done and those are in a time-sense just about as involved as the off-site road improvements. However, the good news is that these can be done contemporaneously. He said he hopes the Commissioners will see that the project is not going to be delayed because people would not get paid, he assured the Board the people will be paid.
Engineer Joe Hope submitted the cost estimate and stated he recognized that the project has been hindered. He explained that MidFirst Bank is starting with a clean slate and the
cost estimate is based on the latest budget. He asked to allow them to move forward with the Board being comfortable with the letter of credit and release the restrictive covenants contingent upon the letter of credit being in place. He said they were going to get in touch with the engineering department and ask them to walk the site with them so they can find out where there's punch list of items that need to be resolved with regards to the SIA.
Randy asked Joe if he had a modified approach with respect to the sewer line?
Joe - no but explained the location of sewer line saying it bounces back and forth across the road, once they get down from the station, about 4.00 on down, they jumped to the other side due to right-of-way issues on the south side of the road. They have walked the site twice now with engineering and Road and Bridge, have identified potential issues, the plans are acceptable now to the engineering department and have their stamp that they are happy with what they have designed, they can not put out bid documents at this point to

their contractor and looks like this will be using the RT Concrete as they were the low bidder on the project, they are giving them additional prices for some erosion control mat they added at the request of the engineering department and some extra pipe - these are included in his estimate in front of you, but they do not have their final prices on it yet.
Commissioner McCown asked in the estimate Joe gave them, are they related directly to fixed turnkey contracts that he heard about earlier?
Joe - they are not related as previous estimates where they were tied to a contract - these are based on his numbers and if his numbers weren't high enough, they are based on the actual bid numbers. So they're on the higher of the two numbers in all cases. On the SIA they need an extension until August 15, 2001 so it gives the RT enough time to complete the work and give them a little bit of lead way - these guys do not want to get into the same adversarial position the previous developer was in. This gives them enough time to sign off, do a walk through and have everyone happy before they meet the deadline.
Randy Withee said he briefly looked through the cost estimate this morning and some of the items appear to be increased by unit prices on the sewer line compared to what he estimated before - almost double - which is more than what they put in over at the water tank project; the retaining wall is included in the cost estimate and the erosion control blanket they wanted to put on that 2 - 1 slope - they felt that if they just re-seeded there would be a problem next winter. Those two items and was what increased from the original one for $630,000 to this $832,00. Randy said the only question he has was as to who was going to be the Construction Manager on the project.
Joe Hope said he was the one to go through.
Randy said we just terminated the contractor and then the other one is scheduled in August 15th? What is start date?
Joe said as soon as they get the letter of credit worked out with the County, submitted and accepted by the Board and assumed the Board's approval today will be conditioned on nothing can be done until that's taken place - so hopefully the paperwork will be completed this week and hopefully they can start next week.
Jim Leuthueser said Don DeFord was comfortable and everything was anticipated here - no surprises - the time limits being talked about are also what was discussed.
Commissioner Stowe asked whether or not they had a chance to review the documents as far as the bid.
David Rippy said they haven't seen a contract or anything but as far as the bid is concerned, they were comfortable with it; and August 15 is a realistic time frame assuming they start by June 1, 2001.
Joe said they would be using the same contract form as what High Country normally uses on their contracts which is base run on National Society of Professional Engineers.
Chairman Martin questioned if June 1 - a Friday - would work for them.
Joe said it may be Monday, June 4 - depends on getting everything worked out - then they can stage in advance.
Commissioner McCown said the difference they need to come up with is the difference between the $675,000 and the $832,000 as security.
Randy confirmed this was correct and said $58,000 was from the County.
Commissioner McCown asked if they were prepared today to make up the difference in that security.
Randy Peck said they were.
Commissioner McCown said he didn't see any reason not to move forward and welcome the new owners.
Chairman Martin made the new owners aware that they have scars from the previous developer and want to start a clean slate and get this thing out of the Commissioner's hair.
Commissioner McCown asked Jim on the revision of the SIA, how long will it take to put together a new agreement - we have to change the current position - this one will stay in effect since they did assume it - until which time the County gets the additional security in place and no work can proceed until that is in fact done, then the restriction is also on there no sale of lots under the present restriction, not that he doesn't welcome the new neighbors, but given the work that has to happen on site and off site.
Joe asked in the new SIA are they going to be able to release the restricted covenants with no sale of lots as long as the letter of credit is in place?
Commissioner Stowe said as long as the letter of credit is in place.
Chairman Martin said that was their original agreement and if there's a breach in that, at that point they have other options to take, which they didn't think they would explore with the bank.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to draw up the new SIA once the security is in place and move forward and they can begin construction on June 1, 2001 with August 15, 2001 as the completion date and to give staff direction as well.

Commissioner Stowe said he would like to have it, in case they could begin prior to June 1, do we have a problem with that?
Commissioner McCown said as long as all the documentation and paperwork has been signed, security in place, then the Chair be authorized to sign the amended SIA to be included in his motion.
Commissioner Stowe amended his second.
Motion carried.

BOARD OF HEALTH - CONTRACTS REVIEW & SIGNATURES as Board of County Commissioners

Change Order Letter - ESDPT

Mary submitted a Change Order Letter regarding the addition of $150.00 to the EPSDT designated to cover meal and expenses for a meeting scheduled for June in Denver.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Change Order of $150.00 as defined by Mary Meisner; carried.

Nursing Contract

Mary submitted the nursing contract for the Board's review and approval. She said the Contract had been increased by $7,074 for a total of $83,207.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Nursing Contract; motion carried.

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

BOARD OF HEALTH

Mary Meisner and Lisa Pavlisick were present.
Mary reported that the Public Health Nurse Department applied for and received Bio-Terrorism funds for which they will purchase a computer, copier/scanner and some will be used for personnel by the additional nursing staff.

Report on the Senior Wellness Project - Colorado Hotel - Sunday, May 20, 2001

Mary stated this started on Sunday and went very well. It is presently going on and explained some of the various activities that take place in the Senior Wellness Project.

Mary added that she will be unable to attend the Department Head meeting this week as she will be in Denver for the Tobacco Funds Settlement.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

HUMAN SERVICES COMMISSION - INDIGENT/HOMELESS - STEVE CARCATERRA

Lift-Up Director Steve Carcaterra, Tom Zenith from *Catholic Charities*, and Carolyn Spencer from the *Salvation Army* were present.
Steve, Carolyn, and Tom reported on *Indigent and Homeless Services* saying that Garfield County has one of the lowest vacancy rates in the state according to the Colorado Division of housing. Out of 337 rental units, four (4) were available in April and of those, only (two) 2 rented for less than $775 a month.
During the fall and winter seasons, The Salvation Army, Lift-Up, Catholic Charities, and area Churches saw as many as 600 people a month who were in need of the services offered. That number increases substantially during the spring and summer months. 100% of these people are below the poverty level.
In order to rent a place to live in order to work, it costs roughly $2000 to get into an apartment renting for $600 a month. The landlord usually requires the 1st and last payment in advance, telephone hookup and deposit, public utilities deposits, etc.
Currently, *Lift-Up* is offering little more than a Band-Aid approach to addressing the needs of these people who are indigent and homeless. The budget for FY 2000 was $301,106 (cash) and $377,127 (in-kind).
For April 2001, Lift-Up provided services for 540 families - a challenge to keep the volunteer programs going. Donations are strong; financial situation strong and moving forward in an unsure time.

Lift-Up Centers are in Carbondale, Glenwood Springs, New Castle, Rifle, and Parachute. *Services* provided include: Two (2) nights in a motel for families with children; one (1) time only rent eviction prevention; one (1) time only utility assistance; three (3) days of food three times a year, and clothing through the thrift shops. In addition there are often unmet health needs that range from such minor things as colds, flu, poor teeth, to the more major problems of thyroid conditions, cancer, heart ailments, and chronic pain as the result of contraction or housekeeping work. These problems often create a financial crisis. The three agencies here today are attempting to meet some of these needs. The goal is to assist these people as much as possible as they become self-sufficient.
Lift-Up and Family Visitors receive the proceeds from the Defiance Thrift Stores and they are very successful thrift stores.
Future Plans - The Glenwood Springs Service Extension Unit, in cooperation with 18 local churches, plan to build and operate a Day Center and a Sleep Center for the local working poor in our valley. The Centers will serve adult single men and women, and families. *The Sleep Center* will be open 7 days a week and the Day Center will be open 5 days a week. No one under age 18 will be served unless accompanied and supervised by a parent. Both Centers will be operated by Salvation Army paid staff with assistance from volunteer teams from area churches. The Day Center will be located in space owned by a local Church and leased to the Salvation Army. The Sleep Center will be built on land leased from a Garfield County Church, but will be owned and operated by the Salvation Army.
The Day Center staff will offer to those in need, support and guidance in finding employment and affordable housing. A Case Manager will offer financial counseling as necessary to assist the client as he/she moves toward self-sufficiency. To further aid in this process, the center will make available phones, mail, and messaging services. Such basic comforts as showers, kitchen facilities, lounge, and children's playroom will also be available to ensure a feeling of dignity, caring, and well-being. The Day Center began operation April 9, 2001 and is funded from donations. It is located in Garfield County and they use the same rules as Advocate Safehouse that includes a 3-page contract and confidentiality. Carolyn is in charge of the center and at this point only 6 people have used it and later moved into where they needed to be toward self-sufficiency.
The Sleep Center will be located in unincorporated Garfield County and it will meet both Salvation Army standards of operation and Garfield County building standards. The center will provide a safe haven for those community members who find themselves temporarily in desperate need of shelter. The Center will offer sleeping space for 20 people each night in separate areas designated for singles and families. Each designated area has private bathroom facilities. In addition, there will be laundry, lounge, and kitchen privileges. Steve said it will cost $400,000 to build. They have raised $200,000 toward the project.

Tom Zenith - *Catholic Charities* added that they serve a nine (9) county area. Today there are two (2) projects of concentration - Transitional Issues and Dental Care for the Indigent. *Transitional Housing* is operated with a grant and services twelve (12) families who are either homeless or being evicted. They provide rent subsidizes and work with them on self-efficiency skills. Always have a waiting list. The hard part is finding rental units. Carbondale and Glenwood Springs - two (2) bedroom apartment is $264. Western Garfield County is $216 for the same. A trailer rents for $750 but this particular owner lowered the rent for Catholic Charities to afford it. The low rent housing has a huge waiting list. Looking to develop a housing project in Basalt. Aspen actually donated some property but they couldn't get the zoning.
Dental Care - Miles for Smiles - Catholic Charities took this program over from Public Health. Last year they serviced 200 children and they were at the 185% poverty rate. This is a band-aid effect and year round service is not provided. The elderly or disabled are not covered with dental care. Grand Junction has dentists who provide services for the working poor.
What Tom usually does for those who need dental care and can't afford it is to advocate on their behalf to some of the Foundations who are interested in supporting these needs such as Aspen Community Foundation/Aspen Medical Foundation. The valley needs a low income dental care facility. Catholic Charities is trying to pursue this project as well - have a fixed facility.
Social Services Director Margaret Long made an observation saying that without these people, she would be coming before the Commissioners for more needs.

Healthy Beginnings

Lisa Pavlisick gave the updates:

Enrollees since January 1, 2001 - 112; Deliveries - 109; Active Patients - 58 Post Partem Patients and 131 Active Prenatal Patients; Trimester Enrolled - 23 First - 58 second - and 31 third; Birth Outcomes 7 low birth weight deliveries and 9 pre term deliveries.

A 15 year old prenatal diabetic patient that had presented at the hospital when she was first pregnant was in a life-threatening situation was referred to Healthy Beginnings. The staff worked very close with her and got her to 36 weeks and she delivered a 9 lb. baby. The mother's health has increased tremendously.

Staff attended a *Fetal Alcohol Syndrome Workshop* in Grand Junction - Prenatal Plus came from Denver and did a training on the Western Slope and Garfield County had 17 members there; four (4) trainings in other areas only had one (1) person at each one - therefore, they were really pleased with the enthusiasm and dedication in Garfield County.

In-House *0Trainings* for Spanish will begin in July with Gary Osman.

United Way Funding - Lisa reported they received full funding from them for $9,950 and thanked the Commissioners for their part in this.

Tubal Ligations - reported back in April that they had received enough funding from the Aspen Foundation to do 15 tubules throughout the year. There are 16 women on the list and she will be searching for more funding.

Annual Fund-raiser - 10th Birthday Celebration Dinner Dance at the Hotel Colorado netted $16,800.

Re-Location

Lisa and Dale are working on this. At the present it is on hold.

Social Services TANF BID

Margaret submitted a detailed report for the WORKS Allocation Bid for FY 2001-2002 showing the amount of $1,725,000. She added that this exceeds the maximum bid range as proposed by the Works Allocation Committee. The basis for the bid is as follows:

The historical spending level amount of $601,717 is based on expenditures for FY 00-01 that are low after the first seven (7) months. As the county budget is based on the calendar year, several new programs were added to the WORKS program in the last fiscal year that just were approved in the year 2001 budget so expenditures for the last six months will be greater than the first six months. Additionally, the personnel costs for those new programs are low due to a tight labor market that did not allow the department to fill positions quickly.

Margaret included in the report a summary of the new programs for SFY 2001:

A new Child Welfare TANF unit that focuses only on WORKS clients to prevent placement of children in the Child Welfare system.

A program of teen pregnancy prevention through education is being instituted with the cooperation of the school districts in the county.

A domestic violence workshop and educational program; and

An educational and disability test program for compliance with ADA issues.

Recommendation:

Margaret said, based on the projected analysis and the new programs she would request that the Commissioners move ahead and do what is needed to ensure a continued budget revenue stream that will take the department to June 30, 2002.

Discussion by the Board regarding the TANF bid was held.

Child Care cost more than keeping people on welfare.

The Board encouraged Margaret to bid more than she needs and felt this was in the guidelines.

However, the question was asked, "are we going to set this precedent of asking for more money and kicking in more for the MOE?"

Margaret said this is the end of the 5-years of TANF, it will go into a "scarce funding mode" and there will be a drop in TANF for Colorado. Child Care cost more than having people on welfare and it is the piece that is driving the cost in the allocation request for these TANF funds.

Jesse Smith said he was comfortable with the bid.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the bid for $1,725,000 with a not to exceed MOE of $245,000 and the Chair authorized to sign. Motion carried.

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

SOCIAL SERVICES

Margaret Long presented the monthly reports for the Commissioner's review.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

Continued Public Hearing: Decision on Diamanti Property

Don DeFord, Kit Lyon, Attorney James Beckwith and Gary Hiner from LP, Inc.; property owners Alice Billmore and Lee Morgan, Jake Mall and Kenny Gardner from Road and Bridge were present.

Due to the fact that the Public Hearing was closed at the last meeting, Kit had nothing to add today.
Don DeFord reminded the Board that the Public Hearing was closed for all issues except the Access Issue. He thanked the Clerk's Office for researching the Commissioner Minutes and finding some historical records - in sum Mr. Beckwith and Don agree that the status of the road, at least from the Morgan property to the Diamanti property is not clear and there was some indication in the records that it may have been vacated and there are others that indicate that there may have been an invalid vacation. We think at this juncture, the best approach and one recommended is simply to leave that issue as the public road status so long as if the Board moves toward approval, that a condition be to require a written access agreement for all property owners lying between the Diamanti property, including the Morgan property owner, and that agreement would have to specifically allow access for the applicants timbering operations.
Commissioner McCown - normally, in approving land use items that the Board approves, all access agreements are in place prior so there's an assurance on our part that they do exist.
Don DeFord agreed and added that this is an approach that we could take. He discussed this with Kit earlier. Our experience on this has been mixed - both bad and good - by approving various projects where access was not clear. So the best approach from the staff perspective would be to wait until the agreement is in place so the Board could review it, see what we have, make sure that it was what was needed. Don added that he did discuss the potential of a continuance so that Mr. Beckwith could get that in place with Lee Morgan - this is not what either Mr. Beckwith nor his client desires. They feel they can get the access agreement as a condition of approval; however, Commissioner McCown is correct and the staff prefers that it be in place before approval of the Special Use Permit.
Kit provided support for her basis to express that legal access be in place prior to the permit.
Recommendation from April 16, 2001 Project Information and Staff Report.
Staff recommends Approval of the application for a special use permit with the following conditions:

1. That all representations made by the applicant in the application, timber harvest plan, or at the public hearing shall be conditions of approval, unless specified otherwise by the Board of County Commissioners. Said representations include, but are not limited to:
   a) Best Management Practices (BMP's) shall be adhered to in all cases.
   b) No operations will occur during normal migration periods.
   c) Stream Management Zones (SMZ's) will be maintained and only selectively cut to remove all diseased trees within BMP guidelines, laving sufficient cover to protect water quality.
   d) The timber harvest will result in restoration of healthy, young aspen, improved wildlife habitat, maintained aesthetics, and will preserve water quality.
   e) Roads remaining open will be graded, water barred, and seeded. Final closure of the surface and seeding with grass.
   f) Warning signs to alert the public of truck traffic shall be posted as necessary.
   g) A bulldozer will be kept on site for fire suppression purposes.
   h) The property boundaries will be surveyed and flagged to prevent trespass.
   i) All logging operations shall be completed by 10/01/03.
2. That roads shall be maintained adequately. The applicant shall execute the Garfield County Road & Bridge Department's agreement. Staff recommends said agreement be approved by the Board of County Commissioners prior to issuance of any special use permit.

3. That all timber hauling on County Roads shall occur Monday through Friday, between the hours of 6 a.m. to 6 p.m., shall not exceed 10 loads per day, and shall be within legal weight limits. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.
4. That the application shall obtain and comply with any necessary access permits.
5. That dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of trucks, shall be reduced as necessary.
6. That a bond of $100,000.00 will be placed with Garfield County to be used for the repair of CR 312 due to damage attributable to the applicant's activities, for mitigation of impacts, for implementing rehabilitation of the site, and for controlling noxious weeds. The bond shall be valid for the period of time that the applicant is actively logging on their property. The $100,000.00 bond shall be issued solely for the Diamanti project, and not cover any other operations.
7. That newly constructed private roads will be constructed to minimum haul standards and be at least 14' wide, with a maximum grade of 8 - 15%, and be composed of dirt with gravel or shale in places as necessary.
8. That a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance of any permits. The approved program shall be implemented on both County (specifically CR 312) and private roads.
9. Landing slash will be burned during favorable conditions, with the proper permits. Burn areas and skid trails will be disked and re-seeded. Culverts will be placed to prevent erosion along abandoned roads.
10. Chain saws shall be equipped with spark arrestors and all motorized equipment shall carry at least one shovel and one fire extinguisher.
11. That the Special Use Permit is subject to review for compliance or noncompliance with the timber harvest plans and the conditions placed on the permits. The applicant will be required to submit a report one year from the date of issuance of the special use permit indicating the measures taken to comply with the performance review 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 suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.
12. That this conditional approval shall be valid until 4/16/02. If the applicant fails to meet the conditions by 4/26/02, and subsequently the conditional and special use permits are never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners
13. That the forest management practices will be monitored for compliance with the application, the Best Management Practices, and the special use permit by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.
14. Slopes of 50+% slopes shall be harvested only with helicopters. All unstable areas and/or highly erosive soils shall not be logged.
15. Drainage's shall be crossed at right angles, with 18" steel or ADS culverts placed on a 2-4% grade, covered with at least 1' of dirt, and provided with a rock apron for spillage.
16. All operations will cease during spring run-off (typically March - May) and during elk calving times (May 1 - July 1).

Kit explained that the was continued from April 16, 2001 in order for a decision to be made by the applicant related to the costs of permits with respect to weight limits on CR 311 and CR 335.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit allowing the Timber Harvest in A/R/RD zone district with the recommendations of staff in their letter 5/2/01 from Kit Lyon, Senior Planner, adding as a Condition No. 17 "that an access easement agreement be signed by the applicant with all property owners including Mr. Morgan and those property owners above to the Diamanti property, before said Special Use Permit will be issued."
Commissioner Stowe seconded.

Weight Limits

Commissioner McCown stated he would like to see Mr. Diamanti harvest his timber and improve his pasture conditions but said it is also very important to protect the interests of the other landholders below him that access the county road, so hopefully this is a solution that will work with both of them and nothing

can go forward until an agreement is reached with the landowners that will ensure their input into this and that's why it is included in his motion.
Commissioner Stowe said he supported the current posted weight limit restriction at 70,000 on CR 312.
Motion carried.
Mr. Beckwith inquired as to the May 2, 2001 letter and discussed at the May 7, 2001 hearing that the Board would set the bond amount for the rehabilitation of site plus weeds. Planning & Zoning in it's letter did not specify specific dollar amount and that was left out of the Commissioners motion, but if it had to be set by the Board, then I don't want to have to come necessarily to do that.

Chairman Martin stated that it states, "an adequate bond" to be placed on there - you are correct - there needs to be a dollar amount and most likely needs to be part of the motion.
Kit Lyon said her understanding was that Steve Anthony could generate an amount - he has a dollar amount per disturbance and that's what it will be based on.
Don DeFord clarified that this is not a Road Bond.
Jim Beckwith - weeds plus rehabilitation and Steve had "X" dollars per acre or square foot of disturbance but no one had specified what "X" was.
Don DeFord said we won't until Mr. Anthony is able to tell us what that plan looks like.
Kit added that Steve needs more information about the amount of disturbance that is going to occur.
Don said he needed to make clear is the condition of approval, does that require the Board set the bond?
Kit said she didn't believe it does and referenced Condition No. 6 "a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance of permits and the amount of bond shall be determined by the Board of Commissioners prior to issuance of the Special Use Permit."
Don said he didn't think that this was a difficulty because the permit can not be issued immediately; it can only be issued once the Agreement is in place - it would seem to him that this is an item that could be placed on the Consent Agenda if the staff and the applicant were in agreement.
Jim Beckwith said those conditions in the May 2, 2001 Memo was the Exhibit K.

Oil and Gas - Rule Change - Permit Changes - Commissioner Comments
Discussion was held with respect to the Oil and Gas proposed Rule Changes and how the Commissioner wanted to submit their comments.
A decision was made to submit as a general comment that the Board of County Commissioners is offended by the proposed rule changes, as they affect the County's and the public's ability to communicate with the Oil and Gas Commission Committee (OGCC) about local issues. Garfield County feels that the progress that was made in making the OGCC more accessible to local concerns and the new rules represent a step backwards in that process. The Local Public Forum and Public Issues Hearings allow the County to identify the issues that the OGCC rules to not adequately protect.
Additionally, some general comments on the proposed OGCC rule changes:
Reclamation: The term "as nearly as practicable to its condition prior to the commencement ....." is an unenforceable term.
Rule 303a: The added language, "The permit to drill shall be binding with respect to any inconsistent local government permit of land use approval process," sets the Commission and local governments up for additional disputes on the authority of a local government. This language seems to be unnecessary, given the court decisions in the early 1990's that established the limits to local government land use authority.
Rule 324B: The change to this rule stating that "any person who can make a showing to the director that the requested designatio does not meet the criteria set forth in Rule 324B.a." puts the burden of proof of this issue on the person protesting. Given that domestic water supplies are a critical factor to a surface owners use of their property, they should have the right to protest an application and present their issues to the Commission. While the Director has certain expertise available for consultation, it does not appear that there is any requirement for consultation with the State Engineers Office, Division of Water Resources. At a minimum, the Director should not be able to grant an exemption without concurrence of the State Engineers Office, Division of Water Resources, since they are the entity responsible for administrating the use of water in the State.

Rule 503C: The proposed language appears to be language that the County can support, since it has been the County's position for a long time than an oil company needs to look at the overall drilling plan to determine the impacts to a neighborhood.
Rule 508a. This rule seems to establish a 40 acre spacing for the entire State, without any real spacing hearings. There may be instances that the County will want to discuss spacing issues at a level of 40 acres. As a rule the County has not abused this authority, but this rule would appear to preclude the County from intervening in an issue, unless the area is being spaced at a density of greater than 40 acres or the spacing is already greater than 40 acres.
Rule 508g: This change in language from "raise questions" to "express concerns" seems to make the process less meaningful, in that raising questions seems to imply that the Commission will be providing answers to the questions. Raising concerns seems to imply that the meeting will be held, but there is no real tangible outcome from the forum.
Rule 508i.(4): The removal of the present language and the insertion of the language in Rule 509 requiring additional information in an intervention are the clearest example of the reduction of the County's role in determining whether or not the Commission will hear from a local government. The present language gives the County the ability to have the hearing, without the substantial increase in the burden of proof. This seems to put the County in a position of having to justify to the Commission that local affairs are relevant and that the OGCC regulations do not adequately protect the public health, safety and welfare.
Rule 508 j.: This rule change puts the Commission in a position of making a decision on an issue without taking any verbal testimony. This seems to defeat the purpose of the local public issues hearing process and the communication with the affected governments and land owners.
Rule 527: The County would support the requirement that the staff analysis be available prior to the hearing. It would seem to be appropriate to have the staff analysis available as a requirement, not just "for matters in which staff analysis has been prepared."

Garfield County Pancake Breakfast - August 23, 2001 - 7:30 A.M. - Fairgrounds

This will be the Employee Recognition and Award Day Event.

Search and Rescue Land Issues

Sheriff Dalessandri, Jesse Smith, and Lanny Grant and team members from Search and Rescue were present.
The Commissioners were presented a Proposal for Garfield County Search & Rescue, Inc. - Search and Rescue Facility prepared by Phil Vaughan Construction Management, Inc.
Tom Dalessandri gave a recap of events that led Search & Rescue to approach the Commissioners regarding land issues. Search & Rescue had formerly been using the County owned UPL building that was torn down a little more than a year ago in order to use that site for the construction of the new jail. Search & Rescue was now homeless and no place to store their equipment. New Castle Burning Mountain Fire Protection came to the rescue and has allowed Search & Rescue to house some of their larger equipment consisting of boats, snowmobiles, vehicles through grants obtained each year, and miscellaneous items at their facility.
Some of the Search & Rescue workers are housing equipment at their own locations. Tom said there is a lot of equipment to store. The membership of workers as well as calls for services has increased. The Sheriff's Department relies on the Search & Rescue team and considers them to be an integral part of the department.
Lanny Grant said the needs have grown and showed the Commissioners some photos depicting how they are living these days. New Castle Burning Mountain Fire Protection Station #2 has loaned Search & Rescue some space in one of their bays and the rest of the equipment is under tarps. Lanny said they are seeing some deterioration and decided that they must move forward in finding land and building a permanent structure. For 1 1/2 years now the Search & Rescue Board has been searching for an area where County land might be available and/or donated property suitable to build a new facility. Rob Hykys developed a series of maps of County-owned property located in the Silt, New Castle, and Rifle areas. Lanny said they feel that they need at least 1/2 to 2/3 of an acre as a minimal. There is not much to pick from - unfortunately the county property is not in a good place. Some property is in Parachute but they feel that is too far west to be realistic. They looked at the Airport land, however that is more west than they feel would be appropriate - time is a critical factor and most members of the team have located in New Castle and Silt

in order to respond quickly. New Castle is the best location as it is in the middle between Carbondale and Rifle, the main areas that Search & Rescue services; Silt is second best. New Castle's property values have increased so much that it is out of the question. In the last 6 weeks Lanny has investigated the Silt area for property. Recently, that search has narrowed and they are focusing on one property that is 2/3 rd's of an acre next to the Silt Storage Units. He explained that there is an existing C-DOT access into the property; Lanny said he had a conservation with them and met with Steve & Denise over the weekend; they are initially receptive to the idea for the purpose of the lot. No cost was discussed at this point. Denise works with Routt County EMS and is involved with their Search & Rescue and is very aware of what they need and what they are looking for. The site has a good level spot, drains well and strategically it would be perfect for Search & Rescue. The Town of Silt is very amenable to get the Search & Rescue operation located. They feel it would be a good asset to the community and with the concern of development and activities of the reservoir, the hunting, fishing, and activity at the Airport, it all starts to make a lot of sense to them to get them located in Silt. The Silt property has the utility lines close, a new water line, public service right there and the Town has expressed they will give them some exemption for a sewer connection until they have an interceptor line under I-70 - about a year away. Their use of sewer is so limited anyway with only a couple of meetings a month and response. Garfield County has a huge investment in just the equipment and Search & Rescue has a big investment from a volunteer standpoint. In order for this team to keep up with the growth, be able to respond effectively, develop some pride in the unit, be able to care for this equipment, and do the job right for the future, it is imperative to get a roof over their heads fairly quickly.

Gary Sunderland, member of Search & Rescue, had a complete inventory list showing a lot of the equipment that has been purchased by the help of the Sheriff, grants and donations.

Gary and Lanny were trying to attach a dollar value to all the equipment and the replacement cost. He gave the Board a list of all the equipment.

Lanny said they have been researching some funding and they can submit for an Energy Impact Assistance Grant with Tim Sarmo and Phil Vaughan was approached with the ideal of a facility and he stepped up to the plate and offered to consider this idea. Lanny said they would like to pursue this upcoming cycle with an August 1, 2001 deadline for the Energy Impact Assistant Grant. In talking to Phil, he said they could be in a facility late winter. There is a constant struggle with money. Donations are mostly from grateful families if Search and Rescue is able to resolve a recovery situation or someone is who got their loved back unharmed. Fundraising efforts have increased with a brochure distributed in various location and a commitment be more active at community activities throughout the valley - they had a booth at the Rifle Rendezvous and will have one at Strawberry Days and they plan to do a selective mailing as well. He feels the community support is out there and when they see what is planned, they will help them.

Commissioner McCown asked if Lanny had any idea as to the amount of money they were projecting.

Lannie said they would get a survey on the parcel - the landowners have not advertised the property for sale. Lannie said the immediate concern is to get their equipment under cover and to do that they are looking to build an initial facility that would be a 40’ x 80’ apparatus bay with four (4) bays as a minimum. Then they would build onto that in phases. One of the things that set their DOLA request for day after tomorrow, is a 25' enclosed snowmobile trailer. The trailer they have now is built of plywood and a bent frame and is used for their river equipment to respond with the zodiacs and everything. A top priority for (Department of Local Affairs) DOLA this year in the tier 3 request was this snowmobile trailer so they could set it up as a river response and in the Fall they can put their ATV's in it and in the winter for snowmobiles; also it can double as a command center. This will take the better part of one (1) bay. The other part of it, if they have to phase into the facility would be a Meeting and Training Area.

Phil Vaughan's proposal was reviewed by the Board.

Lanny said a lot of what they do in Search & Rescue is training when not on a mission. At present they have between 45 - 50 people in their membership. They need to have an area for meetings, planning, training's, communications - radios, and a map room.

Gary Sunderland added that it would be nice to have an extra room in case there ever is a mass catastrophe - such as train wrecks or flows in the area. It could also be used for people in the area in need of a place to stay. They would have cots and sleeping bags for the people who need to stay in the area during times of an emergency.

Lanny said so many times these extended missions where the family has come here from out-of town and want to help but they are helpless and it is not good to have them out on the riverbank but they need to be kept informed. Another goal that Lanny has been working on with pastors in the area is to try and get a

ministerial coalition to work with the families. Another goal is just education - school groups and people from the community to do some survival awareness education and be more proactive instead of reactive. They are not just looking at a facility over their heads but to share it with people and try and make a difference.

Tom Dalessandri said the last time this was discussed was to look for something temporary. However, at the very least they need to go forward and look for something that will last a little longer. The heart of it here is that they are looking at this Energy Impact Assistance Grant that has a deadline of August 1st. If they miss this cycle, it will be another year before they could apply. Tom summarized there were three (3) things to focus on to even come close to that August 1 deadline: 1) whether acquiring the Silt property or some property somewhere else; 2) they have done a lot of research on the building they need and it wouldn't take a lot more to put together with Phil's help, necessary information for a building in terms of dollars; and 3) if all else fails they need to look at one other option immediately and that is where to go next to house this equipment for the duration of the next period whatever that might be - 6 months to a year.
Gary Sunderland said they are pretty close with the Burning Mountain Fire District Board and are real receptive to the Search & Rescue being there, but as seen in the photographs, it is an inconvenience for them because they have to park sideways, etc. to accommodate a bay for them.
Chairman Martin agreed the need is there since this is a recreational area and a large demand for rescue and the Sheriff's office has that responsibility. He has also talked to DOLA and they are very receptive to your request and he and Phil spoke to DOLA after the opening of the Fire Hall in Rifle and would like to see the proposal. The time frame of going through the Sheriff's Office for this request and Silt has indicated they want to have Search & Rescue there and this will be discussed by this Board with Silt on May 30. He said this Board needs to step forward and make this happen. The property purchase is the first thing and it will solve a lot of problems for the county.
Ed Green said there were some options. Road & Bridge facility in Rifle is a possibility;
and the Silt Road and Bridge has been discussed as property to sell.
Discussion continued regarding the price of the property, what amount of money can be obtained as support from DOLA, the Energy Impact Grant largest limit of $600,000, other grants that are available, permits, comments or suggestions from referral agencies such as Department of Wildlife and other federal agencies, contributions and involvement with the other cities and towns in the valley, property that might be traded by the County - Silt Island Land as one, added as an adjunct to the Cattle Creek Road & Bridge Shop in South Glenwood, property at the Airport, and also to look for storage of their equipment for a reasonable amount - the Dry Dock as a possibility.
Don DeFord said the Silt Island Land was obtained as a tax deed and they would need to work out a mechanism to pay the fair market value.
Gary Sunderland said the Center needs to be in New Castle.
Ed said that this August 1, Energy Impact Cycle will go to projects directly related to oil and gas.
Lanny said many of the calls are from Oil & Gas so there is a direct relationship.
The first phase of the building would be 282,000 sq. ft. at $98.00 per sq. ft. and property requirements would be at least 2/3 of an acre.
Chairman Martin suggested that Search & Rescue along with this Board should branch out to other municipalities with a plan and put it in motion. This could be discussed at the next Mayor's meeting.
Commissioner McCown agreed that other municipalities need to contribute funds as this is a Regional Search & Rescue Operation and therefore it should be funded regionally.
Chairman Martin added that he thought the Search & Rescue Board should also pursue a price on property in Silt with the property owners as well as explore the option of renting space at the Dry Dock outside of New Castle
Phil Vaughan said his estimated price for the Conceptual Design Phase would be a not to exceed $3,750.00 and they would bill hourly plus expenses as indicated on the fee schedule included in the proposal dated May 9, 2001.
It was decided that this Board as well as Search & Rescue would proceed with these options discussed and have an update at the June 4, 2001 Commissioner Meeting.

Executive Session - Potential Litigation - Oil & Gas
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

Don DeFord, Mildred Alsdorf, Ed Green, Jesse Smith and the Board were included in the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

JUNE 4, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 4, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Request to Continue June 11 Public Hearing Extension of Oak Lane Road Vacation

Oak Lane Access - Public Hearing to Vacate the Road Easement - Resolution

Rick Neiley, Marlin Company Ltd. for Prehm Ranch and Steve Beattie, Attorney for Westbank Homeowners Association were present.
Don DeFord reported that he had been contacted by Mr. Neiley with respect to a request that the Board consider postponing the proposed public hearing date regarding the Oak Lane Access to Vacate the Road Easement from the June 11, 2001 date to a time when he could be present.
Rick Neiley maintained that the road easement provides access and only serves Prehm Ranch.
Steve Beattie stated the extension is problematic as notice has been mailed to 100 homeowners and many plan to attend the public hearing.
Mr. Neiley stated the former uses of Oak Lane and justified his concerns by not being able to be present for the public hearing. He added that Prehm Ranch is the most impacted party in this hearing.
Don DeFord mentioned that his office had sent out 115 certified mailings regarding this public hearing scheduled for June 11, 2001.
Steve Beattie noted that this public hearing is to vacate an easement. He was scheduled for dispositions today but found someone to cover for him; and with respect for the size of Marlin Ltd. he would think they could send someone else to represent Prehm Ranch Monday, June 11, 2001.
Commissioner McCown stated that given the fact that Marlin is impacted, he felt they needed to be represented - both Attorneys need to be present.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe that the Public Hearing be rescheduled for July 16, 2001 at 10:00 a.m. and that Don DeFord re-notice the appropriate parties.
Motion carried.

COUNTY MANAGER UPDATE

Ed Green gave his update that included the following:

- ***Employee of the Month: Andrea Faudree - Sheriff Administration***

  Sheriff Tom Dalessandri and staff members from the Sheriff Department were present for the award of Employee of the Month to Andrea.

  Sheriff Dalessandri presented Andrea Faudree as Employee of the Month. He stated that Andrea has been with the Sheriff's office for about 4 years now and she is a blessing to the Sheriff's Department. She does all the inmates cost of care, in date receivables, accounts receivables, and expenditures - and she does it with grace and she's just one of the gold jewels of collection of wonderful people that work for the Sheriff's Office. As you probably know, she works on the County Newsletter - she volunteers for the County Picnics and all the parties - works in the forefront all the time. Others know her and benefit from her wonderful personality and all her willingness to do great things.

Andrea said she loves everybody and thanks very much.

- ***Library Project***

Library Director Jaci Sphuler, Board Members Chuck Dixon and John Steele were present.

Chuck explained the reason in applying for $3,000 in the Library Contingency Funds since this project for the windows fell outside the planning process for the Library Budget. Chuck stated the Committee will cover the remainder of the expenses.

John Steele said these blinds would replace the current 20 year old blinds.

This is an artistic improvement consisting of replacing the blinds with electrically operated blinds that will elevate in the evenings to expose the Roosevelt Windows to traffic on Railroad Avenue. The windows would be back lit on a timer so that they are visible.

Chuck stated the Library Board is comfortable to donate the $3000 from the Contingency Fund Balance for this project.

Ed Green reported that the Library has $469,000 projected fund balance.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the $3000 requested from the Library Contingency Fund for the project.

Motion carried.

Nominations for the vacancy in the Library Board - Chuck mentioned they would like the Board to not make a decision today; they would like a list of names in order that those interested would be invited to attend the next Library Board. After that they will submit some feedback to the Commissioners.

- ***Courthouse Foundation Sealing Project***

Richard Alary presented.

Richard obtained a bid from STP Enterprises regarding the foundation of the Courthouse with respect to leakage.

Ed Green gave the essence of the bid - $6830 approximately; with $3500 directly related to removal, waterproofing, and replacement of the sidewalk area along the West side of the building.

Motion

A motion was made by Commissioner Stowe to approve this bid from STP Enterprises with the caulking on the West side subject to review of the County Engineering staff on the "Gracy's 4000 Series" product and the amount not to exceed $6830.00. Commissioner McCown seconded.

Discussion

Ed inquired if this was coming from the General Fund Contingency?

Commissioner McCown - yes.

Motion carried.

Update - Extension of Water Line - Rifle

Information - Department of Energy provided the County with their latest draft of the Cooperative Agreement for the extension of water line west of Rifle. Don and Ed are reviewing that and expect to have a meeting this week or next with Selby Myers and Lee Leavenworth to achieve consensus and assemble their recommendations for any changes that may be necessary before the Agreement is executed.

Web Site Presentation

Rob Hykys and Barbara Gaber presented a visual showing the Garfield County Web site and explaining the results.

Barbara stated the Web site went on-line in the fall of 2000. Less than a year later, the information provided has doubled in size and averages 57 visits or hits per day, seven days a week. This is impressive considering that the web site does not offer any

commercial content, it is a government web site with County facts and figures.

Customers, citizens and County employees alike can access the Web site for information such as:

Board of County Commissioners Public Hearing Dates and Agendas
Clerk & Recorder Voter Precinct Maps
Buildinig and Planning Codes, Rules and Regulations
Up to date Job Positions available
Staff Calendar
Administration pages for Budget, County Objectives and Organization charts
Airport FBO information and current weather conditions
Treasurer Tax Sale Information and Weekly Updated Foreclosure List
Employee Benefits Brochure and Policy Manual Information
The GARCO Map Catalog that describes and presents of concept of the 50 most requested maps offered by the GIs Department
Directory of All County Departments and Employee Telephone numbers and e-mail addresses
Fairgrounds Annual Calendar of Events, Rate Schedule and the Indoor Events Center Monthly Calendar
Public Health Nurse program and immunization information with regular medical and health updates
Library Branches
Community Corrections

Barbara said that each page offers e-mail access directly to that department for customer questions or concerns.

Out of area customers can research County government and local area information. The Web site offers numerous pictures of the County along with numerous links:
Local County Municipalities
Neighboring County Web sites
Local Media
School Districts
BLM
Division of Wildlife
Forest Service
State and Federal Sites

Additionally, comments from the Garfield County Staff/Personnel regarding the Web site was submitted. All comments were very impressive; the two most recent new hires - Administration Secretary Trisha Gousset from New Mexico and the Manager/Controller Lois Hybarger from Florida discovered the job positions over this Web site.

Other departments commented that the Web site was an excellent resource for the citizens and employees of Garfield County. It is a very convenient and easy way to provide information to the public.

The only Con was that the system must be maintained, updated continuously, and in a timely basis in order to be most effective.

Mark Bean commented that regarding Building & Planning application process, the public can look up Zoning and other information necessary and added that attorney's love the accessibility.
Post/Independent - Donna Daniels was very impressed and said she plans to do a whole story on the County Internet site.
Compliments were given to GIS Analyst Rob Hykys for the fabulous job he did in putting this together.
Rob Hykys added that for someone checking Garfield County, they can obtain information on all various kinds of information and thanked the Board for allowing this Web site to be developed.
The Board of Commissioners were very pleased with the information that is available.

Executive Session: Contract Negotiation Issues as well as Property Negotiations with City of Glenwood Springs - Personnel - 3 Contract Negotiations

Those requested to remain were: Ed Green, Jesse Smith, Barbara Gaber for the first part, Randy Withee, Don DeFord and Mildred Alsdorf.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.
A motion was made by Commissioner McCown and seconded by Commissioner McCown to come out of the Executive Session; carried.

Request - Web Master Duties - Contract Services
Chairman Martin stated there was a request submitted by Barbara Gaber to be the Web Master for the County as a contract employee.
Commissioner Stowe moved to initiate a contract with Barbara Gaber for the remainder of this year to serve as the our Web Master for Garfield County and then to review in the budgetary process her continued services for next year at a cost not to exceed $18,200 annualized.
Commissioner McCown asked if this should be prorated for the remainder of the year?
Commissioner Stowe, yes.
Commissioner McCown - second.
Motion carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

Subdivision Improvement Agreement Amendment: 4-Mile Ranch
Joselyn Woods, Leavenworth & Tester, representing MidFirst Bank was present and presented the Assumption, Acceptance and Fourth Amendment to the Subdivision Improvement Agreement (SIA) for Four Mile Ranch Subdivision. She stated that MidFirst would accept the letter of credit and cash would be tendered as security until the end of September, 2001. She added that August 15th is the completion date but they were asking for the extension until the end of September for any unforeseen events that may delay the completion of the project.
Don explained that the Deposit Agreement is unlike the last one in that this one clearly implies this is security for the completion of the project and not to pay contractors. The Letter of Credit will remain in place of $576,000 that was posted with the County on March 30, 2001, less the County contingency of $58,000 obligation toward the costs of completing the off-site improvements, plus an additional amount of $198,742.91 required to fully secure the off-site performance of the SIA. Don added that the cash deposit will be used first.

Joe Hope reported that he pulled his permit on Thursday, May 31, 2001; he was issued a stop order and shut down; however, they did get started on Friday, June 1, 2001 and the work is in progress. He estimated the sewer line extension would be completed by June 11 and then they would proceed to do the stability of the hill and construct the wall. The rock that was chosen for the wll should be here sometime yet this week; this is not damaging the schedule.
Commissioner McCown made a motion to approve the Fourth Amendment to Subdivision Improvements Agreement for Four Mile Ranch Subdivision and authorize the Chair to sign as well as the Deposit Agreement between the County Commissioners and MidFirst Bank.
Commissioner Stowe seconded.
Discussion
The Restricted Covenants are not included in this motion, nor have they been requested to be released.
Joselyn added there was no rush to sell lots at this point.
Motion carried.

Update - New Staff
Ed said the new Controller, Lois Hybarger will begin on June 25, 2001.
Also, there is a new Road and Bridge Supervisor - Doug Thoe.

Fairgrounds - Riding Arena
Ed said, there was a time focused procurement last week for a pond liner to be used in the Indoor Riding Arena and this expenditure needs to be ratified through the Board's approval.

Commissioner McCown estimated this was $3800 and some indication from the Fairboard that there may be some funds left that they would be able to pay for that ultimately.
Commissioner McCown made a motion to ratify the purchase of the pond liner for the Indoor Riding Arena and at this time, funding come out of Contingency. Commissioner Stowe seconded. motion carried.

Out of State Travel - Social Services
Ed said, another item that was done last week that also needs ratification was an out-of-state travel for Carrie Podl, Social Services, who is going to attend a training in Reno.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the out-of-state travel for training. Motion carried.

COMMISSIONER REPORT

Appoint Library Board Member
Postponed

Stephens Hill
Commissioner McCown received a complementary letter from a citizen who is a homeowner that lives in the area of Stephens Hill and who was one of the donors of right-of-way. He would like for his fellow Commissioners to have the opportunity to read the letter and then sent on to Tom Russell of Road and Bridge giving accolades to the County Road and Bridge Department for a job well done.
Ed added the that project is going to be about $35,000 under budget - not all the figures are in yet so this is an estimate. However, the fence has not been built yet.
Reports
Commissioner Stowe - Next week, Tues. June 12 - CCI Conference in Vail through Thursday, June 14; Meet with CMC in Eagle at 2:00 p.m. to discuss a Rural Resort Leadership Forum and funding for that with CMC and someone from Steamboat; and on Wed. the Upper Valley Governments meeting in Carbondale at 8:00 a.m.
Commissioner McCown - Personal Trip to Durango - Tuesday - Thursday of this week.
Chairman Martin - Mayor's Meeting in Carbondale, Wednesday, May 30 - Courthouse 6 p.m. - they discussed Affordable Housing and exchange of information, regulations, etc. making sure we each get our regulations out to each Municipality asking them to please put everything under the Garfield County Housing Authority Guidelines if they can; talked about road plans, annexation plans, Water and Sewer Districts to get information flowing back and forth - incorporate some ideas. Next meeting is on July 26, 7 a.m. in Silt- Silt Cafe. CCI and Colorado Works Allocation final bid went through on Thursday - our bid was in, etc.; Tuesday, June 5, Jail House Rock Fund-raiser using the new facility coordinated through the Sheriff's Office. At this Committee meeting on Tuesday - unless the Commissioners want a special day to themselves - he suggested to include this with the Jail House Rock and get it all over in one day; let the Sheriff take the lead and be there on the sidelines. This is mainly to work out the details and what the role will be for the Board and if there is information or suggestions to let the Sheriff know. Colorado Mountain Fixed Guideway Authority - Wednesday 9:00 a.m. in Idaho Springs; City Council Meeting in Rifle at 7:00 p.m. same day. Strawberry Days Rodeo - June 15 and 16. Request from Town of Silt to see if the Board can confirm work session to discuss each other, get acquainted - City/County Meeting in Silt on Mon. June 25 at 6 p.m. Silt will furnish food and this is not to make any decisions. Extension of a bike trail
Commissioner Stowe out from June 20 - July 4; Commissioner McCown out June 26 - July 4 but may be able to make that date.
Ed said one thing that they would like is to have us engage in a cooperative project with them for an extension of a bike trail so that needs to be discussed.
Scheduling
Ed Green request seven (7) days for PDO July 2 - 9 for vacation.
Don DeFord will not here Monday June 11 - in Denver Court.

Information
Chairman Martin - received on web site a request to please watch the gravel pit and the loosing of load onto the driveways, etc. from Hwy. 82 - Roaring Fork Sand and Gravel. Chairman Martin referred this to the State Patrol but suggested the crews to watch for large deposits of sand and gravel hitting the roadway on the new turn-lane. Several windshields were broken and asked if the County was going to pay for

replacements. This is coming off of the tailgate after being loaded - not out of the bed of the truck. It is not County trucks. The individuals were informed it was a State Patrol issue.
Commissioner McCown referenced a State law that requires covering vehicles hauling that type of material.

CONSENT AGENDA

a. Approve Bills - Hand Checks Included ~ submitted by Jesse Smith
b. Liquor License Renewal: Shadetree Enterprises Liquor Store + Delivery Permitted
c. Liquor License Renewal: Red Rock Diner Hotel & Restaurant
d. Liquor License Renewal: Aspen Glen Golf Club Hotel & Restaurant
e. Liquor License Renewal: Kum & Go 3.2% Off Premises
f. Sign Mylar for Dixon Subdivision Exemption Amended Plat Parcel B
g. Sign Agreement - Recurring or As-Needed Engineering Services - Resource Engineering, Inc.
h. Sign Agreement - Recurring or As-Needed Engineering Services - Colorado River Engineering
i. Sign Resolution: Western Slope Aggregates - Denial for a Special Use Permit

Commissioner McCown noted the large amount of hand checks this month; and predominately one was for credit cards from one department - Social Services.
Jesse explained that requests were getting to accounting late.
Commissioner Stowe moved the consent agenda. Commissioner McCown seconded. Motion carried.

Items not on the Consent Agenda - Redistricting Plans for Western Slope
Don pointed out the meeting in Denver - June 5 - Colorado Reapportionment Commission Meeting in Denver.
Mildred gave everyone a copy of the topics - - topic of interest - redistricting for the Western Slope - Carbondale interested in being back in the 57th District. Mildred cannot attend due to Clerk's Conference in Steamboat this week.

Public Hearing to Vacate CR 245, North of New Castle - Bond Petition
Don presented the Resolution for the Chair's signature on this issue and asked for a motion to confirm what he believes the Board has already done, authorizing the Chair to sign this Resolution vacating a portion of that right-of-way as it adjoins CR 245. This refers back to the owner and is specified in the Resolution.
Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Michael Erion - President Quarterhorse Association
Michael commented to the Commissioners that he was disappointed with the Fairgrounds and operations with respect to the preparation for their first show held at the Riding Arena the weekend of Memorial Day. The grounds were not ready and there was at least an hour delay; the rocks were only ½ the size the needed. Several stalls were reported as not clean.
Jumping was set up and warm ups but they had to move some events into the covered arena; all this created a delay in getting started, and swapping off events led to a long day and a late evening for completion. The result was a loss of income on classes and it created a negative effect. He asked for a discount for this Saturday’s events. Michael said the Survey Form was filled out and he will hand that in.
Commissioner McCown inquired as to when he spoke to the Fairgrounds.
Michael Erion - Friday evening saying the arena was to be soaked that night, and it was written on the actual contract - didn’t happen.
Ed said our agreement states that they need a week.
Michael Erion added that this soaking requirement should be known.
The actual Contract was submitted the Monday before the event and had this noted on the contract. This was not a special request.
Ed requested the Survey be presented to him.

REGULAR AGENDA: BUILDING & PLANNING ISSUES:

PUBLIC MEETINGS:

REQUEST FOR APPROVAL: LaFRENZ EXEMPTION. LOCATED: 2000 COUNTY ROAD 237 (HARVEY GAP ROAD), SILT, CO. APPLICANT: THOMAS J. & CECELIA LaFRENZ

Don DeFord, Kit Lyon, John Taufer, Owners Representative, Thomas J. and Cecelia LaFrenz were present. Don reviewed the notification, posting on the property and advised the Commissioners they were entitled to continue.

Kit submitted three letters she received today from: John Taufer, Paul Bussone, P.E. Resource Engineering verifying the quality and quantity of water; and Michael Weinstein adjacent property owner saying he has no objections to the application for an exemption that will create three tracts of land.

Kit stated this is an exemption from the rules of subdivision for Thomas & Cecelia LaFrenz to be able to divide the approximately 43+/- acre tract of land located north of Silt and south of Harvey Gap into 3 lots. Lot A would comprise the remainder parcel with about 38 acres. Lots B & C would be about 2 - 2 1/2 acres in size.

Kit reviewed the project information and staff comments including the referral agencies comments, major issues and concerns and staff recommended findings.

Recommendation:

Staff recommends **approval** of this application 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.

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 (until 10/04/01) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;

That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.

That the applicant submit a copy of an approved driveway permit for Lot C prior to finalization of the exemption plat. That the recommendations may by the Road and Bridge Department shall be followed. That the sight distance shall be improved by removal of the vegetation along CR 237 for an approximate length of 200' prior to final approval of the exemption plat.

The access roadway to the parcels shall be maintained adequately to accommodate the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. A legal road sharing agreement, which discusses all costs associated with the maintenance of the road, who will be responsible for paying these costs, and how assessments will be made for these costs, shall be filed with the exemption plat.

That domestic water shall be treated with standard household package water treatment systems in order to meet the State's recommended limits for drinking water. That the Public Health Nurse's recommendations shall be followed and incorporated into the well sharing agreement. Prior to the approval of an exemption plat, the applicant shall provide the following a written opinion of the person conducting the well test that the well should be adequate to supply water to the number of proposed lots based on an assumption of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day.

The plat shall identify building envelopes which exclude areas occupied by Cushman Lazear stony laoms and Torriorthents Rock outcrop.

A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing.

That the following plat notes shall appear of the Final Exemption Plat:

"Domestic water shall be treated with standard household package water treatment systems in order to meet the State's recommended limits for drinking water. The water shall be checked for bacteria on an annual basis. Periodic chemicals analysis shall also be conducted."

"Lot purchasers should be aware that due to the distance from stations, there will be some delay in emergency response times."

"One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Kit said there were amendments to the Recommendations listed above in Condition No. 6 and No. 8 as follows: the last sentence of Condition No. 6 "that the sight distance shall be improved by removal of the vegetation along CR 237 for an approximate length of 200' prior to final approval of the exemption plat;" and Condition No. 8 striking the last sentence "prior to the approval of an exemption plat, the applicant shall provide the following a written opinion of the person conducting the well test that the well should be adequate to supply water to the number of proposed lots based on an assumption of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day."

Applicant:

John Taufer, representing Thomas J. and Cecelia LaFrenz, stated that Kit Lyon did a complete job of defining the project; the reason for this request is to provide LaFrenz's son an opportunity to own real property in Garfield County - there is 43 acres of land split into the requested three (3) lots. The son would reside on Lot B in the existing house, Cecelia and Tom LaFrenz will build a new house on Lot A; Lot C is undetermined as to what might happen at this time.

John reiterated that they have covered all the requirements: the regulations for subdivision exemption; the well permit allows for domestic use within three single family dwellings; Resource Engineering notes that the water needs to be treated with standard household package water treatment systems; the completed the four hour pump test revealed adequate water sufficient to meet the needs of the three single family dwellings; in addition to that the agricultural usage of the well is limited to not more than one acre of home lawn and gardens. He requested approval; and irrigation water will be supplied from Silt Project shares owned individually by the owners of Lots A, B, and C - the LaFrenz' presently have water rights for 95 acre feet which is delivered to the property via the east lateral of the Farmer's Irrigation ditch. 40 acre feet shall irrigate the 41 acre remainder lot. Lot A shall receive 45 acre feet while Lots B & C shall receive 5 acre feet each.

John said the LaFrenz family were exemplary stewards of the land and it is very attractive; he requested the Board approve this request.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the exemption from subdivision with the conditions as noted by staff and those amended, as testified today all statements from the applicant; and also adding Condition No. 12 "that pursuant to the well sharing

agreement equal storage - 20,000 gallons minimum - would be provided for all three (3) lots being created."
Motion carried.

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: APPROXIMATELY ONE MILE NORTHWEST OF HIGHWAY 82/COUNTY ROAD 100 INTERSECTION. APPLICANT: MICHAEL & LENORE HAMES

Don DeFord, Michael & Lenore Hames, and Tim Malloy of TG Malloy Consulting, LLC. representing the Hames were present.
Don reviewed the noticing requirements and found the legal publication; property owners within 200 feet; were in order and advised the Commissioners they were entitled to proceed.
Chairman Martin 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 Report; and Exhibit E - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - E into the record.

Mark - this is a request for a Special Use Permit for an Accessory Dwelling Unit for Michael and Lenore Hammes on a 17.7 acre tract of land located approximately three (3) miles northeast of Carbondale, off of County Road 100. The applicant proposes to build an accessory dwelling on the second story of a proposed garage. Mark reviewed the project information and staff comments including the relationship to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns, Suggested Findings, and Recommendation.

Recommendation:

Staff recommends **approval** of the application, 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 Commission.

That the accessory dwelling unit shall adhere to all provisions in 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 anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. sew., 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 all exterior lighting will 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 "Determine Safety Zone Dimension, 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 1.8, 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."

4. The site plan for the accessory dwelling unit will include a plan for the defensible space around the accessory dwelling consistent with the standards contained in the covenants for the West Rimledge Subdivision.
5. Only a leasehold interest in the accessory dwelling unit is allowed.

Applicant:

TG Malloy Consulting, LLC., for the applicant, submitted "Determining Safety Zone Dimensions" that explained the increase in Safety Zone size is based on increased rate of fire spread at the slopes listed. If you live on slopes other than those listed, use the slope chart to help determine your side and downhill dimensions." Tim requested this be entered as Exhibit F.

Chairman Martin entered Exhibit F into the record.

Tim said they only have one concern with the staff's recommendation and requested, with respect to this Exhibit F, to leave Condition 3, as the standard "The minimum defensible....." and were included in the Covenants and in fact are conditions of the original subdivision approval which was done in 1999. The concern is that while they want to comply with and provide a save environment for this structure, there are also some mature Pinyon Juniper trees on this property in the location where the structure is proposed and would like to minimize the removal of those trees to the extent they can. The Covenants talk about 45' defensible space to the sides of the structure and 60' from the back. He showed a sketch of the property and explained the location of the existing house and the proposed driveway crossing a portion of Lot 3 to the west, and showed the area where the 45' would be east and west and 60' to the north and south as discussed in the Covenants. This is a fairly significant area that goes over the talas slope. The lay of this land is basically flat; the slopes are 3% - 8% - and shown in the photographs submitted with the application, and when the original subdivision was reviewed a more careful evaluation was given to Lots 1 - 4, with Lots 3 & 4 having the steeper grades. Lot 2 is the subject of review where the existing structure exists. The terrain on Lots 3 & 4 are comparatively steeper. Tim copied the standards listed in the "Determine Safety Zone Dimension, 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, " and showed the Commissioners what is recommended on the slopes, particularly for the building slopes in this case. Under this guideline and in the staff recommendation No. 3; they would be responsible for doing a defensible space area of between 33' and 37 1/2 ' and this is considerably less than the 45' - 60' that's in the previous conditions of approval and in the Covenants. And this would allow us to preserve some more trees in this case and prevent having to do some modifications of the trees which are required under the defensible space conditions. The request being made is that the Board consider the possibility of applying the staff recommended language in Condition No. 3 and remove Condition No. 4 since this is addressed in Condition 3. Also, there is going to be a conflict with the Covenants and a conflict with the previous Conditions of Approval and asked that the Board consider language that would state "this condition shall supersede all conditions relative to defensible space for this subdivision and let us deal with the Covenants with the Homeowners Association and see what if anything can be done.

Commissioner McCown asked if the current house comply with the existing defensible space regulations?

Tim said the current house probably does not - it was in place before the approval was done and before the County was applying the standard. The trees around the house have been cleared somewhat and on one side of the house there are no trees. There are trees down the slope that are closer than 30' which would require clearing - in this particular instance, the

slope is right at the edge where the deck would be, and more clearing will be required.

Tim also pointed out that when the subdivision was approved it was required that all the building envelopes other than for Lot 2 where the house is already in place, be at least 50' back from the top of the slope for two reasons: 1) to preserve any scenic impacts from Hwy. 82; and 2) that requires some additional protection if you get a wildfire burning up that slope. The proposed deck is drawn at 55' from the edge of the slope.

Commissioner Stowe stated there is no central fire system up there.

Tim said the houses are not sprinkled.

Mark Bean said a storage tank was built part of the way along the private road that provides access to this particular development that the Fire District has access to - projected approximately to be 10,000 gallons. Mark added additional comments and suggestions, part of the reason these conditions were imposed are because of the extreme fire hazard imposed by the steep slopes there. This came from the Fire District and his suggestion as opposed to completely deleting the Condition of Approval that's contained in Number 4 that the last part of that sentence be deleted and basically add "such as the site plan for the accessory dwelling unit will include a plan for defensible space around the unit as approved by the Carbondale Rural Fire Protection District. Since they are the entity that's responsible for going up there, Mark would like them to say that Tim's plan is acceptable to them. In terms of the

Covenants, Mark said he did not through any part of the Public Hearing override what they presently say.

Don DeFord said we can't. He wasn't here when the West Rimledge Subdivision was approved and his concern is Covenant or a Condition of Approval on the Preliminary Plan, is there a certain amount of defensible space?

Mark said it was a Covenant and it was tied to Recommendation from the Fire District.

Don said his concern is that we can't authorize a violation of that absent an Amendment to it which can be done if the Board wants to proceed, but it will require the Preliminary Plan to be amended.

Mark said he would therefore pursue his suggestion because this condition needs to stay as presently written as it is built into the Conditions and Covenants specifically because of the recommendation from the Carbondale Fire District.

Chairman Martin inquired as to the number of trees that would be affected.

Tim said he didn't have that; additional he clarified that the Board was asking for a plan for defensible space - what do you want - a description, a tree survey...?

Mark said it would be a description of the defensible space and the necessary removal of trees consistent with defensible space criteria.

Tim said they were thinking of doing is having a wildfire expert come to look at the property and provide a recommendation on the best way to comply with these standards and then provide that as far as the building permit application. It could affect a fair number of those trees because one of the requirements of defensible space criteria is to clear trees up to a point 6' from the ground and Pinion and Junipers don't like that - it's contrary to their natural form.

Secondarily, in order to establish the 10' spacing between the driveways they will have to selectively pick some of those trees which will need to be removed. It is appropriate due to the high wildfire hazard field, but they would like to keep this to a minimum as they can both for the sake of the trees and for the sake of maintaining of the scenic cover they provide from adjoining lots as well as sound.

Commissioner Stowe stated his concern about minimizing since they would be going contrary to existing covenants in place. The witnessed as County doesn't want to be in that position but also referenced a home that he it burned in Westbank and was consumed within 1/2 hour and this house we're talking about is double with the amount of trees. He understands about preserving the trees and keeping the beauty of the screen, but you need to realize there are people around you and if your house catches on fire and it travels because of the lack of defensible space, but we need to defend the people around you as well as your house. Without any fire hydrants around there he would be reluctant to pull that term out. Don, if we were to leave this as is and he were to get an agreement from the Fire Department as well as the Homeowners Association to change that for his particular property, could he come back and recede that?

Don stated as long as this stays consistent with the Board's Preliminary Plan approval or if he got an amendment to the Preliminary Plan Final Plat submittal.

Tim said there were three (3) lots not build on, Lots 3 & 4 and they are the steeper and this condition would be probably more reasonable for those lots, but in this particular case, because the slopes are essentially level in this area.

Mark - if the conditions stays as written, and the applicants were to 1) deal with the Homeowners in rewriting their covenants, and Mark will need to verify a specific condition in the Resolution for Preliminary Plan and then go back and amend the Preliminary Plan approval consistent with that and the Fire Department could justify doing that, but for the time being, it is something that will need to be kept in as written.

Motions

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit for an accessory dwelling unit with the conditions of approval as written 1 - 5.

Commissioner Comments

Commissioner McCown stated he feels very strongly that those conditions should stay as they are written as they apply for the remainder of the Subdivision. There seems to be no apparent concern for the number of trees that have to be taken out for the structure itself or for the driveway coming in across two lots, so he said he feels defensible space is very much justified as well as the building.

Motion carried.

REQUEST FOR APPROVAL: ALPINE WASTE ZONE TEXT AMENDMENT. LOCATED 1058 COUNTY ROAD 100, CARBONDALE, CO. APPLICANT: STEVE SALZMAN

Don DeFord, Leslie Klusmire - Planner from Paonia, and Diane Delaney Applicant Mid-Continent with Steve Salzman of Alpine Waste Services as the spokesman, and Mark Bean were present.

Don reviewed the noticing requirements and found the legal publication and property owners within 200 feet to be in order. He advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Notification; Exhibit B - Application; Exhibit C - Project Report and Staff Comments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E - letter from Dale Eubank.

Chairman Martin entered Exhibits A - E into the record.

Mark said this is a request for a zone district text amendment to sections 2.02.31 and 3.12.034, Garfield County Zoning Resolution of 1978, as amended and an addition to Section 2 definitions.

Mark said the applicant making the request to allow for a "Construction Waste Material Transfer Site that would be located in the (L-I) District of Garfield County" on CR 100 in Carbondale.

Mark reviewed the description of the proposal, relationship to the Comprehensive Plan, Staff Comments, Recommended Findings, and Recommendation.

Recommendation:

The Planning Commission recommended that the Board of County Commissioners **Approve** this request for a Zone District Text Amendment so that the new text reads as follows:

2.02.31 <u>Industrial Operations Classifications:</u> Industrial uses shall be classified under one (1) of the following categories, which characterizes the dominant feature of the operation for purposes of regulation under this Resolution:

(6) Material handling: "to load and unload goods, materials and products, whether industrial or commercial, in bulk, excluding the operation of extraction, processing, fabrication or storage as defined above *including a transfer station for construction waste including: wood, drywall metals, paper, plastic, and other types of construction materials.*

<u>Other Uses</u> 3.13.034

Asphalt batch plant; concrete batch plant; recycling metals, paper, plastic or automobile oil, cold storage plants; electronic switching stations; electric power substations; utility lines, utility substations**;** electronic satellite or microwave receiver stations: storage, repair and dispatch center for transit uses; transfer station for construction waste including: wood drywall metals, paper, plastic and other types of construction materials.

Staff also recommends that the definition of "Transfer Station" be added to the definition section of the Garfield County Zoning Resolution - 2.02.57 Transfer Station: Not a landfill. An area of land zoned Light Industrial used to separate and briefly store recyclable construction waste materials from non-cyclable construction waste materials. Construction waste materials will not be stored for longer than thirty-six (36) contiguous hours from the time the material is brought on site.

Applicant:

Leslie Klusmire stated she was an expert in this type of request processing the first non-cyclable transfer station in Basalt for another company and the reason these all came about - 10 - 15 years ago when the construction industry boomed in this area, we had a problem of people dumping that had small construction sites in order not to pay the landfill for just what they were doing on a residence. These waste businesses were set up to do was to take that construction waste from small sites, consolidate it and then to transfer it in larger loads to the dump to cut down on dumping waste. Mr. Salzman is doing in addition to that is separating out the construction material that could be recycled and taking that to recycled stations which further cuts down on what the landfill capacity impact would be. In her estimation this is an environmentally friendly use. She also pointed out that they have carefully worded this use - "Construction Waste Transfer Station." She continued to justify the reason they had to submit for a zone text amendment due to “wood” not being included in the (L/I) zoning. Steve only collects construction waste and it is his sole limit of his business - no garbage collection like BFI and he has been providing this type of service in Basalt for the past several years. Leslie stated she called the building inspector in Basalt to make sure they

were fulfilling their SUP. The Basalt building inspector gave a good report saying that Steve was a good neighbor, he monitors the use, and there were no problems. This use is different from that in Basalt.
Diane Delaney spoke in view of the property owner saying they would point out a special use review and looked intensely at the processes and procedures that Mr. Salzman would be employing and there's a safety factor there that is reassuring to them as property owners.
Chairman Martin inquired if this was submitted to Town of Carbondale for any comments?
Mark stated yes, the Town of Carbondale did not have any comments on the Zone Text Amendment but did have comments for this Special Use saying they added the SUP in 2000 and submitted a lengthy review of their concerns which Mark said are incorporated into the proposed zone text amendments for a SUP for a "construction waste material transfer site."
Diane Delaney said the property has a history of being for industrial use for Mid Continent Resources and Mining Operation. The property in Carbondale was sold in 1993 and it was sold as an Industrial Park and then the rezoning in Carbondale occurred for this particular use.
Mark read "the Town believes the construction waste facilities are appropriate due to the high concentration of construction activities in the Roaring Fork and Colorado River Valley's, the Town also believes that much care should be given to the planning and review of such application and the proper mitigation techniques be applied." The Town is generally supportive of this being added but they acknowledge that it should be subject to a Special Use Permit which is the proposal before the Board.
Mark stated this hearing today is only providing for the process to occur. The request for Steve Salzman will be another public hearing probably July or early August.
Leslie Klusmire verified that the hearing was scheduled for Planning and Zoning Commission on July 11. Mark said it will be before the Board then in early August.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Zone District Text Amendment to Sections 2.02.31 and 3.12.034 of the Garfield County Zoning Resolution 1978 with the recommendations of staff, eliminating the last sentence of the recommendation "construction waste material will not stored on the site for longer that 36 continuous hours.
Motion carried.

OTHER ISSUES:

REFERRAL OF THE GARFIELD COUNTY AIRPORT PROPERTY PLANNED UNIT DEVELOPMENT ZONE DISTRICT AND TEXT AMENDMENT. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Mark Bean, Don DeFord were present.
Mark said, as part of the County's agreement with the City of Rifle and the Airport Land Partners Limited (LAP Ltd.), the County is obligated to rezone the property we acquired from LAP Ltd. The applications includes suggested zone district text language and a map to amend the Garfield County Airport Industrial Park PUD Plan Map.

This is a request to amend Resolution No. 77-1, Garfield County Airport Industrial Park Complex PUD zone district test to create the Public Administration/Facilities (PA/F) zone district and to amend the PUD Plan Map adopted by Resolution No. 85-103 to identify the location of the PA/F zone.
Garfield County purchased 43.63 acres from the owners of the Garfield County Airport Industrial Park Complex PUD in 1999. As part of the purchase, the County agreed to rezone the property to be consistent with an agreement between the County, City and the Airport Land Partners, Ltd. The agreement included the following uses, which will be incorporated into the text of the PA/F zone of the PUD that were explained fully and included: Permitted Uses, Supplement Standards, and Objectionable Uses. Staff recommended additional considerations that would suggest language to be added to the new zone district text covering Minimum Lot Area, Maximum Lot Coverage, Minimum Setbacks, and Off-street Parking.

PUD PLAN AMENDMENTS:

As a part of this application, Garfield County is requesting the amendment of the Garfield County Airport Industrial Park Complex PUD Plan map to rezone the County's land from Commercial/General Service (C/AS), Industrial/General Service (I/GS), Residential Single Family and School Site to Public Administration Facilities (PA/F) zoning.

This application needs to be referred to the Planning Commission for review and comment.
Mark will get the information to the City of Rifle, Town of Silt and Bob Howard. He noted that the last page of the application does include a letter from Robert Howard, Airport Land Partners consenting to making the application so he reviewed preliminarily the language in the proposed text.
Discussion
Commissioner McCown inquired if the County were to obtain property adjacent to the Airport on the North side of the road through this road improvement project, would the designation of that?
Mark - no. Not unless you had some agreement that required you to do it. This will just merely provide the vehicle.
Commissioner McCown - Commercial/Industrial Services to the Airport.
Don DeFord - that property might be incorporated into the Airport Facility.
Commissioner McCown - it could be or it could be a "through the fence operation." which would be zoned Commercial.
Don DeFord - as long as it is consistent
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to refer the application that includes the suggested zone district text language and map to amend the Garfield County Industrial Park PUD Plan Map to the Planning Commission; carried.

PRESENTATION REGARDING APPLICATION FOR CDOT ENHANCEMENT FUNDS: LOVA TRAILS GROUP

Jeanne Golay presented and explained the Lower Valley Trail Association (LOVA) two (2) requests to the Garfield County Commissioners:

A letter of support for the CDOT Enhancements Grant Application prepared by LOVA volunteers; and
A Resolution that Garfield County be the grant applicant and subsequent project manager of the South Canyon Bike and Pedestrian Trail.

About the trail

The applicant is for a grant to design and construct a 10-foot wide, concrete, separated bike and pedestrian trail along the I-70 corridor through South Canyon, from the West Glenwood Springs interchange to Highway 6 & 24 in Canyon Creek. The trail will be adjacent to the south guardrail, north of the Colorado River and almost entirely within CDOT right-of-way. The east (West Glenwood Springs to South Canyon) and west (South Canyon to Canyon Creek) segments of the trail will be linked by a river access facility being built by the BLM, on BLM right-of-way in South Canyon. (The BLM is building a parking lot, concrete boat ramp and toilets adjacent to the river in South Canyon.)
The advantages of the project were reviewed that focused on: User Safety; Environmental Benefits; Aesthetics; Handicapped Accessibility; Future Maintenance by CDOT; and explained that additional funding through trails programs, GoCo and other sources would be pursued.
Garfield County is the logical choice as the manager of the project and should support this project for several reasons:
~The length of the trail extends outside of the Glenwood Springs city limits and is within rural, western Garfield County;
~The application has more "weight" if the applying agency is a county rather than a municipality.
~The application has a strong chance of being approved if submitted by Garfield County because within our TPR, it is Garfield County's "turn" to receive enhancement funds.
~County planning and engineering staff have reviewed the project and support it. If, at the time of project implementation, it is decided that county staff cannot manage the project, it can be subcontracted out, with Garfield County acting as contract administrator. In either case, the level of oversight from CDOT is minimal. CDOT must approve the project design. Then, the local Region 3 program engineer will work with the county's project manager to the extent of monthly progress updates and advisement.
~It will be a showcase first-trail effort for the county to construct.

~The application is complete and has been written by volunteers from LOVA. This volunteer work has allowed us to minimize the assistance necessary from county staff.
Additionally, a draft letter was submitted for review for the Board of Commissioners that would be sent to David Miller, CDOT Region 3, Grand Junction. This will not be funded until 2003.
Discussion
Chairman Martin attended the meeting with LOVA and David Miller from C-DOT as well as John stated that he wanted to go forward with the project.
Phase I - the first two years of the grant and the first round of grant applications - will be for design first beginning with surveys, design and engineering for the entire corridor from West Glenwood to Canyon Creek, and then a small amount for construction with any funds left over. It is also understood that LOVA will come back for the next three year cycle and get more Enhancement Funds for construction. The idea is to go through this first TPR Enhancement Disbursement and try to get a master plan. The total project is estimated at $3 million; the grant they are asking for now is for $300,000. This will be seed money necessary to build on with the organization mentioned as well as others.
Jeannie explained the responsibilities of a project manager - the County would be the direct contract with the C-DOT and the Project Engineer. The County would either manage or subcontract the work.

Motion
Commissioner Stowe stated this was a good use for the Enhancement Grant and made a motion that the Chair be authorized to sign a letter of support for the CDOT Enhancements Grant Application prepared by LOVA volunteers and
a Resolution that Garfield County be the grant applicant and subsequent project manager of the South Canyon Bike and Pedestrian Trail.
Commissioner McCown seconded.
Discussion
The Board will look at the demand on the County Engineer at the time when the County is called upon to fulfill the duties of project manager and possibly make some adjustments.
Motion carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

JUNE 11, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 P.M. on Monday, June 11, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Fire Ban Report

Guy Meyer stated the Fire Ban season has not yet approached this area, but we are getting close. The current NFDR Data Capture - Bureau of Land Management's Weather Management System regarding fire fuel levels - indicate Garfield County is running between 11 and 15. Guy stated he would keep the Commissioners up-to-date on any changes.

REGULAR AGENDA: BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: REQUEST FOR REVIEW OF A SPECIAL USE PERMIT FOR A TWO FAMILY DWELLING. LOCATION: 90 COTTON HOLLOW LANE, NORTHEAST OF CARBONDALE.
APPLICANT: STEVE HEINIG

Jim Leuthueser, Kit Lyon and Steve Heinig were present.
Jim reviewed the documents with respect to notification to property owners, posting, and legal notice. He determined they were in order, and advised the Commissioners they were entitled to continue.
Chairman Martin swore in the speakers.
Kit presented the following Exhibits: Exhibit A - Green returned receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Staff Report and Project Information; and Exhibit E - Application Materials.
Chairman Martin entered Exhibits A - E into the record.
This request was originally made on March 8, 1999 for a SUP for an accessory dwelling; the public hearing was set for May 4, 1999 but the applicant failed to provide adequate evidence that the public notice requirements were met. There was also a concern about the apparent lack of legal water rights. The applicant reactivated the file in May 2001 at which time staff determined that the application was technically for a "two family dwelling" and not an "accessory dwelling unit." Kit submitted an Amended Staff Recommendation dated June 11, 2001 showing the changes as follows: Condition No. 4 "two bedrooms" crossed off and "second" added; the changed to "any"; and added "or prior to construction of the second bedroom. These changes appear in the ***Recommendation*** below.
Chairman Martin entered the Amended Staff Recommendation 06/11/01 as Exhibit F.
Kit reviewed the relationship to the Comprehensive Plan, Suggested Findings and recommendation.
Recommendation:
Staff recommends Approval, with the following conditions of approval:

1. 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. These representations include, but are not limited to, the following: a. The second dwelling unit shall be constructed above the existing garage. b. The second dwelling unit shall not exceed 2 bedrooms. c. Seven parking spaces shall be provided and maintained for the two family dwelling.

2. That the second dwelling unit be built according to the Garfield County building code. Substantial changes to the plan, such as but not limited to a change of location or substantial increase in square footage, will require another review which may or may not be approved by the Board of County Commissioners.
3. The applicant comply with the Zoning Resolution of 1978.
4. That all State and Local health standards be complied with; The applicant shall provide a qualified engineer's opinion as to whether the ISDS is sized appropriately for the existing house and the second dwelling unit prior to issuance of any building permit and special use permit. If necessary, a new ISDS shall be constructed prior to occupancy of the second dwelling unit, or prior to construction of the second bedroom.
5. That the applicant provide a copy of the approved well permit, prior to issuance of a building permit and special use permit; That the following information must be provided prior to issuance of a special use permit.
   6. 1) That a four (4) hour pump test be performed on the well to be used;
   7. 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
   8. 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;
   9. 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to a two family dwelling unit;
   10. 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;
   11. 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids.

Applicant:
Steve said that he and his wife decided that since she is a teacher and she sees the difficulty in finding housing for the first (1st) year teachers moving here, they submitted the application for the second dwelling unit. He responded to a questions by the Board saying the Cottonwood Hollow Homeowners Association is a separate entity and not part of the Cottonwood Hollow Subdivision. He added that the Covenants do not restrict this application for a second dwelling and a letter from the Homeowner's Association approving the 2- family dwelling was included in the application materials. The homeowners did request that the number of occupants be restricted and that the homeowners remain on the property. He added they were planning to limit the occupancy to two adults and one child; two adults; or one adult with two children.
Kit added Condition No. 6 "That a legally formed Homeowners Association administer the augmentation water and that the applicant comply with the Cotton Hollow Homeowners Association Covenants."
Commissioner McCown added "a maximum of two (2) occupants per bedroom be allowed and would allow up to four (4) occupants when he built the second bedroom."
Steve clarified they were inclined to have two adults but perhaps allow a child.
Commissioner McCown said it wasn't unreasonable to allow two (2) occupants per bedroom.
Motions
A motion was made to close the public hearing by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the special use permit to allow a two-family dwelling unit with the recommendations of staff as amended and adding No. 6 as voiced by Kit Lyons also adding to No. 6 that two occupants per bedroom be allowed as residents at the two bedroom second unit.
Commissioner Stowe seconded the motion with the understanding that two (2) is the maximum.
Motion carried

REQUEST FOR APPROVAL: AMENDMENT TO SECTIONS 4.07.15.03, 4.14.5.09.05.03 AND 5.10 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978 AS AMENDED. APPLICANT: BOARD OF COUNTY COMMISSIONERS
Jim Leuthueser and Mark Bean were present.

Jim stated that Mark took care of the legal notification which was done on May 7 and stated it is in order; he determined that it was timely as well and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Project Information and Staff Report; and Exhibit C - Garfield County Zoning Resolution of 1978 as amended.
Mark explained that this is a request by the Board of County Commissioners to staff to develop proposed zone district text amendments to amend the Affordable Housing Regulations. The original purpose of the amendments was to create a lottery for the sale of affordable housing units, when they become available. During that review process, staff was advised that sections of the regulations allowing for affordable housing to be rental, as opposed to purchased, is not allowed by statute. The legislature made an attempt to amend the statutes to allow local governments to create affordable housing units available for rent, which made it through the Senate, but it died in the House - State, Veterans & Military Affairs Committee. As a result, staff recommends that the provision for rental housing be deleted from the regulations as an option specifically noted with an exception there is an addition to the language in a couple different Sections in 4 and 5 before the Board today - the Housing Section has two different identical languages - but the addition is basically saying that the Board of County Commissioners recognize the need for affordable housing but also recognizes that basically that it is not something that is legally allowed under Statute presently but that you would consider other alternatives if they were presented to you provided they were legal from the Statutory point of view. Example - if someone comes in with a proposal that meets or could comply with the Statutes in some form, the Board could consider an alternative for rental housing at that point; but to say that is a requirement or could be a means by which someone could meet our affordable housing regulations, that language is being deleted at this time.
Commissioner McCown inquired, should someone want to have X number of rental units for employee housing in their development, would or would not that qualify.
Mark said the answer is maybe. It depends upon how they propose it. If we were to require it and say they have to do that, then it's something we can't do. I believe that this is something that they propose and then depending upon how it is controlled, it could meet that requirement.
Commissioner McCown - will that meet a part of or all of their percentage - the 10%.
Mark said assuming that it is something that could be legally allowed, pursuant to Statute, then yes, it would or could.
Jim said there were a lot of problems the way things were set up, but the biggest problem that the County sees routinely is where the developer who doesn't own the houses, they develop the lots and then sells them to whomever. The difficulty would be then that if somebody were to say, provide affordable housing for rentals and then have them say "deed restricted" the house changes a couple of times - whoever happens to own it is not privity of the contract or agreement that this Board or the Planning Department would make with that person, so then it becomes a problem of enforcement - and the problem would be "I didn't agree to this and I have a Statute that says you can't do it." In terms of affordable housing if someone were to come in and they would have some amenity such as a golf course or something and they want to provide housing for people who work there, that's exactly were we were headed with the provision that we put in saying if they have some alternatives, something to propose that would meet that need, we're more than willing to look at it.
Commissioner McCown said if you take a developer that has a large area of common ground and it has to be maintained and they are responsible for the maintenance of that common area - general maintenance workers hired by the developer and the future Homeowners Association or whoever, but those units would be available for employee housing. If someone came to the Board with a plan, even though it was rental units, it would be deducted or would meet the criteria is for their 10% on the land review application.
Jim stated this was definitely anticipated. What is or isn't legal - the problem is that nobody knows. It's the uncertainty that's causing the problem. So we're trying to be as conservative as we need to be but at the same time to comply with the intent of the regulations.
Recommendation:
The Planning Commission recommended approval of the proposed zone district text amendments as stated.
Motions
Commissioner McCown moved to close the Public Hearing. Commissioner Stowe seconded; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Amendment to Sections 4.07.15.03, 4.14.5.09.03 and 5.10 of the Garfield County Zoning Resolution of 1978 as amended. Motion carried.

Information
Mark Bean stated that Building and Planning has an office in Rifle on the second floor of the Henry Building. Kit Lyons is located there.
Kit stated that a couple customers have come by and are pleased that Building and Planning has a presence in Rifle. She added that even though the office is located on the 2nd floor - Room 208, there is an area for compliance with ADA standards and there is a place for meetings on the first floor.

COUNTY MANAGER UPDATE:

Ed Green gave his update that included the following:

- ***Single Point Entry Contract***

Carolyn Dalghren was present.
Ed presented the Annual Contract $359,000 for Single Entry Point services. This contract is the same as other years and requested the Board's approval and authorization for the Chair to sign.
Commissioner Stowe so moved. Commissioner McCown seconded; motion carried

- ***Agreement for Continuation of Services for Probation - Low Risk Offenders***

Guy Meyer stated that last March the Board approved a contract for the Department for Probation to provide probation services on low-risk, medium offenders that are referred down from Probation. He ran the numbers saying that the program began in March and fiscal year 2000 ended up with a revenue of $41,424. Based off the first five (5) months of this year, Guy said he anticipated about $60,000 in revenue - looking at against $538,000 expenditure. It is in the plus column.
The Commissioners were pleased to hear this.
Guy said the State wanted to get everyone into the same cycle of July 1st every year for contract renewals and there are no real changes - the revenues come from the offenders.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Agreement for Probation Services effective July 1, 2001, expiring June 30, 2002. Motion carried.

- ***Probation Department - 4th Floor Courthouse Improvements***

Ed recalled the improvements to the 4th floor discussed a few weeks ago that held in abeyance because we were trying to decide what the relocation moves would be before the Board opted to spend an additional $3800. Ed said he talked to Guy about this and although it looks like we will move the administrative component of Probation down to 1st floor when Healthy Beginnings relocates to work closer to Community Corrections, there will still be the operational part of Probation that will remain on 4th floor. The Probation Department requests to proceed with those changes on the 4th floor.
Ed said they did explore the possibility of using the used window, but the depth was wrong.
Commissioner McCown clarified that this $3800 will need to come out of Contingency. He also asked how long this would stay in place before we tear it out and do something else?
Guy said as far as his department is concerned, this move on our part to Healthy Beginnings will let them expand to where they can fit in now. The driving force is the offender population and what happens down the road. At some point Guy added he would like to have a work session.
Ed said the objective over time is to turn this into a court related facility and have other aspects of county work go elsewhere. The Probation Office is specific to court related operations and envision they would continue to stay in this facility - but whether or not they stay on the 4th floor is a question. Community Corrections is a part of that related system.
Motion
Commissioner McCown made a motion to approve the $3800 improvement necessary to accommodate the security for Probation. Commissioner Stowe seconded; motion carried.

- ***MAC Telephone Listing***

Ed stated that copies of these listings will be made available to all MAC members and apprised the Board that MAC exercise sometime in August. It might be impromptu so that it will have the maximum effect for such an emergency exercise.

- ***Commissioner Correspondence - Election of New Mayor - Pitkin County***

Chairman Martin submitted a letter he had drafted that would require all three signatures of the Board responding to the newly elected mayor of Pitkin County. The form of protocol is to congratulate the new mayor. The letter before the Board is simply stating that we will be looking forward to working with the new mayor in the future.

- ***Budget Worksheet and Budget Kickoff Meeting***

Jesse stated that he issued the budget worksheet to the elected officials and department heads. A budget kickoff meeting is scheduled for July 10.

COUNTY ATTORNEY UPDATE:
No Report.

COMMISSIONER REPORT

Commissioner Stowe - CCI this week; Rural Resort Meeting this week at 9:00 a.m. in Eagle and then the following month, Ed will give notice of a Rural Resort Meeting where we will be determining the future of the Rural Resort; and then next Thursday, he will be vacation until after the 4th of July.
Commissioner McCown - Associated Governments Meeting in Steamboat on Thursday.
Chairman Martin - no report
Strawberry Days Parade 9:15 a.m. Space No. 29 - Commissioners meet at the Courthouse - Friday & Parade - Rodeo.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution & Special Use Permit: Telecommunications Tower - AT&T Wireless
c. Sign the Oak Meadows Ranch, Filing 4, Area II, Beaver Court, Final Plat and SIA
d. Sign Resolution of Approval and Exemption Plat for the Prehm Ranch Subdivision Exemption
e. Sign Resolution: Salzman Zone Text Amendment
f. Sign Colorado West Human Service

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - f; carried.

Safety Program Handbook - Information
Ed reported they were 2/3 rd's through with the safety program handbook.

Minutes - 2001
Commissioner McCown requested Mildred Alsdorf to provide a list of the Commissioner Meeting Minutes for the Consent Agenda June 18, 2001.

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

Attest: Chairman of the Board

_____ _____

JUNE 11, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 11, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, County Attorney Don DeFord, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Gail Schultz, New Castle - Dedication of 2 Acres of Land

Mark Bean, Don DeFord and Gail Schultz were present.

Gail asked the Commissioners for consideration with 2 acres of their property. In 1975-76 they exempted their property and there was a clause saying no more division of property. However, she is asking for an exception to allow the pastor of a small church in New Castle to build a home on the 2 acres they will dedicate to the church.

Mark stated it was a SB-35 Exemption**.**

Chairman Martin stated this would need to go to legal to see if there was a possibility.

Mark offered some possibilities: one being to create one 70 acre parcel and divide the remaining parcels into at least 2 acres each; or the Schultz family could go through full length subdivision process; or they can adjust the lot lines come back to the Planning & Zoning Commission with an application.

Gail stated she would have a family meeting and favored the idea that everyone would adjust their property boundaries where the 82.65 acres would create one 70 acre property and parcels of at least 2 acres.

- ***Laurie Murdock - Dedication to Ronnie Fritzlan***

Laurie Murdock submitted a verbal request to the Commissioner that the Riding Arena be dedicated to Ronnie Fritzlan.

Also, Laurie said she is a member of the Garfield County Quarterhorse Association and it was disturbing to read the news in the Post/Independent regarding the Garfield County Fairgrounds Outdoor Riding Arena with respect to the poor conditions "footing" on the arena floor. She said she attended a show at the Grand Junction arena and their arena floor had just as many rocks as the Garfield County Arena. She told the Commissioners that she and her husband are willing to help.

Chairman Martin commented that they needed the request in writing and the Board would take that under advisement.

COUNTY MANAGER UPDATE: ED GREEN

- ***New 4-H Agent Introduction*** - Nori Pierce

Pat McCarty introduced Nori Pierce as the new 4-H Agent for Garfield County.

Nori said she is from Rio Blanco, County and has been involved in 4H for many years. She is looking forward to working with the County - this is a great program. Additionally, Nori said there is a nine (9) County program forthcoming - the 2001 Northwest Colorado Junior Livestock and Horse Expo to be held at the Garfield County Fairgrounds July 10 - 12, 2001 and submitted the 2000 Annual Report from Colorado State University Cooperative Extension.

- ***Fire Ban***

Guy Meyer provided the Board with an update of the moisture content in the plants that fuel wild fires. The latest report shows the wild plant moisture levels at between 7% and 11% - he added that anything below 15% is hazardous. Guy said when the wild fire fuel gets that dry, it become highly flammable. With winds

at 50+ miles per hour and the potential of dry lightening, we are presently in danger of a major wildfire. He added that the period from June 14 - 18 dropped a point and the forecast does not look good.
The Board agreed that it was time to implement the Fire Ban.
Motion
Commissioner McCown moved to implement the Fire Ban in the form of a Resolution and that it be published putting it into effect and that the Chair to authorized to sign. Commissioner Stowe seconded. Motion carried.

Fire Ban - Renewal Date
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to review the Fire Ban Resolution at their regular Commissioner Meeting on Monday, July 16, 2001; carried.

- ***Potential Annual Fire Ban - Memorial Day till Labor Day***

Guy asked the Board to consider doing an annual ban that would run from May 28 - Memorial Day until September 4 - Labor Day. Mesa County has been doing this for a couple of years and it does a lot of good by taking the guess work out of this endeavor to keep wildfires from happening. If the Board would approve this, we could start in March by doing a lot of heavy advertising to the public that they need to get their burning done and most of those who do burn ditches, etc. have completed their controlled burns anyway before the end of May. Typically, some of the stragglers with trash burning creates the trouble later in the year.
Guy asked the Board to consider this and he will be glad to bring the fire chiefs in for a work session and have a discussion. Mike Morgan, Dave Blair and Guy have discussed this - everybody will get into a routine of knowing when the burn ban goes into effect. The other part would be to put an exemption in there for the Fire Districts if they want to issue a permit, then they could.
The Board commented that they would have to think about this.

- ***Paint Striping of County Roads***

Tim Arnett and Tom Russell presented the two bidders and the amount:

Stripe-A-Lot (Montrose)	$52,172.76*
Warning Lites (Grand Junction)	64,000.00

Recommended Award.

Tim mentioned they had to advertise this twice.
The recommended Board action was to approve a contract with Stripe-A-Lot for striping various County roads in the amount of $52,172.76.
Motion
Commissioner McCown moved to award the bid for paint striping of County Roads to the lowest bidder, Stripe-A-Lot in the amount of $52,172.76. Commissioner Stowe seconded. Motion carried.

- ***Asphalt County Roads***

Tim Arnett and Tom Russell presented the bidders for paving various County roads:

Frontier Paving	$214,332.50*
United Companies	222,976.70
Grand River Construction	329,493.40
Elam Construction	337,650.00

Recommended Award.

The recommended Board action was to approve a contract with Frontier Paving for paving various County roads in the amount of $214,332.50.

Motion
Commissioner McCown moved to award the bid for paving various County Roads to the lowest bidder Frontier Paving in the amount of $214,332.50. Commissioner Stowe seconded. Motion carried.

- ***Chip Seal County Roads***

Tim Arnett and Tom Russell presented the bidders for Chip Seal on various County Roads:

GMCO LLC of Colorado	$539,673.78*
Harry's Heavy Haulers	558,002.04

Recommended Award

The recommended Board action was to approve a contract with GMCO LLC of Colorado for Chip Sealing various County roads in the amount of $539,673.78.

Motion

Commissioner McCown moved to award the contract to GMCO LLC of Colorado for Chip Sealing various County roads in the amount of $539,673.78. Commissioner Stowe seconded. Motion carried.

Chairman Martin thanked Tom for putting the New Backhoe in the Strawberry Days Parade in Glenwood Springs

- ***Executive Session - Property Acquisition of Courthouse Plaza***

Ed Green requested an Executive Session to discuss the property acquisition of the proposed Courthouse Plaza.

Don DeFord, Mildred Alsdorf, Randy Withee, Tim Arnett, Jesse Smith, and Ed Green were present for the session.

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

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

- ***Henry Building - Furniture - Computer Software***

Tim Arnett, Randy Withee, Mildred Alsdorf and Georgia Chamberlain were present.

Ed reported the Henry Building is near completion - a few addition acquisitions to make it complete for a total around $26,000 may include millwork purchases for Mildred's area to expand counter and storage space. Some computer related purchases and some furniture for both Mildred and Georgia's area as well as for the Conference Room

Tim Arnett and Randy Withee did a preliminary punch list last Tuesday and the final walk through should be this Tuesday and then ready to start getting all the furniture in there and then the Clerk and Treasurer can begin moving in July. Randy mentioned that Mildred was very happy with everything.

Mildred commented that it was looking good. The furniture in the present Rifle Clerk & Recorder's Annex located in the Taughenbaugh Building could not be moved as it was built in. This time the furniture will be moveable so it can be placed around the counter in different ways; if the growth continues, there may be a need to change things around. Mildred said she will be doing advertising due to the telephone number changing and maybe work towards an open house later.

Tim submitted the price for the furniture - the first part of this is $4,660 for the Clerk, Treasurer, and the Conference Room consisting of a conference table with eight (8) chairs; $8,601 for the Clerk's work tables, cabinets with locking doors to store license plates; two (2) computers with flat screens - one (1) with a touch screen in the Treasurers Office and the other in the Clerk's Office. These will be for public use. Computer hookups through the Courthouse to the Rifle Henry Building through high-speed Internet land line.

Mildred explained that these computers will allow the public to view limited recording records, etc. at the Henry Building instead of coming to Glenwood Springs. She clarified that a low volume of public was projected to do this because all the records are at the Courthouse.

Tim stated the $2,000 with Eagle Computer System might possibly exceed the cost projected - a commitment from Eagle was never received. Tim said negotiations were underway - a couple of licenses will need to be purchased.

Recommendation:

Commissioner McCown commented the recommendation was to take $8800 form the construction fund and $17,000 from contingency - whomever would use the Taughenbaugh space vacated by the Clerk & Recorder would be able to use those build-in facilities.

Ed said some very small changes would need to be made.

Tim added that the Nurse's Office did a walk through on last Tuesday and they will leave everything in place and use it like it is.

Ed said Road and Bridge would be making some construction changes to have adjoining offices on the 3rd floor at Taughenbaugh Building.
Motion
A motion was made by Commissioner McCown to approve the $26,327.01 amount not to exceed that for the final completion of the Henry Building with $8861.07 coming out of the construction fund and $17,465.94 coming from contingency. Commissioner Stowe seconded. Motion carried.

- ***SWANA Certifications - Janie Dyke & Kraig Kuberry***

Road and Bridge Director Tom Russell, Landfill Operators Janie Dyke and Kraig Kuberry were present. Ed Green stated there is a requirement in operating the Landfill to have employees who meet the requirements of the Solid Waste Association of North America - SWANA. Two of the Road and Bridge employees, Janie Dyke and Kraig Kuberry have undergone extensive training and testing requirements to achieve the SWANA certification. Some of the things they study include: planning and operation of a landfill site, site restrictions, economics of operating it, safety and compliance issues. Both Janie and Kraig passed the test and are now certified landfill managers.
Chairman Martin presented the certificates to Janie and Kraig saying the Board was real proud of them - they are setting a standard for the employees. Chairman Martin stated that he visited the Chaffee County Landfill and they are using Garfield County now as an example - put in their scales, trained their staff and are working toward SWANA as well.

- ***Airport - NavAid Maintenance Contract - Aviation Systems Maintenance, Inc. (ASMI)***

Ken Maenpa presented this year's annual renewal contract for NavAid Maintenance. With the three (3) NavAid Systems, this years contract rate has been increased from $1950 to $2100 a month effective August 1, 2001. The service contract covers scheduled periodic service and adjustment and restoration of the facilities following an unscheduled outage. The man rate for cancellations or excessive delays occurring in the scheduled visits after the ASMI representative is on site or en route will be invoiced at a rate of $660/day, in half day increments, portal to portal, plus travel expenses. This is an increase of $60/day over last year's contract. In the time that Ken has been with Garfield County, this has not been used nor have we been charged for any additional expenses.
Ken stated that counsel has had time to review the contract. The terms are identical to last year's contract.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the NavAid Maintenance Contract for the coming year in the amount of $2100 per month. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Tax Lien Assignments - Mr. William Starlick***

Georgia Chamberlain explained that Mr. Starlick wrote a letter to the Board asking that they assign some tax liens on some mobile homes to him. Most of the mobile homes he referenced have been paid off. There are three (3) mobile homes that still have the tax liens on them. Georgia submitted the location and the amount of the tax due to the Board for their review.
Statute 39-11-233 allowed for the transfer of Certificates held by the County to be assigned and needs to be determined by Resolution of the Board and that includes any tax lien up to $10,000. There is a $4.00 fee per assignment.
Georgia verified the lien is still on the mobile home; she didn't verify that the mobile home is still there. If the County assigns these to Mr. Starlick, he just becomes like an investor as if he had purchased these at the tax lien sale. Mr. Starlick would have no rights to the property and on mobile homes that are located in a mobile home park, there's a one (1) year redemption period. That one year redemption period would be up around the end of October. If the liens are not paid off at the time of the redemption period, Mr. Starlick can apply for certificate of owners ship.

Motion
Commissioner McCown made a motion declining the tax lien assignment to Mr. William Starlick for the (3) three mobile homes in question. Commissioner Stowe seconded.
Chairman Martin clarified that a letter will go out to these mobile home owners that if the tax lien is not redeemed by the end of October 2001, that they will be subject to new ownership. Motion carried.

- ***Cancellation of Tax Lien Sale Certificate 1997-127, Unknown Owner***

Don DeFord, Georgia Chamberlain and Steve Rippy were present.
Don DeFord stated that he had actually copied the Board on a letter that he wrote to Mr. Mathias - and has had some conversations with Steve Rippy and Georgia Chamberlain about property that lies to the south and somewhat to the east of Silt along the Colorado River. It's a parcel of ground that in 1981 the Board of Commissioners determined this was probably owned by the United States - it's meander land in the River - I think that's an accurate description of it. And for some reason, perhaps Steve has more information on it, or maybe no, but it came back on the tax roles and was valued and then of course because it was valued, the Treasurer taxed the property - no taxes were paid and it went to tax sale and Mr. Mathias was the purchaser of the tax lien certificate. It came to their attention and Don wasn't sure of the mechanism by which that happened, but he was asked to look at a mechanism to get this property off the tax roles because it had been valued and taxed improperly. There is a specific statute that allows the Board to proceed to repay individuals who have paid for tax lien certificates and to reimburse them for their costs and to invalidate the tax sale - and that's what we're asking that the Board to do in regard to the subject property. And it is the same property that was dealt with in a similar manner by the Board of Commissioners in Resolution 81-351 and what we're really asking is you do the same thing today that was done in 1981 and I think this time the property is tax exempt.
Commissioner McCown - and who does it revert back to as far as the ownership?
Don DeFord - I think the ownership will be listed as the United States Government.
Steve Rippy - that's right.
Commissioner McCown - if this was done in 1981 and it was listed United States Government then, how did it get back on the tax roles?
Steve Rippy - When I became Assessor 6 ½ years ago, one of the first things that I wanted to do was to clean up the unknown owners and there were about a dozen of those that were in the County. And if you are not aware of those types of properties, there are legal descriptions that will lap different ways and a lot of times a piece of property is left out of a particular ownership. We do the research that we can find - we can't find an owner based on the different descriptions and deeds that have been transferred - [now after looking at all of these, we decided that we needed to put them back on the tax roles with unknown owner] - typically, when they get to tax sale and Georgia's ready to issue a deed, there is a property search identity done by a title company. And usually that title company comes up with an owner, because they have the time to go back and really research it; and when that happens, then we can go through procedures and we've been able to clean most of those up. This particular property for whatever reason, not sure who the Assessor was, probably Drinkhouse or Lee Hunter at the time, but it was taken off - there was never anything put in the records - it was listed again as unknown owner; and there was never any copy of this Resolution 81- 351 attached to it. One of my employees picked it up, they saw nothing in the records to indicate that it shouldn't be put back on. When it came to tax sale, once again we got a title company to go out and research it and the opinion was, and again this is very difficult property to research because of the lots that go along with the Colorado River and meander land, came back and his belief was that it belonged to the United States Government. Since that time, we've had to meet with Don DeFord and have gone back over some other information and ended up finding a copy of this Resolution where the County had actually done away with it before. What Steve is going to do is make sure it gets put on under the State of Colorado and will attach these Resolutions to it so that this doesn't happen in the future.
Don DeFord added that he would ask in this case that the Resolution actually be recorded and then it falls in the chain of title; and that would be our practice today, but in 1981 it wasn't and it wasn't recorded. The record should also reflect since Mr. Mathias isn't present, that he is adamant that the Commissioners not follow this course of action. Steve has talked with, Georgia talked to him, Don has spoke with him at least twice, I indicated the Board had a copy of the letter I sent to Mr. Mathias - you do not. The letter actually hasn't been sent yet and so the Board does not have copies. But he did speak with Mr. Mathias and informed him about the meeting today - he was very adamant that we should not proceed - that he wanted to actually complete issuance of the tax deed for this property and in fact he felt that we, through the Treasurer's Office were overdue and delinquent in not actually issuing him a tax deed. Don did explain to him that we were simply following a course of action that the Board has in the past - that this was an error and the Statute provided for a correction. The Statute also provides that you have to reimburse him costs as well as paid him interest for the money that we've held - and that's equitable, that's what should happen, but it should be listed to the United States henceforth. One of Mr. Mathis' position was that the United States is

not actually asking that this happen, that the property is not listed to a particular agency - Don did explain to him that in my view that makes no difference whether they requested it or not - prior Boards have taken the position that this is government property - that's the way it should be. That's where we are and we're asking that you authorize the Chair to sign a Resolution canceling the sale tax certificate 1997-127.
Commissioner McCown inquired as to the actual size of this property?
Georgia Chamberlain - 18.85 acres.
Commissioner McCown - and this would be direct access to the Colorado River.
Steve Rippy - the property is directly adjacent to Brent Peterson's property and there is no legal access to the property - it's land locked.
Don DeFord - but it is directly on the river.
Steve Rippy - right - the only access is by the river.
Commissioner Stowe - I think there's also a Statute that prohibits land locked property?
Don DeFord - if you have it within your power to prevent that, that is correct.
Chairman Martin - I think we discussed that Mr. Bean also identified a meander land during a gravel pit hearing as well. That may be the same acreage.
Mark Bean - No, this property is a little bit west of that.
Commissioner McCown - it continues on down the river from this same property.
Don DeFord - I should tell you too that meander land has been treated somewhat inconsistently in the County and there are properties further to the west on the Colorado River that were treated as meander land and belonged to adjacent property owners pursuant to the Decree of the U. S. Federal District Court. But that opinion has not been applied to this property in the past, as in the area of Parachute.
Commissioner McCown - is the verbiage in the 1981 Resolution exactly what we want, Don?
as if we were to make a motion to adopt some .....?
Don DeFord - no there are some specific monetary amounts that will obviously differ and so what he is asking, is for the Board again authorize the Chair to sign a Resolution canceling the tax lien certificate in 1997-127 and authorizing repayment to the current tax lien certificate holder pursuant to Section 39-12-111.
Georgia Chamberlain - calculated the amount - the total amount we would be paying back to Mr. Mathias - it's $979.61 and would need $360.44 from the County General Fund to pay back the interest on that tax lien to Mr. Mathias.
Chairman Martin - is he currently using that land for anything at all?
Commissioner McCown - he can't even get to it.
Steve Rippy - I think the only argument of use would be from Peterson as part of his ranch over the years.
Chairman Martin - He's laid no claim to it either, Peterson?
Steve Rippy - yes and no. Through the years they wrote a letter saying they didn't own it, about three years later there was a letter that came in saying that they wanted to be considered as the owner. So something must have changed in two year period of time.
Commissioner McCown - but they were never taxed on it?
Steve Rippy - no and those letters are probably 10 - 12 years old

Motion
Commissioner McCown made a motion that the Chair be authorized to sign the Resolution canceling the tax lien sale certificate 1997-127 and the Treasurer be authorized to repay said Mr. Mathias in the amount of $979.61 and $360.44 for interest.
Commissioner Stowe seconded the motion.
Stowe - aye
McCown - aye
Martin - all right.

- ***Banking Agreement - Treasurer***

Georgia Chamberlain and Kristi Springsteele of Alpine Bank were present.
Georgia stated that Bill Sanderson, Don DeFord, Kristi Springsteele and she worked on getting the Banking Agreement in final form. Georgia presented the Banking Agreement to the Board.
Don DeFord commented that the term runs to the end of this year and then is subject to annual renewal.
Georgia said it was subject to renewal up to 2005.

Don said the substance of this has been previously discussed and the request was to have the Board to make a motion to authorize the Chair to sign the Banking Agreement with Alpine Bank for the term just stated. Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

- ***Coryell Ranch/Midland Point PUD Affordable Housing Price Discussion***

Attorney Larry Green for Coryell Ranch/Midland Point PUD and Tom Beard Vice Chairman of the Housing Authority were present and explained the Affordable Housing Pricing.
Tom Beard submitted the informational packet that included a cover letter stating the Housing Authority has reviewed the pricing structure and find it to be in compliance with their interpretation of the County's Guidelines; a letter from Michele Dressel, President Alpine Bank Mortgage Division who reviewed these sale prices and verified they would be mortgage ability to people making 80% of the medium income for a family of four or a family of six, the draft of the Public Notice of the Lottery designed for a 1/2 page ad, the Coryell Ranch Affordable Housing Units now available, the Garfield County Housing Authority - Affordable Housing Application Packet and added that if the Board approve, the Public Notice will be published on Wednesday in the Citizens Telegram and Post/Independent. The plan is to advertise these six (6) times in the Post and (1) one each in the Citizens and Valley Journal.
The applications will be available from June 21 to July 6, 2001. Tom added that the cost for advertising will be $3,000 and if approved, the Housing Authority budget can pay this. After the applications are received, they have 21 days to review them. July 27, 2001 is the target date to have the lottery drawing. Tom said they have given a lot of time and energy to this. The Coryell Ranch has been very cooperative and produced a very nice product.
Larry Green added that this has been a learning experience and Coryell Ranch Company and the Housing Authority have been able to work together to create a program that we think will work. He said that he is really curious about the size of the qualified applicant pool and hopefully there will be plenty. The Regulations are pretty confining - a narrow income band that will qualify.
Don DeFord stated what they were looking for is an indication that the Board did not have difficulties with what they are proposing - there's no provision for actual approval.
Larry wanted to get the Commissioners approval of this.
Commissioner McCown commended, both Larry Green and Tom Beard for not only taking on the project but for their overall involvement in the Affordable Housing Project. This project had taken a lot of volunteer time and hard work - both Larry and Tom were in on this from day one.
Tom said he would likewise commend the Board for being supportive of then through the entire process and having units for the first time is very exciting. This is only a drop in the bucket but at least they are putting the mechanism in place where the next project will be simpler. From this one the bugs will be found and try to refine the process. The guiding principal here is to be as fair to everyone as they can. With the three (3) bedroom unit, it created an issue for them. They are using a mass of guidelines from the Federal Government on household incomes for multiple numbers of people and the intention is to price these for the most effective use; the most effective use is two person's per bedroom. The 2 bedroom duplex units will be priced for a family of four and applications can be four or less; and the one 3 bedroom unit will be household sizes of 5 or 6 - the income goes up as the price of the unit goes up.
Tom requested feedback if the Board sees any changes that may be necessary. Need to be very creative and feels that the Affordable Housing Units have many possibilities. They will try and work on all alternatives. Regarding rental concerns, there is some room left in the Board's recent decision where a project could in fact propose rental housing - Tom found out in a meeting in Montrose that CHAFA can put financing in place for a rental property and CHAFA can deed restrict it and do rent control so that the County nor the Housing Authority has that burden. This is an additional tool that Tom said he was unaware of.

Executive - Personnel - Land Acquisition

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
Tim Arnett, Randy Withee, Jesse Smith, Ed Green, Mildred Alsdorf, and Don DeFord were requested to remain for the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

- Commissioner Stowe - Rural Resort Meeting this Wednesday - Eagle 9 - noon - July 20th Rural Resort is doing an all day session in Leadville from 9:00 AM to 4:00 PM where they will be inviting the administrators. One of the things they are looking at is 'what should be the goal of projects, etc. of the Rural Resort for the coming year' - 'should it expand or should it expand with others'; the Vacation for a couple of weeks.
  - Commissioner McCown - Communication Board 1:30 PM this Wednesday at the Communication Center in Rifle; then Vacation from 6/26 - 7/6/01 to Missouri.
  - Chairman Martin - Monday evening June 25 in Silt for a joint meeting with Garfield County to discuss common interests; Ramada Inn 6/26/01 BLM Fire Plan Review from 3:30 PM to 7:30 PM - their level of response and their new plan as to how they will use the new funds they received. Strawberry Days went well and the Rodeo as well.

CONSENT AGENDA

a. Approve Bills

b. Approve Board of County Commissioner Minutes 2001

JANUARY 08 - REGULAR MEETING
JANUARY 09 - SWEARING IN CEREMONY
JANUARY 09 - REORGANIZATION
JANUARY 15 - REGULAR
JANUARY 22 - REGULAR
FEBRUARY 05 - REGULAR
FEBRUARY 20 - REGULAR
FEBRUARY 23 - ENERGY IMPACT WORKSHOP
FEBRUARY 26 - REGULAR
MARCH 05 - REGULAR
MARCH 12 - REGULAR
MARCH 15 - CONTINUED - JAIL BUDGET
MARCH 19 - REGULAR
APRIL 02 - REGULAR
APRIL 09 - REGULAR
APRIL 10 - WESTERN SLOPE AGGREGATES - CONTINUED
APRIL 16 - REGULAR
APRIL 24 - WESTERN SLOPE AGGREGATES - SPECIAL
May 04 - JAIL CONSTRUCTION ISSUES - SPECIAL - EXECUTIVE SESSION
MAY 07 - REGULAR
MAY 09 - LAND ACQUISITION - SPECIAL - EXECUTIVE SESSION
MAY 14 - REGULAR
MAY 21 - REGULAR

c. Sign Resolution of Denial of Special Use Permit for (2) 45' Telecommunications Towers. Location: Within the Crystal River Ranch Development. Applicant: SBA Communications, Inc.

d. Sign Mylar for Wiggington/Jaedro, Inc. Exemption - Second Amendment - Tracts A, B, & C. Location: CR 233 - Rifle, CO. Applicant: Jack & Irene Wiggington & Jaedro, Inc.

e. Dittamore Special Use Permit: 2 Family Dwelling Unit. Sign Resolution of Approval. Location. 0701 Faranhyll Ranch Road. Applicant: Ray Dittamore.

f. Sign Mylar for Fass Subdivision Exemption. Location: CR 312. Applicant: Faye Fass

g. Sign Partial Release of Acknowledgment of Subdivision Improvements Agreement for Coryell Ranch and Midland Point Subdivisions.

h - Resolution for the Fire Ban

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda, Items a - h; carried.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST FOR APPROVAL: THE RESERVE AT ASPEN GLEN, PHASE 1. REVIEW FINAL PLAT SUBDIVISION SUBMISSION. LOCATED: APPROXIMATELY 2.5 MILES NORTHWEST OF CARBONDALE, OFF OF CR 109. APPLICANT: ASPEN GLEN GOLF COMPANY

Larry Green, Don DeFord and Mark Bean were present.

Mark explained the issues before the Board. This is a request for The Reserve at Aspen Glen, Phase I Final Plat of a 51.7 acre tract of land located within the Aspen Glen PUD on the west side of CR 109. The applicants are proposing to plat seven (7) of the 21 lots approved as a part of the Preliminary Plan for the entire Aspen Glen PUD. The lots range in size from 2.25 acres to 13.75 acres in size.

Aspen Glen will be coming before the Planning Commissioner and the Board of Commissioners later into the process.

The applicant has submitted an analysis on the traffic study as to whether or not a traffic light is warranted. The current count does not justify the need. C-DOT has not responded as to whether or not they agree.

Mark added that the applicants have incorporated and included the land dedication standard fees and have incorporated an appraisal that basically would identify the per acre estimated appraised value of the land prior to development of $15,474 which would result in a total cost for all seven (7) units of $2,166 due for all lots. This particular project also allows for employee and/or guest type housing which technically is a second dwelling. For the purposes of doing calculations, staff is suggesting to use the multiple or apartment standard included in the Regulations to come up with that amount. The Subdivision Agreements require the developer to pay all or at least 50% of the amount due at the time of final platting. The applicant has agreed to pay the entire amount for the seven (7) units up front. Mark suggested since there's some uncertainty as to whether all of these units would or could have the employee housing or affordable caretaker units put in there, that this be a stipulation attached to any subsequent building permit that came in with this type of unit and they would be obligated to pay that fee at the time.

Recommendation:

The Final Plat needs to be amended to either delete the proposed common access easements or they have to become dedicated roads meeting the semi-primitive road standards with plans and specifications for them. The SIA needs to be modified to incorporate the calculation for School Land Dedication cash in lieu calculation for the caretaker units as noted in the staff calculation.

Applicant

Attorney Larry Green expanded on three points: 1) the Preliminary Plan and PUD for Aspen Glen anticipated 21 lots west of County Road 109 - they have done a revised land plan that shows 28 lots which is an increase in density of 7 lots and they wanted to get on with the construction on these lots as well as the bike path and rather than wait and go through the PUD and Preliminary Plan amendment process now they elected to present the Board a phase one of the reserve which is the seven (7) lots in the middle of this 150 acres and is consistent with the already approved Preliminary Plan. They will come back to the Board afterwards seeking to increase that density by seven (7) units; if the Board choose not to approve it, they would fall back to the 21 lots already approved - if the Board did choose to grant it, then they would have subsequent phases for the reserve which would total 28 lots. The overall density for Aspen Glen as approved in the PUD is something like 632 units and even with this increase in density in the reserve from 21 to 28, the actual build-out for Aspen Glen is to be around 550 units rather than the 632 that were approved. 2) The private driveways is something Larry and the land planner missed and didn't realize that Garfield County's Regulations do not allow for a shared driveway so they are trying to accomplish is to cluster the units and allow as much open space as possible. The engineers and land planning staff, in recognition of the Garfield County Code Requirements, will provide for seven individual driveways off of the frontage road - there is only one intersection with CR 109 and then a frontage road running parallel to it; and as part of these amended PUD process, they will be asking for the balance of the lots within the reserve be allowed to have shared driveways. Today they would like a Resolution from the Board authorizing the Chair to sign the Plat at such time as they present it to staff a revision showing these 7 individual lots.

3) School Impact fees - Larry said they satisfied the formula with regard to the 7 units and will be sold as a package by the developer with a completed home so they will be applying for building permits for these seven (7) units and said they do not anticipate any caretaker units in these initial 7 units. Mark and Larry did agree that a plat note would be added to the revised plat saying "if a caretaker unit is ever constructed in the future, it would be the owner's responsibility at that time to pay an additional fee in lieu of dedication of lands for the School District.

Construction of the Bike Path
If the Board approves the revision to the plat they will begin and finish the bike path in 30 days. There is a short stretch where the bike path will not tie into Coryell Ranch rather to CR 109 due to the construction recently done on CR 109.

Action by the Board
A motion was made by Commissioner McCown to approve the final plat with the corrections recommended by staff which would include the individual driveway accesses off of the outer road - no shared driveways at this time - and that the SIA be modified to incorporate the calculations for the School Impact fees and a plat indicating that should any additional dwelling units, caretakers quarters or whatever called, be placed at a later day that they would be at the owner's expense at that time.
Commissioner Stowe seconded. Motion carried.

REQUEST FOR APPROVAL: EXEMPTION FROM THE DEFINITION OF A SUBDIVISION. LOCATED: 8491B HIGHWAY 6 & 24, PARACHUTE, COLORADO 81635. APPLICANT: ROBERT BORUCH.
Don DeFord, Kit Lyon and Robert Boruch were present.
Don DeFord reviewed the notification of property owners within 200 feet as identified with the Assessor's Office including public land owners and mineral leases of record in the mailing and posted the property in a timely manner. He advised the Commissioners they were entitled to proceed.
Kit stated this is a request for an exemption from the rules of subdivision for Robert Boruch on a 162+/- acre tract of land west of Parachute, Colorado. This property was previously annexed and de-annexed from the Town of Parachute. The applicant proposes to create three (3) lots about 8, 8, and 146 acres in size. According to the Garfield County Comprehensive Plan of 2000, this site lies in "Privately owned lands with site specific limitations" area, and lies within the Town of Parachute's 2 mile sphere of influence. The site lies outside of Parachute's urban service boundary and annexation boundary. There is no suggested density.

Kit continued to review the agency referral comments, major issues and concerns, staff recommendations and findings, and recommendation.
Recommendation:
Staff recommends Approval of this application with the following conditions:
1. 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.
2. 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.
3. That the applicant shall have 120 days (until 9/21/01) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption.
4. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat.
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.
6. All recommendations made by the Grand Valley Fire Protection District (GVFPD) shall be followed for existing and proposed residences. A storage tank at least 2,5000 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional. Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system. Access/egress and defensible space shall meet the CSFS NEPA 299 standard. Sprinkler systems shall adhere to NFPA 13D. Sprinklers shall be approved and supplied from cistern.
7. The access roadway to the parcels shall be maintained adequately to accommodate the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. A legal road sharing agreement, which discusses all costs associated with the maintenance of the road, who will be responsible for paying these costs, and how assessments will be made for these costs, shall be filed with the exemption plat.
8. Foundations and Individual Sewage Disposal Systems of all new dwellings shall be engineered by a Professional Registered Engineer within the State of Colorado.

9. Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of irrigation water for each lot created, since it is required for issuance of a Town water tap.
10. A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing.
11. The properties must be re-deeded into the 8.8, and 146 acre parcels prior to, or at the time of, signing of the exemption plat.
12. Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created such as a receipt for payment of Town taps.
13. ---
14. The plat contains the following note on the plat drawing: "Abandoned irrigation canals". If these abandoned canals have recorded easements, they must be shown on the plat.
15. That the following plat notes shall appear on the Final Exemption Plat:

    "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries. However, the existing dogs may remain, but when the property is conveyed to new owners, the new owners must comply with the one (1) dog restriction."

    "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. sew., 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 all exterior lighting will 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."

    "No further divisions by exemption from the rules of Subdivision will be allowed."

    "Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."

    "Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

    "All recommendations made by the Grand Valley Fire Protection District shall be followed. A storage tank at least 25,000 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional. Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system. Access/egress and defensible space shall meet the CSFS NFPA 200 standard. Sprinkler systems shall adhere to NFPA 13D. Sprinklers shall be approved and supplied from cistern."

    "Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noise, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

    "All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

1. Don DeFord suggested to see this modified to provide that the existing 35 acre proposed splits be consolidated so there is 1 - 162 acre parcel that will then be the discussion of the exception request.
2. Kit explained the lots were split by the creation of deeds but they haven't been conveyed.
3. Don clarified that the deeds are currently held by the property owner to the 35 acre parcels and said that would create 35 acre parcels so they do need to be consolidated in one deed.

4. Kit explained that in Condition No. 11 there will be one lot created and then subsequently creating the 3 deeds.
5. Commissioner McCown - on Condition No. 6 and No. 15 on the bottom of 7a, staff is saying should any of the existing residences meet the square footage requirements they will have to go back in and sprinkle.
6. Kit said yes but neither existing house exceeds 3500 square feet, therefore the sprinkler system would be optional.
7. *Applicant*
8. Robert Boruch - on the dog restriction, he has four dogs and will be selling the house with 8 acres and keeping the 144 acres - will it be possible for the grandfather clause to be transferred from his current residence to the 144 remaining acres where he will be living.
9. Commissioner McCown mentioned that would be possible and it would be a change in Condition No. 15, first paragraph, add in on the second sentence, where it reads "however, the existing dogs may remain and add in 'on the 146 acre parcel, but when the new property is conveyed to new owners, new owners must comply with the one dog restriction."
10. Commissioner Stowe called to attention that in Condition No. 15 "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries. However, the existing dogs may remain, but when the property is conveyed to new owners, the new owners must comply with the one (1) dog restriction" that
11. the 146 acre parcel would not need to be added as it just says the dogs may remain and as long as the applicant has not conveyed this acreage, the condition is not site specific as to which lot, it's just when he sells the lot. He is legal right now where he is living and as soon as you build your house, you'll be legal there - it's only when you convey the property that it becomes a problem.
12. *Motion*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request from the rules of subdivision to include staff's recommendation 1 - 15 and all testimony given today with the corrections in Condition 11; carried.

REVIEW & DECISION - NTCH - CLEAR TALK - GRASS MESA LOT 8 - COMMUNICATION TOWER

Greg Butler and Craig Hoff - Site Development Coordinator for Clear Talk were present.
Greg Butler stated that Clear Talk has not been able to finalize the Grass Mesa Homeowners Association and access issues to allow the placement of a communication tower on Lot 8 Grass Mesa. Greg asked the Board if they would like to deny this application, continue the issue or allow the applicant to withdraw.
Craig Hoff explained that they met with the Homeowners Association and picked up 4 yes votes. Staff is limited at the present. The Homeowners requested they enter into an agreement to provide additional services and money and they have agreed to provide funds for road improvements, phone service, and for the road maintenance. Did not have a formal agreement in hand. He would like to have this heard and decided with the condition that prior to building permit issuance, Clear Talk have the permission of the Homeowners Association.

Commissioner McCown did not agree to this request - legal access is necessary before they approve.
Therefore, the options are for the Commissioners to deny or the applicant can withdraw the application.
Should the applicant withdraw it would constitute renoticing to all adjacent property owners.
Mark said they are 45 days turn around at the present to schedule a hearing.
Craig stated he didn’t want to terminate the application - there is a narrow window and this site is needed.
He acknowledged the time this has taken as well as the involvement for the County.
The applicant agreed to withdraw and they would begin again and use the original application once they obtain approval of the Homeowners Association for access.
The Board did not have any objections.

PUBLIC HEARINGS;

CONTINUED PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCES PROCESSING. LOCATED: 3 MILES NORTH OF RIFLE OFF OF HIGHWAY 13. APPLICANT: GEORGE STRONG

Greg Butler, Don DeFord, George Strong and Attorney Calvin Lee were present.
This is a continued public hearing and Don DeFord reminded those who were sworn in at the May 14, 2001 hearing that they were still under oath.
Chairman Martin swore in the speakers.
Calvin Lee submitted the noise reports showing the levels would not exceed the 25 ft. restriction. The availability of water, the Rifle Fire Department sent in a letter dated June 1st. A copy of the letter was submitted.
Chairman Martin admitted Exhibit G into the record.
Calvin Lee said that Mr. Strong has installed the 30,000 gallon water tank and would request approval of his application.
Staff Comments:
Much of this operation currently exists on the site. The applicant is only requesting permission to expand the operation to include sawing, peeling, notching, chinking and the stacking of logs. The house shell stack will not exceed 100 feet by 100 feet by 20 feet high. This property is isolated enough that operations normal to custom sawmills should not affect any neighboring property-owners. The operation is small enough to have limited effect on SH 13. The applicant had a sound-monitoring test conducted by a qualified acoustical engineer who concluded that if allowed, the sawmill operation was enclosed, that this expansion would not exceed the decibel levels set by the State.

Recommendation:
Staff recommends approval of the Strong Lumber Special Use Permit with the following conditions of approval:

1. All representations of the applicant, either written, implied or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.
3. This Special Use Permit is valid for one-year after which time the Planning Department can inspect the site for compliance to the terms of approval.
4. The applicant will do a dust control mitigation plan, reviewed by the Planning Department can inspect the site for compliance.
5. The structure enclosing the sawmill will be in place prior to signing the Resolution.
6. The entire site will comply with the yard-plan submitted as part of this file.
7. Those concerns of the Rifle Fire Protection District will be complied with especially the requirement for a water supply plan.

Calvin Lee - on the requirement for a dust study - all dust will be mitigated. Also, the one neighbor as stated in the report is less of an impact than what is allowed there. A sawmill would be operating 8 hours and Mr. Strong is requested less hours and less traffic impacts.
Commissioner McCown - Condition No. 5 - dust - not specific related to the sawmill dust. This is specifically related to the road that will occur from vehicle use and scraping off the vegetation.
Applicant George Strong said he has a bid for Mag Chloride.

Public Comments
Lynn Enystrom - said she has talked to George Strong and understands what he wants to do; however, she maintained that this is residential and the noise is very disturbing. She reiterated her comments made at the May review. She requested the Commissioners deny this application - she doesn't want industrial uses in place here. If this is allowed everyone will see this and assume that it is industrial use. Fire Insurance will go up and they will lose money if they decide to sell. She feels that she is being forced out. She requested the Board uphold the residential/agricultural use. This SUP is not appropriate for the area. Begged the Board to deny this for her and her neighbors.
Steve Wilson adjacent property owner said he did a noise analysis and the greatest noise is generated from the I-70 Interstate highway. He said George Strong is 200 feet from the highway and added you can be 200' from the loader and the loader doesn't interrupt your conservation with someone, but no matter if a Ford Tempo or 379 Peter Built comes by on the highway, your conservation will be stopped - you can't talk over

road noise at 200 feet away. He added that Lynn Enystrom's house is approximately 2,000 feet from George Strong's proposed operation.

Applicant

Calvin Lee summarized that George sympathizes with Ms. Enystrom, however the industrial use was granted for this parcel in 1984 and the use is already allowed there and George is merely asking that the use be amended so that he can notch and chink logs and stack them. Again, the impact will be less that what the use granted in 1984 allows. George would request that the application be approved by the Board but that the Resolution be signed prior to him having today or within the next week of a dust control mitigation plan. He stated he will have a dust mitigation program there before operations start. Today, they are asking that the Resolution be signed before the structure enclosing the saw mill would be in place. George anticipates that would be built by this winter.

George said it will need to happen in phases and he can't build a building before the saw mill is in place. He can do this in a sequence, but he can't move his existing yard overnight. All he wants to do is add one simple step to his operation for the benefit of the community in order to not have to run that yard so hard. The other neighbors are not here because Bruce thinks it's great that we're putting the water in - that's the whole neighborhood concept - Ms. Enystrom has no protection nor do the other 5 neighbors on up the road. This puts water exactly 5 1/2 miles closer. Fire hydrants are being put in strictly for the neighborhood. BLM is also happy to see this water tank go in - this is a family business and in operation for 100 years.

Public Comment

Steve Wilson - George's neighbor most impacted by this proposal - is supporting George and if his application is denied, Steve purchased his property knowing that the adjacent property was a sawmill.

Greg Butler added that the staff would also recommended, if this is approved, an additional Condition No. 8 be added "all conditions of Resolution No. 84-179, the original approval for this Special Use Permit will be considered conditions of approval - unless modified by the Commissioners."

Mark Bean added clarification saying that the Resolution is a conditional resolution of approval and not the actual permit - the actual permit itself isn't issued until conditions are met - the Resolution is a matter of identifying conditions that have to be met before the permit is issued.

George clarified that on Resolution - Condition No. 5 - "The structure enclosing the sawmill will be in place prior to signing the Resolution."

Commissioner McCown - The signing of the Resolution allows for your special use permit to be in existence; it would allow you to move your saw mill to build your building around it; to do the dust mitigation plan - the day you start chinking and notching logs, you've got to have your permit in hand.

Another point of clarification, Condition No. 8 - staff's recommendation that all conditions in the existing Resolution be incorporated into this unless superseded or altered by this application, does the special use permit go away upon the issuance of another special use permit.

Don DeFord - it should - not sure if this was the intent.

Commissioner McCown - that should be one of the terms and conditions that he would want to see - if approval of this SUP, the old SUP would go away.

Mark - if SUP would supersede Resolution 84-179.

Commissioner McCown - any and all other Special Use Permits.

Don DeFord suggested to rescind the previous Special Use Permit so that upon issuance of the Special Use Permit pursuant to this Resolution, the previous Special Use Permit would be considered rescinded.

Calvin Lee - his concern is whether or not George wants the ability to do the original operation if he had to given economic situations in log building homes and he had to revert to being a sawmill.

George wants the ability to do the sawmill as well as the requested amendments.

Mark clarified that the way he understood this application was to add this use to the existing operation.

Commissioner McCown - wants something less of an impact but doesn't want to cripple George's operation, but he could still fall back on his old one and run 200 trucks a day and still have the ability to chink his log homes - that's not going to happen. He said he wanted to know how much if it is going to be less of an impact and the only way to be comfortable doing that is to say, if we're going to do a small saw mill it's still going to be allowed - the sawing of lumber will be allowed - we're allowing this use of stacking of logs which caused all of this anyway - but not the best of both worlds.

George Strong reviewed his application that included the yard plan and determined it to be inclusive of everything he wanted to have in this Special Use Permit.

Motions

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the special use permit allowing George Strong to proceed with his saw mill and log home operation with the recommendations of staff 1 - 8 as noted earlier, No. 8 would be "to include conditions under the previous Resolution and rescind Resolution 84-179 as a condition of approval.
Chairman Martin mentioned the Special Use Permit is subject to review when complaints are filed or within a year.
Calvin Lee asked for clarification - conditions of the original use permit would apply unless superseded or amended by the current application.
Chairman Martin - correct, that is the clarification brought forward.
Motion carried.

REQUEST FOR APPROVAL: SUBDIVISION PRELIMINARY PLAN TO SUBDIVIDE 90.03 ACRES INTO 9 LOTS WITH 4 LOTS HAVING ACCESSORY DWELLING UNITS. LOCATED: APPROXIMATELY 1 MILE EAST OF CARBONDALE, OFF COUNTY ROAD 100. APPLICANT: ROARING FORK PRESERVE LLC.
Don DeFord, Mark Bean, Attorney Bob Emerson, Joe Hope of High Country Engineering, and Ron Liston of Land Design Partnership were present.
Don reviewed the noticing, legal publication, and posting with the applicant. He determined that they were in order and timely and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application D - Project Report and Staff Comments; Exhibit E - Garfield County Subdivision Regulation of 1984; Exhibit F - Garfield County Comprehensive Plan of 2000; Exhibit G - Letter from the Town of Carbondale; Exhibit H - Letters from the Carbondale Fire District; Exhibit I - Letter from the Division of Water Resources; Exhibit J - Letter from the Division of Wildlife; Exhibit K - Letter from the Vegetation Management Department; Exhibit L - Letter from Colorado Geological Survey; Exhibit M - Letter from the 100 Road Cattle Company, LLC.; Exhibit N - Letter from the County Engineering Office.
Chairman Martin entered Exhibits A - N into the record.
Mark Bean stated that this is a request for review of a Preliminary Plan for the Roaring Fork Preserve Subdivision located on 90.03 acres. The property is currently used as irrigated pasture land. Lots 1 and 2 have portions of the lot within the 100 year floodplain. The site generally drains to the west with an average slope of less than 2%. The Slough Ditch and Banning Lateral convey irrigation water to the pasture land in the southwestern portion of the property.
The applicants propose to divide the 90.3 acres into nine (9) residential lots and allow four (4) of the lots to have accessory dwellings. The lots range in size from 5.050 to 15.876 acres in size. Access is directly off of CR 100, via a 60 ft. right-of-way, with a 22 ft. wide chip and seal driving surface. Lots 8 and 9 are to be served by a 30 ft. wide access and utility easement with a 12 ft. wide chip and seal surface that ends at Lot 8.
Mark reviewed the agencies and other comments that responded to the sketch plan review by the Planning Commission. He mentioned a delay in getting out referrals to these agencies with respect to the preliminary plan.
Other aspects of the project information and staff comments were reviewed regarding the *Relationship to the Comprehensive Plan, Staff Comments, Recommended Findings* and *Recommendation:*
The Planning Commission recommended ***Approval*** of the Roaring Fork Preserve Subdivision Preliminary Plan, with the following conditions of approval; and after the Planning Commission recommendation was made, the applicant responded to a number of the recommendation of the Planning Commission. Staff would suggest that the recommended conditions of approval be modified to read as follows:

1. All representations of the applicant made in the application and at the hearings before the Planning Commission and Board of County Commissioners shall be considered conditions of approval, unless approved otherwise by the Board.
2. The applicant provide a map showing the location of the noxious weeds by type and location on the property prior to Final Plat approval. Additionally, the County Vegetation Management office will be

provided a copy of the map and a specific plan to treat the property immediately for leafy spurge and spotted Knapweed will be agreed upon, prior to Final Plat approval.

3. The improvements associated with the Final Plat will include a revegetation provision for the disturbed area associated with the improvements for the subdivision, along with security to guarantee that the revegetation has been successful.
4. Impact fees shall be paid to the Fire District prior to finalization of the final Plat. The applicant shall adhere to the recommendations of the Carbondale and Rural Fire Protection District.
5. The applicant shall receive a recommendation from the Colorado Division of Water Resources stating that there will be no material injury to water rights in the area. Prior to the approval of any Final Plat, each well permit will be approved by the State Division of Water Resources and each well will be drilled and meet the following criteria:
   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 of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
   6. If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;
   7. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
6. The covenants need to select a specific ISTS technology required for the development or the covenants may be modified to require a choice of the two technologies, with the understanding that if a company goes out of business the HOA can select another replacement technology.
7. Hepworth-Pawlak Geotech's recommendations shall be followed. Site specific studies shall be conducted for individual lot development. The need for site specific studies shall be disclosed in the covenants and on the plat in the form of a plat note.
8. All building envelopes shall be redesigned to be consistent with the recommendations of Beach Environmental recommendations and the new building envelopes will be certified by Beach Environmental as being consistent with the recommendations, prior to a Final Plat approval.
9. All proposed roads shall be built to Garfield County Subdivision standards, without any exceptions. Emergency access for the development will be provided for all roadways or the cul-de-sacs will be reduced in length to 600 ft. or less. Provided a suitable emergency access to County Road 100 off of Road C and a common emergency access between lots 1 and 4 to the Mayfly Bend subdivision. Road C shall be a semi-primitative road with a cul-de-sac.
10. Prior to any final plat approval, the applicant will obtain a deed for the emergency access easement between Lots 1 and 4 from the Mayfly Bend property.
11. All utilities shall be buried.
12. Articles of Incorporation shall be proposed by the applicant prior to the approval of the Final Plat.
13. The covenants shall be amended as follows:

    (1) Section 3.12 of the covenants needs to be modified to indicate that only the northern portion of the property actually borders the Roaring Fork River and that the fishing easement applies only to lands within the subdivision. The covenants should clearly indicate that private property rights exist and that no trespassing shall occur on the bordering property. Preferably, the applicant would obtain a fishing easement for HOA members.

    (2) A plat note and covenant that will "hold harmless" the Colorado Division of Wildlife from any and all claims for damage to landscaping improvements, fencing, ornamental and native plants, and garden plants resulting from the activities of wildlife and the same language be included in the covenants.

    (3) An amendment to the covenants that requires all outside storage of hay to be enclosed in a game proof fence, at least eight (8) feet in height.

Applicant Comments:
Ron Liston and Bob Emerson - The only presentation to offer is to make sure that the emergency access loops so there is an easement coming off of our extended cul-de-sac to the Mayfly Bend Property which loops through their road system back onto our main road - there is a verbal agreement between the parties and the actual document will be delivered today. The road easement has been made into a full county road standard and an easement out to CR 100. Staff has done a very good job and everything has been taken care of. All the conditions beginning of Staff Comments page 17 are very appropriate except we would like to comment on number 5 - requested the first line be removed since they have received the well permits.
Attorney Bob Emerson - commented on the well construction (excerpt from Condition No. 5 - each well will be drilled and meet the following criteria). Is it necessary to drill wells on each of these lots as a condition of approval. The reason for the concern is plan does include the emergency access easement and explained there is a verbal agreement and will have the agreement today.
All conditions are very appropriate and commented on No. 5 since the well permits have been received.

Bob Emerson - after information has been obtained, is it necessary to drill wells at all locations mentioned - they are aware of what is developing in Garfield County where wells are the source of water, you want to have these wells in place because it may be questionable whether the quality and quantity of water to serve a single family residence is there. In this case, number one these are very large lots of 5 - 15 acres so a building envelope is big. One well was dug that was 25 feet deep and this subdivision is in the Roaring Fork Alluvium and the water quality was good, so the likelihood of not being able to get a producing well isn't very great. The problem is that if they go out and arbitrarily pick a spot to drill a well and the buyer of the lot may have to pipe a long way to the location they choose. Since there is very little risk in not getting very good quality and quantities of water, the request is to have the Board consider not including as a condition of approval, the requirement that wells actually be drilled before final plat.
Commissioner Comment
Chairman Martin - In the future in the ISDS systems - they are real close to picking up Carbondale's Central Sewer System and there is another Sanitation District coming down from Basalt - have you looked into a central source.
Ron looked at the non-district which was the Ranch at Roaring Fork but the costs of getting across the river were astronomical - much time away from any other available Sanitation Districts being in place. They choose to stay with the ISDS system and to make the commitment for a Class C operator in order to put out an extra level of service.
Commissioner McCown - one dry hydrant to serve this entire area?
Ron Liston - talked to Carbondale Fire District with the 30,000 water tank storage, only one dry hydrant but additionally have required sprinkler systems for these residences. In this case they are providing the additional storage and sprinkler systems taking the arrival time out of the picture.
Joe Hope commented that each one of those sprinkled systems would be engineered in each house so they would recommend the storage on site to provide the fire protection level that system requires.
Commissioner McCown asked to have comment on the number of ISDS technologies.
Ron Liston said they originally designated one in the covenants and in the staff comments about making it two makes sense - they are getting more information about the types of systems available - two is not a problem and gives flexibility. They will contract with an operator in the valley to look after the system.
Mark Bean - the only problem was the language they included - "the preferred technology" and would request that it be "required."
The applicant agreed to this change.
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; motion carried.

A motion was made by Commissioner McCown to approve the Preliminary Plan for the Roaring Fork Preserve Subdivision with the recommendation of the Planning Commission as well as the recommendations of staff to be included as conditions of approval for the Preliminary Plan.

Mark Bean commented that he kept all of the Planning Commission Conditions where they were the same, just amended those that were appropriate so if the Board goes with the recommendations of staff that will cover it.
Commissioner McCown amended his motion.
Commissioner Stowe seconded the motion.
Chairman Martin - noted that Carbondale Comprehensive Plan requested the clustering effect - they are not really in favor of what is designed here and also the density is greater than what has been provided.
Vote on the Motion
McCown - aye
Stowe - aye
Martin - nay because of those two issues.
Motion carried.

Recess until 1:00 P.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Henry Building - Proposal for Computer Software
Georgia Chamberlain and Mildred Alsdorf presented the proposal for computer software and monthly support for the Treasurer and Clerk & Recorder in the Rifle Henry Building location.
Georgia submitted the cost of $3275.00 per computer and $66.00 per month for monthly support for each additional computer.
Discussion was held regarding the licenses, costs, possibilities, and other miscellaneous items in connection with the move.
Commissioner McCown said, in response to the cost per month that we're at the mercy of Eagle Computer Systems.
Georgia stated their software is great and what Eagle is providing the Treasurer is on the cutting edge, best software out there. But as far as support, she is not that impressed. The costs paid to Eagle Computer Systems for monthly support is: $1200 for Treasurer and $1500 for Assessor; and Mildred said the Clerk & Recorder cost is $1,000.
Mildred said Eagle Computer Systems have the best software available for her department's needs.
Georgia said that Broomfield and Boulder are choosing to go with Eagle Computer Systems because they have the best software available.
Mildred commented that we do not have to purchase equipment from Eagle Computer Systems any longer.
The Board suggested the costs be submitted to Tim Arnett and Jesse Smith and they will start working on a compromise.
Commissioner McCown - these costs are necessary for these offices to function.

HUMAN SERVICES COMMISSION
Ron Lamos were present for the update on the Human Services Commission.
Services representing all the Community Agencies.
Served on the Housing for Tomorrow aka Affordable Housing. Works with Advocate Safehouse
Ray stated that he is not here to focus on a particular service; he stays in tune with the services offered - very few gaps in the Human Services Commission - the services offered as astounding.
Ray submitted information The 2 Rivers Community Foundation, Inc. saying it is able to accept many kinds of charitable gifts, but the most common are direct transfers of cash or marketable securities (stocks and bonds), marketable real property (deeds, water or mineral rights, easements, etc.), and more complex or planned gifts (such as trusts, retirement assets, bequests, interests in a business entity, etc.). All non cash gifts will usually be liquidated immediately and deposited, along with all cash gifts, into an Asset Management Fund.
This a savings account for the community to begin to accumulate endowment funds for not-for-profit agencies or for charitable purposes to be distributed by that Foundation to a wide range of services within the community. This is actually to be another funding source for services in the valley. There is a very strong board that has been meeting for about six months and will being marketing very soon. It is unusual to have a Community Foundation in this small geographic region, Aspen Foundation (Aspen Community Foundation) has a very specific focus, the Summit Foundation is a neighboring one in Summit County and there is one in Steamboat Springs. What makes it unusual is that typically the demographics of such a

foundation requires about 100,000 - 125,000 people but this County has a very high income level and it's entirely possible that this Community Foundation could become quite a successful component of the financial resources available for the needs of the valley. Ray added that they did accept their first gift about three months ago which was transferred and allowed the purchase of a facility in Rifle for Youth for Christ - it was a quarter million gift and came through the Community Foundation and was used to purchase the facility about 3-4 weeks ago.
Commissioner McCown commented that Ron, since he doesn't have an interest in any particular entity and it gives him the ability to see a much broader picture and comparatively speaking on an unbiased what each entity is doing. He is fulfilling a very important position.
Board of Health - Contracts
Mary submitted the ***EPSDT Contract*** - it's a 2 percent increase this year so $480 for a total contract amount to $21,700.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the EPSDT Contract for $21,700. Motion carried.

Master Contract

Mary said this is a new concept and there are comments as well. State health is looking at this so every year there would be renewal letters instead of a contract.
Ed said there was a lot of comments from lawyers from the State asking that they clean up the master.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the signature of the Chair, after review of the contract by County Attorney Don DeFord, Department of Public Health - Master Contract for Public Health; motion carried.

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

BOARD OF HEALTH
Mary Meisner gave the update on Public Health programs.
Lisa Pavlisick was in Vail today - no report for Healthy Beginnings.
Chairman Martin requested Lisa to submit a copy to the Commissioners later.
WIC - 1050 clients - June has not been slow like the past years; staff on vacation and covering those positions.
Oversees Travel - A company out of Vail wanted them to do all the Encephalitis shots on their crew members going abroad. They had to purchase the vaccine in advance, therefore a large expenditure but they will more than cover these expenses as revenue.
Mary submitted the monthly report on the tobacco sensation - funding and grants are being coordinated with Valley Partnership. The year's work plan was included. It is a process and they are working on the strategic plan, collation development, changing some messages and cues that are given out to the community. There won't be one countywide collation - Glenwood Springs, Rifle and Parachute will be split so they can get community emphasis.

A Board meeting will be held this Thursday - Sue Jones, Head of the Home Health Board called and cautioned Mary that Valley View may end up closing their Home Health Agency. There is only one other home health agency in the community - Columbine Health. Mary stated she will keep the Board posted. She is hoping that the Valley View Board will keep this open - they are also the Hospice in the valley as well.
Margaret Long added they are working as a nonprofit and very little budgeted for that program. Home Health is the thing to keep them out of hospitals. If Valley View closes, it will be a significant downturn in what was already a difficult situation in terms of the options for long-term agencies. There is a huge need for the disabled and elderly.
Mary said in the last three years is a CQI, a quality process was applied once called DRG and was only applied to hospitals - now it is applied to home health agencies. It makes their profit margin so very tight that it makes it difficult for them to operate.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

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

BOARD OF SOCIAL SERVICES

Margaret Long and Joy Davis were present.
Margaret presented the monthly case reports for the Board's review.

Reports

Margaret submitted the monthly reports including: Referrals, Placement Type for Child Welfare, Graph showing Out of Home Placements, Colorado Works/Gateway, and Caseload Statistics.

Discussion Items

- *Results of the TANF Bid Process*

  Margaret said there was good news - after they had put the Power Point Presentation together and submitted the report to the Board, Colette was in Denver attending the State Accounting Meeting and found out that because the State has put so little money of their own into the TANF block, Garfield County can take 30% of 1/2 of the remainder of the Maintenance Effort meaning we can take 75% times 30% - they have more money than they thought. Therefore, she is really glad they proceeded to push to get a good amount as this gives them a lot more leverage. The final figures should be in by June 18, 2001 but Margaret stated the preliminary figures look good.

  The ***Power Point of Garfield County's Bid*** as originally submitted and does not include the changes mentioned:

  - Garfield County 0.96% of State Allocation
    - Garfield County bid $1,725,000 and was willing to exceed its MOE to generate approximate allocation of $1,470,000 with an approximate $216,000 MOE
    - The bid received was $1,518,313
    - Garfield County's MOE is $223,205
    - Garfield County's Need for TANF Transfers
    - With the Bid, Garfield County hoped to have TANF transfers of:
      - Child Welfare - $62,700
      - Regional Child Care Project - $125,400
  - Available for TAN Transfer with the Allocation
    - $647,554 is the Federal Share:
      - 10% share to Child Welfare - $64,755
      - 20% share to other programs (specifically to Regional Child Care Project) - $129,510
  - Gains for Garfield County
    - Garfield County will get to transfer to the Child Care Project approximately the same as SFY 2001.
    - Garfield County can expect to continue to have a quality TANF program during the next year.

Colorado Works Allocation Methodology - 63 Counties Bid Summary

Margaret also submitted the report showing the Colorado Works Allocation Methodology for the 63 counties in Colorado.

$ 966,602 Maximum bid
$ 223,205 Final Actual Spending Level MOE (Maintenance of Effort)

- *Results of the CWAC (Child Welfare Allocation Committee)*

  This is the process to determine both the child welfare allocations for State FY 2001-2001 and a new methodology for allocation. The final figures should be in by June 18, 2001. The preliminary figures look good for the CWAC as well.

Child Support Collections

Joy Davis, Administrator of the Child Support Collections submitted the report showing:

	$3,460,448.00	Garfield
	201,824.00	Pitkin
Total collections	$3,662,312.00	

Good News - at the Yearly Child Support Conference June 3 - 6 in Breckenridge this year and they always give out State Awards to all the Counties that reach the goals. There are four (4) goals and Garfield County reached all four (4) of their goals so they received a really nice Certificate of Achievement Plaque and it looks like they will reach the goals again for this year. They are on track with collections, establishing current child support, collecting arrears, etc. And for Pitkin County, they received three (3) of the four (4) categories and the one they missed was the amount of total collections. For the first time since Joy has been administrator of the Child Support Collections, it looks like they meet all of Pitkin County's goals. And then they had sent in a nomination for Outstanding County because they think they are doing some innovative things with how they handle their caseloads and the custody clinics, etc. The State awards these to large, medium and small counties. The Great News is that Garfield County received the "Award for Outstanding Medium County."
Margaret recognized the hard work that Joy and her staff have put into the child support collections and custody clinics.
Joy said in all of the categories of what they are suppose to collect and establish, Garfield County is in the top three (3) for the entire State. Joy said that she has a plan to increase this category this year. Out of the State, Garfield County has the highest foster care collections so they do a really good job and she attributed it to really working with their people. FIDM, the Financial Institution Data Matches, going on now in Eagle and one bank to pilot the program, are in the process of getting other contracts with a lot of the banks in Colorado.
Joy said she was really proud of her staff and for nine (9) people they do a great return on investment. Joy said it is nice to go to the conferences and receive recognition by your peers.

Joy gave each of the Commissioners a travel alarm clock engraved with "Child Support Conference for the State of Colorado."
The Commissioners congratulated Joy and her team mates from all their accomplishments and suggested they keep up the good work.

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

Information - County Courthouse - US Forest Service Meeting - Friday, July 13th
Resignation from Weed Board
Town of Carbondale Councilman David Rippe resigned from the Weed Board and stated his displeasure that Garfield had a meeting with C-DOT and discussed Carbondale roads.
Chairman Martin commented that this was a misunderstanding and felt some clarification was necessary. C-DOT came before the Commissioners and the discussion items were on their agenda, therefore, Garfield County actually had nothing to do with what subjects were covered in their report.
Mildred Alsdorf stated that Suzanne called and asked if the Commissioners had the meeting and requested a copy of the Minutes. Mildred said she sent a draft copy of the Minutes of May 14, 2001 to the Town of Carbondale Council via Suzanne Cerise the Town Clerk. She also verified that the Town of Carbondale had a copy of the Agenda for May 14, 2001 and pointed out that Colorado Department of Transportation: Regional Director - Owen Leonard - Future - Transportation Issues Discussion was scheduled at 10:00 A.M.
Chairman Martin requested a clarification, not an apology saying for them to read the transcript of the meeting before they take such action.

MAC (Management Action Center) Exercise
Friday, August 24, 2001 from 10 AM to Noon in Room 301.
Ed said they would like to have involvement by the Commissioners.

Wilderness Areas - Castle Peak, Flattops and Deep Creek

Ed announced that Diana Deget will be here on August 6 and 7 to talk about the wilderness areas she is supporting - Castle Peak, Flattops and Deep Creek. She would like to set up a meeting with Garfield County and Eagle County Commissioners in the evening of August 5 in Eagle.
Chairman Martin agreed to attend.

Executive Session - Personnel Issues and Legal Information from the County Attorney Updated Open Meetings

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the above mentioned items. Motion carried.
Mildred Alsdorf, Jesse Smith, Ed Green, Don DeFord, and the Commissioners were requested to be present.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

✓ *Direction to Jesse Smith Regarding Travel for Interview*

A motion was made by Commissioner McCown regarding travel in the amount not to exceed $400 for her interview time. Commissioner Stowe seconded; motion carried.

✓ *Letter to Sheriff*

A motion was made by Commissioner Stowe and seconded by Commissioner McCown authorizing the Chair to sign a letter directed to the Sheriff explaining the Board of County Commissioner's policy on two (2) nonexempt employees in the Sheriff's Department. Motion carried.
Don explained that the Sheriff's attorney, Barbara Case-King, will be copied on the letter and he will talk to her also.

✓ *Barrett Resources - Mineral Lease*

Chairman Martin mentioned a document needed signature of the Chair from Barrett Resources authorizing them to pay the $25.00 annual payment for mineral leases on two (2) pieces of property.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the mineral lease with Barrett Resources; motion carried.

✓ *CCI Conference - Social Services*

Jesse Smith stated he sat in a full day of meetings on Social Services at CCI and the last session was very interesting. The Fed's are going to start auditing states on whether states are in compliance with the federal requirements on federal money with Social Services. And the States who are not will be placed on a Performance Plan for two (2) years in which they will have to come into compliance and if they do not again, they will risk losing federal funds. This will start next June and they will pick four (4) counties to audit out of the State and based on whether those four (4) counties meet the minimum requirements or not will be the basis of whether the State gets approval or disapproval. Denver will no doubt be one of those counties because it is the largest and the other three (3) will be picked at random. Jesse talked with the State head of this after the fact and took a position that he knows will not be popular with Social Services people. The way they were going to do was to wait until they got notified as to which four (4) counties would be selected and then start doing a self-study. The self-study will probably resolve in a book very thick that would have to be prepared to document everything from the self-study. There will be a team of 24 people that will come into that county to assess everything with that particular Social Service operation. Half of that team will be county people and the other half federal people. Jesse suggested to the State was - don't wait because they are only going to notify you three (3) months in advance. He said to go ahead and get the self-study guide now and you have every county show that self-study out now and go ahead and put teams together made up of State and County people and you go in and audit every county so they will know ahead of time how you're going to come out and can start doing remedial action before June so that you up your chances of getting approved. This is an accountability and it can be defended on that basis to make sure we're doing what is right with State and Federal funds. The State head liked the idea. Jesse thought it was a good way to put accountability measures into Social Services. It raises the bar and everyone tries to out score everybody. It is a time consuming process but everybody wins.

Discussion Road and Bridge Shop - Cattle Creek

Tom Russell, Tim Arnett and Randy Withee were present.

The discussion centered around information on the Cattle Creek Site for the Glenwood Springs Road and Bridge Shop.
Tom Russell stated the conceptual design has been altered, changed and the best thing to do at this point would be to demonstrate what he feels he needs for the shop and have the Commissioners direct Tom as to what they think should be included. His main concern is to meet the needs of the site to function properly in serving the east end of the County. He submitted a rough draft of the site but hasn't received an estimate from the architect.
Ed said at the present time it is estimated at $650,000. Tom said that is why he went back to the drawing board and the new one proposed is 80' deep instead of 100' deep and bays reduced from 24' to 20'.
Tom said this shop has to give Road and Bridge the ability to house their equipment inside and to allow them to be able to have a quick response to this area. At present there are no plans to change the routes. The equipment currently at the Glenwood Shop includes a total of 10 pieces: 3 motor graders, 5 trucks, a loader, and one empty stall for future expansion. Tom continued to justify the reason they need to park the equipment inside is because of the sand trucks that need to be kept warm in the winter; the motor graders could sit outside but every time you have to start one, it takes time to let it warm up and this just heats up the engine - the hydraulic tanks are still cold, the iron's cold, bearings cold, and nothing breaks faster than cold iron. If they are parked inside they can be warm - when an operator comes up, he does a pre-trip inspection before he takes off - if the equipment is outside and has 3" of snow on it, the operator fires it, waits for it to warm up a little bit, jumps in and takes off; he doesn't look to see if the lug nuts are tight, the hoses checked for cracks because he won't stand out in the cold doing this. Tom stresses the importance of this procedure but it doesn't work. If it's parked inside, the operator will take the time to check hoses and lug nuts.
The parts room created some confusion, but Tom said this houses spare tires - one for every piece of equipment they have; also to store tire chains, signs, barricades, shovels, stompers, gas cans - all items that go with daily operations - their tools are big - a 12' bit, 4' motor grader tire.
The wash bay is needed due to a low water volume. The equipment has to be washed everyday - Mag chloride on the windshields, wires constantly being eaten by the same, cleaning and washing allows the operator to find loose bolts, loose lines, leaks, etc. as part of maintenance. However, they can not wash the equipment outside where this drains into the soil - it's no longer an acceptable method as it contaminates the soil. He proposes a method where the water they use can be recycled by running it through a filtration system and allows them to reuse the water. This is a similar operation with what they are using now only it will be mounted to the floor. The bulk of the cost is the recycling and where there isn't much water, this is necessary.
Commissioner McCown told Tom the only concern the Board had was the cost of the building - it either gets built for the allocated amount of dollars or it doesn't get built.
Tom said if $500,000 is the magic number, they can do it. The office space has been lessened from 30' to 15' - this is needed for a place to have the operators fill out their time cards, Monday safety meetings, etc. The bid with the smaller dimensions have not come in yet. They have stated they are waiting on a bid - the estimate for the building is $450,000.
Commissioner McCown stated there is only $500,000 allowed in the budget for this shop.
Randy Withee said the building was estimated at $452,000; equipment at $58,000; infrastructure at $10,000 = total $560,000.
Randy suggested they pour the entire slap of concrete and add another building later.
Tom didn't like this idea unless all the slab on concrete could be poured at once.
Ed Green said that Tom did put in his 2001 budget $460,000 - $280,000 for this Cattle Creek Facility and $180,000 for infrastructure improvements at the Airport site. So there is almost $.5 million coming out of the Road and Bridge Budget so this may help with this situation.
Boundary Lines
Tom said that M&M Construction has met with Road and Bridge but Ron Perau of Polaris has refused to come in and talk to them. They had some discussion regarding the County possibly excavating more into the hillside to achieve more land. The Bureau of Reclamation will not allow them to do anymore mining in that pit. They are taking a little bench out of there and the Bureau has allowed it.
Chairman Martin suggested this issue get resolved without a big war.
M&M wants to get the property issue cleaned up and his property dedicated for him to go on there. He was pretty upset at the Polaris Dealership because they are running their snowmobiles and 4-wheelers up into

his property, delivery trucks prohibiting M&M from getting into his property; therefore he is anxious to get this settled. However, M&M explained to Tom that he wants the County to be the bad guy.
Discussion has been held with Ron Perau of Polaris and he knows what's going on. He built a lot of infrastructure on other property than his own. M&M has had an annual agreement that Ron Perau has to sign saying that it is a yearly deal.
Commissioner McCown commented that this is a precautionary measure in order that Ron Perau would not be able to claim that portion of M&M's property as adverse possession.
Commissioner McCown suggested moving the Road and Bridge down the street and put in a new access coming directly off the Access Road. A map of the property verified there was room to move the site.
The Commissioners felt it would be better to move the entrance down the road and avoid the entire mess of property lines. The County would be giving up a small triangle of property by adverse possession.
The Commissioners instructed Tom, Tim and Randy to keep the cost down.
Tom said Brennar Har is preparing documents to go out to bid; he would bring in a price once it comes back with bids.

JUNE 18, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 18, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, County Attorney Don DeFord, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Gail Schultz, New Castle - Dedication of 2 Acres of Land
Mark Bean, Don DeFord and Gail Schultz were present.
Gail asked the Commissioners for consideration with 2 acres of their property. In 1975-76 they exempted their property and there was a clause saying no more division of property. However, she is asking for an exception to allow the pastor of a small church in New Castle to build a home on the 2 acres they will dedicate to the church.
Mark stated it was a SB-35 Exemption**.**
Chairman Martin stated this would need to go to legal to see if there was a possibility.
Mark offered some possibilities: one being to create one 70 acre parcel and divide the remaining parcels into at least 2 acres each; or the Schultz family could go through full length subdivision process; or they can adjust the lot lines come back to the Planning & Zoning Commission with an application.
Gail stated she would have a family meeting and favored the idea that everyone would adjust their property boundaries where the 82.65 acres would create one 70 acre property and parcels of at least 2 acres.

- ***Laurie Murdock - Dedication to Ronnie Fritzlan***

Laurie Murdock submitted a verbal request to the Commissioner that the Riding Arena be dedicated to Ronnie Fritzlan.
Also, Laurie said she is a member of the Garfield County Quarterhorse Association and it was disturbing to read the news in the Post/Independent regarding the Garfield County Fairgrounds Outdoor Riding Arena with respect to the poor conditions "footing" on the arena floor. She said she attended a show at the Grand Junction arena and their arena floor had just as many rocks as the Garfield County Arena. She told the Commissioners that she and her husband are willing to help.
Chairman Martin commented that they needed the request in writing and the Board would take that under advisement.

COUNTY MANAGER UPDATE: ED GREEN

- ***New 4-H Agent Introduction*** - Nori Pierce

Pat McCarty introduced Norrie Pierce as the new 4-H Agent for Garfield County.
Nori said she is from Rio Blanco, County and has been involved in 4H for many years. She is looking forward to working with the County - this is a great program. Additionally, Nori said there is a nine (9) County program forthcoming - the 2001 Northwest Colorado Junior Livestock and Horse Expo to be held at the Garfield County Fairgrounds July 10 - 12, 2001 and submitted the 2000 Annual Report from Colorado State University Cooperative Extension.

- ***Fire Ban***

Guy Meyer provided the Board with an update of the moisture content in the plants that fuel wild fires. The latest report shows the wild plant moisture levels at between 7% and 11% - he added that anything below

15% is hazardous. Guy said when the wild fire fuel gets that dry, it become highly flammable. With winds at 50+ miles per hour and the potential of dry lightening, we are presently in danger of a major wildfire. He added that the period from June 14 - 18 dropped a point and the forecast does not look.
The Board agreed that it was time to implement the Fire Ban.
Motion
Commissioner McCown moved to implement the Fire Ban in the form of a Resolution and that it be published putting it into effect and that the Chair to authorized to sign.1-274
Commissioner Stowe seconded. Motion carried.

Fire Ban - Renewal Date
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to review the Fire Ban Resolution at their regular Commissioner Meeting on Monday, July 16, 2001; carried.

- ***Potential Annual Fire Ban - Memorial Day till Labor Day***

Guy asked the Board to consider doing an annual ban that would run from May 28 - Memorial Day until September 4 - Labor Day. Mesa County has been doing this for a couple of years and it does a lot of good by taking the guess work out of this endeavor to keep wildfires from happening. If the Board would approve this, we could start in March by doing a lot of heavy advertising to the public that they need to get their burning done and most of those who do burn ditches, etc. have completed their controlled burns anyway before the end of May. Typically, some of the stragglers with trash burning creates the trouble later in the year.
Guy asked the Board to consider this and he will be glad to bring the fire chiefs in for a work session and have a discussion. Mike Morgan, Dave Blair and Guy have discussed this - everybody will get into a routine of knowing when the burn ban goes into effect. The other part would be to put an exemption in there for the Fire Districts if they want to issue a permit, then they could.
The Board commented that they would have to think about this.

- ***Paint Striping of County Roads***

Tim Arnett and Tom Russell presented the two bidders and the amount:

Stripe-A-Lot (Montrose)	$52,172.76*
Warning Lites (Grand Junction)	64,000.00

Recommended Award.

Tim mentioned they had to advertise this twice.
The recommended Board action was to approve a contract with Stripe-A-Lot for striping various County roads in the amount of $52,172.76.
Motion
Commissioner McCown moved to award the bid for paint striping of County Roads to the lowest bidder, Stripe-A-Lot in the amount of $52,172.76. Commissioner Stowe seconded. Motion carried.

- ***Asphalt County Roads***

Tim Arnett and Tom Russell presented the bidders for paving various County roads:

Frontier Paving	$214,332.50*
United Companies	222,976.70
Grand River Construction	329,493.40
Elam Construction	337,650.00

Recommended Award.

The recommended Board action was to approve a contract with Frontier Paving for paving various County roads in the amount of $214,332.50.

Motion
Commissioner McCown moved to award the bid for paving various County Roads to the lowest bidder Frontier Paving in the amount of $214,332.50. Commissioner Stowe seconded. Motion carried.

- ***Chip Seal County Roads***

Tim Arnett and Tom Russell presented the bidders for Chip Seal on various County Roads:

GMCO LLC of Colorado	$539,673.78*
Harry's Heavy Haulers	558,002.04

Recommended Award

The recommended Board action was to approve a contract with GMCO LLC of Colorado for Chip Sealing various County roads in the amount of $539,673.78.

Motion

Commissioner McCown moved to award the contract to GMCO LLC of Colorado for Chip Sealing various County roads in the amount of $539,673.78. Commissioner Stowe seconded. Motion carried.

Chairman Martin thanked Tom for putting the New Backhoe in the Strawberry Days Parade in Glenwood Springs

- ***Executive Session - Property Acquisition of Courthouse Plaza***

Ed Green requested an Executive Session to discuss the property acquisition of the proposed Courthouse Plaza.

Don DeFord, Mildred Alsdorf, Randy Withee, Tim Arnett, Jesse Smith, and Ed Green were present for the session.

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

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

- ***Henry Building - Furniture - Computer Software***

Tim Arnett, Randy Withee, Mildred Alsdorf and Georgia Chamberlain were present.

Ed reported the Henry Building is near completion - a few addition acquisitions to make it complete for a total around $26,000 may include millwork purchases for Mildred's area to expand counter and storage space. Some computer related purchases and some furniture for both Mildred and Georgia's area as well as for the Conference Room

Tim Arnett and Randy Withee did a preliminary punch list last Tuesday and the final walk through should be this Tuesday and then ready to start getting all the furniture in there and then the Clerk and Treasurer can begin moving in July. Randy mentioned that Mildred was very happy with everything.

Mildred commented that it was looking good. The furniture in the present Rifle Clerk & Recorder's Annex located in the Taughenbaugh Building could not be moved as it was built in. This time the furniture will be moveable so it can be placed around the counter in different ways; if the growth continues, there may be a need to change things around. Mildred said she will be doing advertising due to the telephone number changing and maybe work towards an open house later.

Tim submitted the price for the furniture - the first part of this is $4,660 for the Clerk, Treasurer, and the Conference Room consisting of a conference table with eight (8) chairs; $8,601 for the Clerk's work tables, cabinets with locking doors to store license plates; two (2) computers with flat screens - one (1) with a touch screen in the Treasurers Office and the other in the Clerk's Office. These will be for public use. Computer hookups through the Courthouse to the Rifle Henry Building through high-speed Internet land line.

Mildred explained that these computers will allow the public to view limited recording records, etc. at the Henry Building instead of coming to Glenwood Springs. She clarified that a low volume of public was projected to do this because all the records are at the Courthouse.

Tim stated the $2,000 with Eagle Computer System might possibly exceed the cost projected - a commitment from Eagle was never received. Tim said negotiations were underway - a couple of licenses will need to be purchased.

Recommendation:

Commissioner McCown commented the recommendation was to take $8800 form the construction fund and $17,000 from contingency - whomever would use the Taughenbaugh space vacated by the Clerk & Recorder would be able to use those build-in facilities.

Ed said some very small changes would need to be made.

Tim added that the Nurse's Office did a walk through on last Tuesday and they will leave everything in place and use it like it is.

Ed said Road and Bridge would be making some construction changes to have adjoining offices on the 3rd floor at Taughenbaugh Building.
Motion
A motion was made by Commissioner McCown to approve the $26,327.01 amount not to exceed that for the final completion of the Henry Building with $8861.07 coming out of the construction fund and $17,465.94 coming from contingency. Commissioner Stowe seconded. Motion carried.

- ***SWANA Certifications - Janie Dyke & Kraig Kuberry***

Road and Bridge Director Tom Russell, Landfill Operators Janie Dyke and Kraig Kuberry were present. Ed Green stated there is a requirement in operating the Landfill to have employees who meet the requirements of the Solid Waste Association of North America - SWANA. Two of the Road and Bridge employees, Janie Dyke and Kraig Kuberry have undergone extensive training and testing requirements to achieve the SWANA certification. Some of the things they study include: planning and operation of a landfill site, site restrictions, economics of operating it, safety and compliance issues. Both Janie and Kraig passed the test and are now certified landfill managers.
Chairman Martin presented the certificates to Janie and Kraig saying the Board was real proud of them - they are setting a standard for the employees. Chairman Martin stated that he visited the Chaffee County Landfill and they are using Garfield County now as an example - put in their scales, trained their staff and are working toward SWANA as well.

- ***Airport - NavAid Maintenance Contract - Aviation Systems Maintenance, Inc. (ASMI)***

Ken Maenpa presented this year's annual renewal contract for NavAid Maintenance. With the three (3) NavAid Systems, this years contract rate has been increased from $1950 to $2100 a month effective August 1, 2001. The service contract covers scheduled periodic service and adjustment and restoration of the facilities following an unscheduled outage. The man rate for cancellations or excessive delays occurring in the scheduled visits after the ASMI representative is on site or en route will be invoiced at a rate of $660/day, in half day increments, portal to portal, plus travel expenses. This is an increase of $60/day over last year's contract. In the time that Ken has been with Garfield County, this has not been used nor have we been charged for any additional expenses.
Ken stated that counsel has had time to review the contract. The terms are identical to last year's contract.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the NavAid Maintenance Contract for the coming year in the amount of $2100 per month. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Tax Lien Assignments - Mr. William Starlick***

Georgia Chamberlain explained that Mr. Starlick wrote a letter to the Board asking that they assign some tax liens on some mobile homes to him. Most of the mobile homes he referenced have been paid off. There are three (3) mobile homes that still have the tax liens on them. Georgia submitted the location and the amount of the tax due to the Board for their review.
Statute 39-11-233 allowed for the transfer of Certificates held by the County to be assigned and needs to be determined by Resolution of the Board and that includes any tax lien up to $10,000. There is a $4.00 fee per assignment.
Georgia verified the lien is still on the mobile home; she didn't verify that the mobile home is still there. If the County assigns these to Mr. Starlick, he just becomes like an investor as if he had purchased these at the tax lien sale. Mr. Starlick would have no rights to the property and on mobile homes that are located in a mobile home park, there's a one (1) year redemption period. That one year redemption period would be up around the end of October. If the liens are not paid off at the time of the redemption period, Mr. Starlick can apply for certificate of owners ship.

Motion
Commissioner McCown made a motion declining the tax lien assignment to Mr. William Starlick for the (3) three mobile homes in question. Commissioner Stowe seconded.
Chairman Martin clarified that a letter will go out to these mobile home owners that if the tax lien is not redeemed by the end of October 2001, that they will be subject to new ownership. Motion carried.

- ***Cancellation of Tax Lien Sale Certificate 1997-127, Unknown Owner***

Don DeFord, Georgia Chamberlain and Steve Rippy were present.
Don DeFord stated that he had actually copied the Board on a letter that he wrote to Mr. Mathias - and has had some conversations with Steve Rippy and Georgia Chamberlain about property that lies to the south and somewhat to the east of Silt along the Colorado River. It's a parcel of ground that in 1981 the Board of Commissioners determined this was probably owned by the United States - it's meander land in the River - I think that's an accurate description of it. And for some reason, perhaps Steve has more information on it, or maybe no, but it came back on the tax roles and was valued and then of course because it was valued, the Treasurer taxed the property - no taxes were paid and it went to tax sale and Mr. Mathias was the purchaser of the tax lien certificate. It came to their attention and Don wasn't sure of the mechanism by which that happened, but he was asked to look at a mechanism to get this property off the tax roles because it had been valued and taxed improperly. There is a specific statute that allows the Board to proceed to repay individuals who have paid for tax lien certificates and to reimburse them for their costs and to invalidate the tax sale - and that's what we're asking that the Board to do in regard to the subject property. And it is the same property that was dealt with in a similar manner by the Board of Commissioners in Resolution 81-351 and what we're really asking is you do the same thing today that was done in 1981 and I think this time the property is tax exempt.
Commissioner McCown - and who does it revert back to as far as the ownership?
Don DeFord - I think the ownership will be listed as the United States Government.
Steve Rippy - that's right.
Commissioner McCown - if this was done in 1981 and it was listed United States Government then, how did it get back on the tax roles?
Steve Rippy - When I became Assessor 6 ½ years ago, one of the first things that I wanted to do was to clean up the unknown owners and there were about a dozen of those that were in the County. And if you are not aware of those types of properties, there are legal descriptions that will lap different ways and a lot of times a piece of property is left out of a particular ownership. We do the research that we can find - we can't find an owner based on the different descriptions and deeds that have been transferred - [now after looking at all of these, we decided that we needed to put them back on the tax roles with unknown owner] - typically, when they get to tax sale and Georgia's ready to issue a deed, there is a property search identity done by a title company. And usually that title company comes up with an owner, because they have the time to go back and really research it; and when that happens, then we can go through procedures and we've been able to clean most of those up. This particular property for whatever reason, not sure who the Assessor was, probably Drinkhouse or Lee Hunter at the time, but it was taken off - there was never anything put in the records - it was listed again as unknown owner; and there was never any copy of this Resolution 81- 351 attached to it. One of my employees picked it up, they saw nothing in the records to indicate that it shouldn't be put back on. When it came to tax sale, once again we got a title company to go out and research it and the opinion was, and again this is very difficult property to research because of the lots that go along with the Colorado River and meander land, came back and his belief was that it belonged to the United States Government. Since that time, we've had to meet with Don DeFord and have gone back over some other information and ended up finding a copy of this Resolution where the County had actually done away with it before. What Steve is going to do is make sure it gets put on under the State of Colorado and will attach these Resolutions to it so that this doesn't happen in the future.
Don DeFord added that he would ask in this case that the Resolution actually be recorded and then it falls in the chain of title; and that would be our practice today, but in 1981 it wasn't and it wasn't recorded. The record should also reflect since Mr. Mathias isn't present, that he is adamant that the Commissioners not follow this course of action. Steve has talked with, Georgia talked to him, Don has spoke with him at least twice, I indicated the Board had a copy of the letter I sent to Mr. Mathias - you do not. The letter actually hasn't been sent yet and so the Board does not have copies. But he did speak with Mr. Mathias and informed him about the meeting today - he was very adamant that we should not proceed - that he wanted to actually complete issuance of the tax deed for this property and in fact he felt that we, through the Treasurer's Office were overdue and delinquent in not actually issuing him a tax deed. Don did explain to him that we were simply following a course of action that the Board has in the past - that this was an error and the Statute provided for a correction. The Statute also provides that you have to reimburse him costs as well as paid him interest for the money that we've held - and that's equitable, that's what should happen, but it should be listed to the United States henceforth. One of Mr. Mathis' position was that the United States is

not actually asking that this happen, that the property is not listed to a particular agency - Don did explain to him that in my view that makes no difference whether they requested it or not - prior Boards have taken the position that this is government property - that's the way it should be. That's where we are and we're asking that you authorize the Chair to sign a Resolution canceling the sale tax certificate 1997-127.
Commissioner McCown inquired as to the actual size of this property?
Georgia Chamberlain - 18.85 acres.
Commissioner McCown - and this would be direct access to the Colorado River.
Steve Rippy - the property is directly adjacent to Brent Peterson's property and there is no legal access to the property - it's land locked.
Don DeFord - but it is directly on the river.
Steve Rippy - right - the only access is by the river.
Commissioner Stowe - I think there's also a Statute that prohibits land locked property?
Don DeFord - if you have it within your power to prevent that, that is correct.
Chairman Martin - I think we discussed that Mr. Bean also identified a meander land during a gravel pit hearing as well. That may be the same acreage.
Mark Bean - No, this property is a little bit west of that.
Commissioner McCown - it continues on down the river from this same property.
Don DeFord - I should tell you too that meander land has been treated somewhat inconsistently in the County and there are properties further to the west on the Colorado River that were treated as meander land and belonged to adjacent property owners pursuant to the Decree of the U. S. Federal District Court. But that opinion has not been applied to this property in the past, as in the area of Parachute.
Commissioner McCown - is the verbiage in the 1981 Resolution exactly what we want, Don?
as if we were to make a motion to adopt some .....?
Don DeFord - no there are some specific monetary amounts that will obviously differ and so what he is asking, is for the Board again authorize the Chair to sign a Resolution canceling the tax lien certificate in 1997-127 and authorizing repayment to the current tax lien certificate holder pursuant to Section 39-12-111.
Georgia Chamberlain - calculated the amount - the total amount we would be paying back to Mr. Mathias - it's $979.61 and would need $360.44 from the County General Fund to pay back the interest on that tax lien to Mr. Mathias.
Chairman Martin - is he currently using that land for anything at all?
Commissioner McCown - he can't even get to it.
Steve Rippy - I think the only argument of use would be from Peterson as part of his ranch over the years.
Chairman Martin - He's laid no claim to it either, Peterson?
Steve Rippy - yes and no. Through the years they wrote a letter saying they didn't own it, about three years later there was a letter that came in saying that they wanted to be considered as the owner. So something must have changed in two year period of time.
Commissioner McCown - but they were never taxed on it?
Steve Rippy - no and those letters are probably 10 - 12 years old

Motion
Commissioner McCown made a motion that the Chair be authorized to sign the Resolution canceling the tax lien sale certificate 1997-127 and the Treasurer be authorized to repay said Mr. Mathias in the amount of $979.61 and $360.44 for interest.
Commissioner Stowe seconded the motion.
Stowe - aye
McCown - aye
Martin - all right.

- ***Banking Agreement - Treasurer***

Georgia Chamberlain and Kristi Springsteele of Alpine Bank were present.
Georgia stated that Bill Sanderson, Don DeFord, Kristi Springsteele and she worked on getting the Banking Agreement in final form. Georgia presented the Banking Agreement to the Board.
Don DeFord commented that the term runs to the end of this year and then is subject to annual renewal.
Georgia said it was subject to renewal up to 2005.

Don said the substance of this has been previously discussed and the request was to have the Board to make a motion to authorize the Chair to sign the Banking Agreement with Alpine Bank for the term just stated. Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

- ***Coryell Ranch/Midland Point PUD Affordable Housing Price Discussion***

Attorney Larry Green for Coryell Ranch/Midland Point PUD and Tom Beard Vice Chairman of the Housing Authority were present and explained the Affordable Housing Pricing.
Tom Beard submitted the informational packet that included a cover letter stating the Housing Authority has reviewed the pricing structure and find it to be in compliance with their interpretation of the County's Guidelines; a letter from Michele Dressel, President Alpine Bank Mortgage Division who reviewed these sale prices and verified they would be mortgage ability to people making 80% of the medium income for a family of four or a family of six, the draft of the Public Notice of the Lottery designed for a 1/2 page ad, the Coryell Ranch Affordable Housing Units now available, the Garfield County Housing Authority - Affordable Housing Application Packet and added that if the Board approve, the Public Notice will be published on Wednesday in the Citizens Telegram and Post/Independent. The plan is to advertise these six (6) times in the Post and (1) one each in the Citizens and Valley Journal.
The applications will be available from June 21 to July 6, 2001. Tom added that the cost for advertising will be $3,000 and if approved, the Housing Authority budget can pay this. After the applications are received, they have 21 days to review them. July 27, 2001 is the target date to have the lottery drawing. Tom said they have given a lot of time and energy to this. The Coryell Ranch has been very cooperative and produced a very nice product.
Larry Green added that this has been a learning experience and Coryell Ranch Company and the Housing Authority have been able to work together to create a program that we think will work. He said that he is really curious about the size of the qualified applicant pool and hopefully there will be plenty. The Regulations are pretty confining - a narrow income band that will qualify.
Don DeFord stated what they were looking for is an indication that the Board did not have difficulties with what they are proposing - there's no provision for actual approval.
Larry wanted to get the Commissioners approval of this.
Commissioner McCown commended, both Larry Green and Tom Beard for not only taking on the project but for their overall involvement in the Affordable Housing Project. This project had taken a lot of volunteer time and hard work - both Larry and Tom were in on this from day one.
Tom said he would likewise commend the Board for being supportive of then through the entire process and having units for the first time is very exciting. This is only a drop in the bucket but at least they are putting the mechanism in place where the next project will be simpler. From this one the bugs will be found and try to refine the process. The guiding principal here is to be as fair to everyone as they can. With the three (3) bedroom unit, it created an issue for them. They are using a mass of guidelines from the Federal Government on household incomes for multiple numbers of people and the intention is to price these for the most effective use; the most effective use is two person's per bedroom. The 2 bedroom duplex units will be priced for a family of four and applications can be four or less; and the one 3 bedroom unit will be household sizes of 5 or 6 - the income goes up as the price of the unit goes up.
Tom requested feedback if the Board sees any changes that may be necessary. Need to be very creative and feels that the Affordable Housing Units have many possibilities. They will try and work on all alternatives. Regarding rental concerns, there is some room left in the Board's recent decision where a project could in fact propose rental housing - Tom found out in a meeting in Montrose that CHAFA can put financing in place for a rental property and CHAFA can deed restrict it and do rent control so that the County nor the Housing Authority has that burden. This is an additional tool that Tom said he was unaware of.

Executive - Personnel - Land Acquisition

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
Tim Arnett, Randy Withee, Jesse Smith, Ed Green, Mildred Alsdorf, and Don DeFord were requested to remain for the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

- Commissioner Stowe - Rural Resort Meeting this Wednesday - Eagle 9 - noon - July 20th Rural Resort is doing an all day session in Leadville from 9:00 AM to 4:00 PM where they will be inviting the administrators. One of the things they are looking at is 'what should be the goal of projects, etc. of the Rural Resort for the coming year' - 'should it expand or should it expand with others'; the Vacation for a couple of weeks.

  Commissioner McCown - Communication Board 1:30 PM this Wednesday at the Communication Center in Rifle; then Vacation from 6/26 - 7/6/01 to Missouri.

  Chairman Martin - Monday evening June 25 in Silt for a joint meeting with Garfield County to discuss common interests; Ramada Inn 6/26/01 BLM Fire Plan Review from 3:30 PM to 7:30 PM - their level of response and their new plan as to how they will use the new funds they received. Strawberry Days went well and the Rodeo as well.

CONSENT AGENDA

a. Approve Bills

b. Approve Board of County Commissioner Minutes 2001

JANUARY 08 - REGULAR MEETING
JANUARY 09 - SWEARING IN CEREMONY
JANUARY 09 - REORGANIZATION
JANUARY 15 - REGULAR
JANUARY 22 - REGULAR
FEBRUARY 05 - REGULAR
FEBRUARY 20 - REGULAR
FEBRUARY 23 - ENERGY IMPACT WORKSHOP
FEBRUARY 26 - REGULAR
MARCH 05 - REGULAR
MARCH 12 - REGULAR
MARCH 15 - CONTINUED - JAIL BUDGET
MARCH 19 - REGULAR
APRIL 02 - REGULAR
APRIL 09 - REGULAR
APRIL 10 - WESTERN SLOPE AGGREGATES - CONTINUED
APRIL 16 - REGULAR
APRIL 24 - WESTERN SLOPE AGGREGATES - SPECIAL
May 04 - JAIL CONSTRUCTION ISSUES - SPECIAL - EXECUTIVE SESSION
MAY 07 - REGULAR
MAY 09 - LAND ACQUISITION - SPECIAL - EXECUTIVE SESSION
MAY 14 - REGULAR
MAY 21 - REGULAR

c. Sign Resolution of Denial of Special Use Permit for (2) 45' Telecommunications Towers. Location: Within the Crystal River Ranch Development. Applicant: SBA Communications, Inc.

d. Sign Mylar for Wiggington/Jaedro, Inc. Exemption - Second Amendment - Tracts A, B, & C. Location: CR 233 - Rifle, CO. Applicant: Jack & Irene Wiggington & Jaedro, Inc.

e. Dittamore Special Use Permit: 2 Family Dwelling Unit. Sign Resolution of Approval. Location. 0701 Faranhyll Ranch Road. Applicant: Ray Dittamore.

f. Sign Mylar for Fass Subdivision Exemption. Location: CR 312. Applicant: Faye Fass

g. Sign Partial Release of Acknowledgment of Subdivision Improvements Agreement for Coryell Ranch and Midland Point Subdivisions.

h - Resolution for the Fire Ban

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda, Items a - h; carried.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST FOR APPROVAL: THE RESERVE AT ASPEN GLEN, PHASE 1. REVIEW FINAL PLAT SUBDIVISION SUBMISSION. LOCATED: APPROXIMATELY 2.5 MILES NORTHWEST OF CARBONDALE, OFF OF CR 109. APPLICANT: ASPEN GLEN GOLF COMPANY

Larry Green, Don DeFord and Mark Bean were present.

Mark explained the issues before the Board. This is a request for The Reserve at Aspen Glen, Phase I Final Plat of a 51.7 acre tract of land located within the Aspen Glen PUD on the west side of CR 109. The applicants are proposing to plat seven (7) of the 21 lots approved as a part of the Preliminary Plan for the entire Aspen Glen PUD. The lots range in size from 2.25 acres to 13.75 acres in size.

Aspen Glen will be coming before the Planning Commissioner and the Board of Commissioners later into the process.

The applicant has submitted an analysis on the traffic study as to whether or not a traffic light is warranted. The current count does not justify the need. C-DOT has not responded as to whether or not they agree.

Mark added that the applicants have incorporated and included the land dedication standard fees and have incorporated an appraisal that basically would identify the per acre estimated appraised value of the land prior to development of $15,474 which would result in a total cost for all seven (7) units of $2,166 due for all lots. This particular project also allows for employee and/or guest type housing which technically is a second dwelling. For the purposes of doing calculations, staff is suggesting to use the multiple or apartment standard included in the Regulations to come up with that amount. The Subdivision Agreements require the developer to pay all or at least 50% of the amount due at the time of final platting. The applicant has agreed to pay the entire amount for the seven (7) units up front. Mark suggested since there's some uncertainty as to whether all of these units would or could have the employee housing or affordable caretaker units put in there, that this be a stipulation attached to any subsequent building permit that came in with this type of unit and they would be obligated to pay that fee at the time.

Recommendation:

The Final Plat needs to be amended to either delete the proposed common access easements or they have to become dedicated roads meeting the semi-primitive road standards with plans and specifications for them. The SIA needs to be modified to incorporate the calculation for School Land Dedication cash in lieu calculation for the caretaker units as noted in the staff calculation.

Applicant

Attorney Larry Green expanded on three points: 1) the Preliminary Plan and PUD for Aspen Glen anticipated 21 lots west of County Road 109 - they have done a revised land plan that shows 28 lots which is an increase in density of 7 lots and they wanted to get on with the construction on these lots as well as the bike path and rather than wait and go through the PUD and Preliminary Plan amendment process now they elected to present the Board a phase one of the reserve which is the seven (7) lots in the middle of this 150 acres and is consistent with the already approved Preliminary Plan. They will come back to the Board afterwards seeking to increase that density by seven (7) units; if the Board choose not to approve it, they would fall back to the 21 lots already approved - if the Board did choose to grant it, then they would have subsequent phases for the reserve which would total 28 lots. The overall density for Aspen Glen as approved in the PUD is something like 632 units and even with this increase in density in the reserve from 21 to 28, the actual build-out for Aspen Glen is to be around 550 units rather than the 632 that were approved. 2) The private driveways is something Larry and the land planner missed and didn't realize that Garfield County's Regulations do not allow for a shared driveway so they are trying to accomplish is to cluster the units and allow as much open space as possible. The engineers and land planning staff, in recognition of the Garfield County Code Requirements, will provide for seven individual driveways off of the frontage road - there is only one intersection with CR 109 and then a frontage road running parallel to it; and as part of these amended PUD process, they will be asking for the balance of the lots within the reserve be allowed to have shared driveways. Today they would like a Resolution from the Board authorizing the Chair to sign the Plat at such time as they present it to staff a revision showing these 7 individual lots.

3) School Impact fees - Larry said they satisfied the formula with regard to the 7 units and will be sold as a package by the developer with a completed home so they will be applying for building permits for these seven (7) units and said they do not anticipate any caretaker units in these initial 7 units. Mark and Larry did agree that a plat note would be added to the revised plat saying "if a caretaker unit is ever constructed in the future, it would be the owner's responsibility at that time to pay an additional fee in lieu of dedication of lands for the School District.

Construction of the Bike Path
If the Board approves the revision to the plat they will begin and finish the bike path in 30 days. There is a short stretch where the bike path will not tie into Coryell Ranch rather to CR 109 due to the construction recently done on CR 109.

Action by the Board
A motion was made by Commissioner McCown to approve the final plat with the corrections recommended by staff which would include the individual driveway accesses off of the outer road - no shared driveways at this time - and that the SIA be modified to incorporate the calculations for the School Impact fees and a plat indicating that should any additional dwelling units, caretakers quarters or whatever called, be placed at a later day that they would be at the owner's expense at that time.
Commissioner Stowe seconded. Motion carried.

REQUEST FOR APPROVAL: EXEMPTION FROM THE DEFINITION OF A SUBDIVISION. LOCATED: 8491B HIGHWAY 6 & 24, PARACHUTE, COLORADO 81635. APPLICANT: ROBERT BORUCH.
Don DeFord, Kit Lyon and Robert Boruch were present.
Don DeFord reviewed the notification of property owners within 200 feet as identified with the Assessor's Office including public land owners and mineral leases of record in the mailing and posted the property in a timely manner. He advised the Commissioners they were entitled to proceed.
Kit stated this is a request for an exemption from the rules of subdivision for Robert Boruch on a 162+/- acre tract of land west of Parachute, Colorado. This property was previously annexed and de-annexed from the Town of Parachute. The applicant proposes to create three (3) lots about 8, 8, and 146 acres in size. According to the Garfield County Comprehensive Plan of 2000, this site lies in "Privately owned lands with site specific limitations" area, and lies within the Town of Parachute's 2 mile sphere of influence. The site lies outside of Parachute's urban service boundary and annexation boundary. There is no suggested density.

Kit continued to review the agency referral comments, major issues and concerns, staff recommendations and findings, and recommendation.
Recommendation:
Staff recommends Approval of this application with the following conditions:
1. 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.
2. 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.
3. That the applicant shall have 120 days (until 9/21/01) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption.
4. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat.
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.
6. All recommendations made by the Grand Valley Fire Protection District (GVFPD) shall be followed for existing and proposed residences. A storage tank at least 2,5000 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional. Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system. Access/egress and defensible space shall meet the CSFS NEPA 299 standard. Sprinkler systems shall adhere to NFPA 13D. Sprinklers shall be approved and supplied from cistern.
7. The access roadway to the parcels shall be maintained adequately to accommodate the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. A legal road sharing agreement, which discusses all costs associated with the maintenance of the road, who will be responsible for paying these costs, and how assessments will be made for these costs, shall be filed with the exemption plat.
8. Foundations and Individual Sewage Disposal Systems of all new dwellings shall be engineered by a Professional Registered Engineer within the State of Colorado.

9. Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of irrigation water for each lot created, since it is required for issuance of a Town water tap.
10. A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing.
11. The properties must be re-deeded into the 8.8, and 146 acre parcels prior to, or at the time of, signing of the exemption plat.
12. Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created such as a receipt for payment of Town taps.
13. ---
14. The plat contains the following note on the plat drawing: "Abandoned irrigation canals". If these abandoned canals have recorded easements, they must be shown on the plat.
15. That the following plat notes shall appear on the Final Exemption Plat:

    "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries. However, the existing dogs may remain, but when the property is conveyed to new owners, the new owners must comply with the one (1) dog restriction."

    "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. sew., 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 all exterior lighting will 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."

    "No further divisions by exemption from the rules of Subdivision will be allowed."

    "Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."

    "Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

    "All recommendations made by the Grand Valley Fire Protection District shall be followed. A storage tank at least 25,000 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional. Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system. Access/egress and defensible space shall meet the CSFS NFPA 200 standard. Sprinkler systems shall adhere to NFPA 13D. Sprinklers shall be approved and supplied from cistern."

    "Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noise, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

    "All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

1. Don DeFord suggested to see this modified to provide that the existing 35 acre proposed splits be consolidated so there is 1 - 162 acre parcel that will then be the discussion of the exception request.
2. Kit explained the lots were split by the creation of deeds but they haven't been conveyed.
3. Don clarified that the deeds are currently held by the property owner to the 35 acre parcels and said that would create 35 acre parcels so they do need to be consolidated in one deed.
4. Kit explained that in Condition No. 11 there will be one lot created and then subsequently creating the 3 deeds.

5. Commissioner McCown - on Condition No. 6 and No. 15 on the bottom of 7a, staff is saying should any of the existing residences meet the square footage requirements they will have to go back in and sprinkle.
6. Kit said yes but neither existing house exceeds 3500 square feet, therefore the sprinkler system would be optional.
7. *Applicant*
8. Robert Boruch - on the dog restriction, he has four dogs and will be selling the house with 8 acres and keeping the 144 acres - will it be possible for the grandfather clause to be transferred from his current residence to the 144 remaining acres where he will be living.
9. Commissioner McCown mentioned that would be possible and it would be a change in Condition No. 15, first paragraph, add in on the second sentence, where it reads "however, the existing dogs may remain and add in 'on the 146 acre parcel, but when the new property is conveyed to new owners, new owners must comply with the one dog restriction."
10. Commissioner Stowe called to attention that in Condition No. 15 "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries. However, the existing dogs may remain, but when the property is conveyed to new owners, the new owners must comply with the one (1) dog restriction" that
11. the 146 acre parcel would not need to be added as it just says the dogs may remain and as long as the applicant has not conveyed this acreage, the condition is not site specific as to which lot, it's just when he sells the lot. He is legal right now where he is living and as soon as you build your house, you'll be legal there - it's only when you convey the property that it becomes a problem.
12. *Motion*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request from the rules of subdivision to include staff's recommendation 1 - 15 and all testimony given today with the corrections in Condition 11; carried.

REVIEW & DECISION - NTCH - CLEAR TALK - GRASS MESA LOT 8 - COMMUNICATION TOWER

Greg Butler and Craig Hoff - Site Development Coordinator for Clear Talk were present.
Greg Butler stated that Clear Talk has not been able to finalize the Grass Mesa Homeowners Association and access issues to allow the placement of a communication tower on Lot 8 Grass Mesa. Greg asked the Board if they would like to deny this application, continue the issue or allow the applicant to withdraw.
Craig Hoff explained that they met with the Homeowners Association and picked up 4 yes votes. Staff is limited at the present. The Homeowners requested they enter into an agreement to provide additional services and money and they have agreed to provide funds for road improvements, phone service, and for the road maintenance. Did not have a formal agreement in hand. He would like to have this heard and decided with the condition that prior to building permit issuance, Clear Talk have the permission of the Homeowners Association.

Commissioner McCown did not agree to this request - legal access is necessary before they approve.
Therefore, the options are for the Commissioners to deny or the applicant can withdraw the application.
Should the applicant withdraw it would constitute renoticing to all adjacent property owners.
Mark said they are 45 days turn around at the present to schedule a hearing.
Craig stated he didn't want to terminate the application - there is a narrow window and this site is needed.
He acknowledged the time this has taken as well as the involvement for the County.
The applicant agreed to withdraw and they would begin again and use the original application once they obtain approval of the Homeowners Association for access.
The Board did not have any objections.

PUBLIC HEARINGS;

CONTINUED PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCES PROCESSING. LOCATED: 3 MILES NORTH OF RIFLE OFF OF HIGHWAY 13. APPLICANT: GEORGE STRONG

Greg Butler, Don DeFord, George Strong and Attorney Calvin Lee were present.

This is a continued public hearing and Don DeFord reminded those who were sworn in at the May 14, 2001 hearing that they were still under oath.
Chairman Martin swore in the speakers.
Calvin Lee submitted the noise reports showing the levels would not exceed the 25 ft. restriction. The availability of water, the Rifle Fire Department sent in a letter dated June 1st. A copy of the letter was submitted.
Chairman Martin admitted Exhibit G into the record.
Calvin Lee said that Mr. Strong has installed the 30,000 gallon water tank and would request approval of his application.
Staff Comments:
Much of this operation currently exists on the site. The applicant is only requesting permission to expand the operation to include sawing, peeling, notching, chinking and the stacking of logs. The house shell stack will not exceed 100 feet by 100 feet by 20 feet high. This property is isolated enough that operations normal to custom sawmills should not affect any neighboring property-owners. The operation is small enough to have limited effect on SH 13. The applicant had a sound-monitoring test conducted by a qualified acoustical engineer who concluded that if allowed, the sawmill operation was enclosed, that this expansion would not exceed the decibel levels set by the State.

Recommendation:
Staff recommends approval of the Strong Lumber Special Use Permit with the following conditions of approval:

1. All representations of the applicant, either written, implied or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.
3. This Special Use Permit is valid for one-year after which time the Planning Department can inspect the site for compliance to the terms of approval.
4. The applicant will do a dust control mitigation plan, reviewed by the Planning Department can inspect the site for compliance.
5. The structure enclosing the sawmill will be in place prior to signing the Resolution.
6. The entire site will comply with the yard-plan submitted as part of this file.
7. Those concerns of the Rifle Fire Protection District will be complied with especially the requirement for a water supply plan.

Calvin Lee - on the requirement for a dust study - all dust will be mitigated. Also, the one neighbor as stated in the report is less of an impact than what is allowed there. A sawmill would be operating 8 hours and Mr. Strong is requested less hours and less traffic impacts.
Commissioner McCown - Condition No. 5 - dust - not specific related to the sawmill dust. This is specifically related to the road that will occur from vehicle use and scraping off the vegetation.
Applicant George Strong said he has a bid for Mag Chloride.

Public Comments
Lynn Enystrom - said she has talked to George Strong and understands what he wants to do; however, she maintained that this is residential and the noise is very disturbing. She reiterated her comments made at the May review. She requested the Commissioners deny this application - she doesn't want industrial uses in place here. If this is allowed everyone will see this and assume that it is industrial use. Fire Insurance will go up and they will lose money if they decide to sell. She feels that she is being forced out. She requested the Board uphold the residential/agricultural use. This SUP is not appropriate for the area. Begged the Board to deny this for her and her neighbors.
Steve Wilson adjacent property owner said he did a noise analysis and the greatest noise is generated from the I-70 Interstate highway. He said George Strong is 200 feet from the highway and added you can be 200' from the loader and the loader doesn't interrupt your conservation with someone, but no matter if a Ford Tempo or 379 Peter Built comes by on the highway, your conservation will be stopped - you can't talk over road noise at 200 feet away. He added that Lynn Enystrom's house is approximately 2,000 feet from George Strong's proposed operation.
Applicant

Calvin Lee summarized that George sympathizes with Ms. Enystrom, however the industrial use was granted for this parcel in 1984 and the use is already allowed there and George is merely asking that the use be amended so that he can notch and chink logs and stack them. Again, the impact will be less that what the use granted in 1984 allows. George would request that the application be approved by the Board but that the Resolution be signed prior to him having today or within the next week of a dust control mitigation plan. He stated he will have a dust mitigation program there before operations start. Today, they are asking that the Resolution be signed before the structure enclosing the saw mill would be in place. George anticipates that would be built by this winter.
George said it will need to happen in phases and he can't build a building before the saw mill is in place. He can do this in a sequence, but he can't move his existing yard overnight. All he wants to do is add one simple step to his operation for the benefit of the community in order to not have to run that yard so hard. The other neighbors are not here because Bruce thinks it's great that we're putting the water in - that's the whole neighborhood concept - Ms. Enystrom has no protection nor do the other 5 neighbors on up the road. This puts water exactly 5 1/2 miles closer. Fire hydrants are being put in strictly for the neighborhood. BLM is also happy to see this water tank go in - this is a family business and in operation for 100 years.
Public Comment
Steve Wilson - George's neighbor most impacted by this proposal - is supporting George and if his application is denied, Steve purchased his property knowing that the adjacent property was a sawmill.

Greg Butler added that the staff would also recommended, if this is approved, an additional Condition No. 8 be added "all conditions of Resolution No. 84-179, the original approval for this Special Use Permit will be considered conditions of approval - unless modified by the Commissioners."
Mark Bean added clarification saying that the Resolution is a conditional resolution of approval and not the actual permit - the actual permit itself isn't issued until conditions are met - the Resolution is a matter of identifying conditions that have to be met before the permit is issued.
George clarified that on Resolution - Condition No. 5 - "The structure enclosing the sawmill will be in place prior to signing the Resolution."
Commissioner McCown - The signing of the Resolution allows for your special use permit to be in existence; it would allow you to move your saw mill to build your building around it; to do the dust mitigation plan - the day you start chinking and notching logs, you've got to have your permit in hand.
Another point of clarification, Condition No. 8 - staff's recommendation that all conditions in the existing Resolution be incorporated into this unless superseded or altered by this application, does the special use permit go away upon the issuance of another special use permit.
Don DeFord - it should - not sure if this was the intent.
Commissioner McCown - that should be one of the terms and conditions that he would want to see - if approval of this SUP, the old SUP would go away.
Mark - if SUP would supersede Resolution 84-179.
Commissioner McCown - any and all other Special Use Permits.
Don DeFord suggested to rescind the previous Special Use Permit so that upon issuance of the Special Use Permit pursuant to this Resolution, the previous Special Use Permit would be considered rescinded.
Calvin Lee - his concern is whether or not George wants the ability to do the original operation if he had to given economic situations in log building homes and he had to revert to being a sawmill.
George wants the ability to do the sawmill as well as the requested amendments.
Mark clarified that the way he understood this application was to add this use to the existing operation.
Commissioner McCown - wants something less of an impact but doesn't want to cripple George's operation, but he could still fall back on his old one and run 200 trucks a day and still have the ability to chink his log homes - that's not going to happen. He said he wanted to know how much if it is going to be less of an impact and the only way to be comfortable doing that is to say, if we're going to do a small saw mill it's still going to be allowed - the sawing of lumber will be allowed - we're allowing this use of stacking of logs which caused all of this anyway - but not the best of both worlds.
George Strong reviewed his application that included the yard plan and determined it to be inclusive of everything he wanted to have in this Special Use Permit.
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the special use permit allowing George Strong to proceed with his saw mill and log home operation with the recommendations of staff 1 - 8 as noted earlier, No. 8 would be "to include conditions under the previous Resolution and rescind Resolution 84-179 as a condition of approval.
Chairman Martin mentioned the Special Use Permit is subject to review when complaints are filed or within a year.
Calvin Lee asked for clarification - conditions of the original use permit would apply unless superseded or amended by the current application.
Chairman Martin - correct, that is the clarification brought forward.
Motion carried.

REQUEST FOR APPROVAL: SUBDIVISION PRELIMINARY PLAN TO SUBDIVIDE 90.03 ACRES INTO 9 LOTS WITH 4 LOTS HAVING ACCESSORY DWELLING UNITS. LOCATED: APPROXIMATELY 1 MILE EAST OF CARBONDALE, OFF COUNTY ROAD 100. APPLICANT: ROARING FORK PRESERVE LLC.
Don DeFord, Mark Bean, Attorney Bob Emerson, Joe Hope of High Country Engineering, and Ron Liston of Land Design Partnership were present.
Don reviewed the noticing, legal publication, and posting with the applicant. He determined that they were in order and timely and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application D - Project Report and Staff Comments; Exhibit E - Garfield County Subdivision Regulation of 1984; Exhibit F - Garfield County Comprehensive Plan of 2000; Exhibit G - Letter from the Town of Carbondale; Exhibit H - Letters from the Carbondale Fire District; Exhibit I - Letter from the Division of Water Resources; Exhibit J - Letter from the Division of Wildlife; Exhibit K - Letter from the Vegetation Management Department; Exhibit L - Letter from Colorado Geological Survey; Exhibit M - Letter from the 100 Road Cattle Company, LLC.; Exhibit N - Letter from the County Engineering Office.
Chairman Martin entered Exhibits A - N into the record.
Mark Bean stated that this is a request for review of a Preliminary Plan for the Roaring Fork Preserve Subdivision located on 90.03 acres. The property is currently used as irrigated pasture land. Lots 1 and 2 have portions of the lot within the 100 year floodplain. The site generally drains to the west with an average slope of less than 2%. The Slough Ditch and Banning Lateral convey irrigation water to the pasture land in the southwestern portion of the property.
The applicants propose to divide the 90.3 acres into nine (9) residential lots and allow four (4) of the lots to have accessory dwellings. The lots range in size from 5.050 to 15.876 acres in size. Access is directly off of CR 100, via a 60 ft. right-of-way, with a 22 ft. wide chip and seal driving surface. Lots 8 and 9 are to be served by a 30 ft. wide access and utility easement with a 12 ft. wide chip and seal surface that ends at Lot 8.
Mark reviewed the agencies and other comments that responded to the sketch plan review by the Planning Commission. He mentioned a delay in getting out referrals to these agencies with respect to the preliminary plan.
Other aspects of the project information and staff comments were reviewed regarding the *Relationship to the Comprehensive Plan, Staff Comments, Recommended Findings* and *Recommendation:*
The Planning Commission recommended ***Approval*** of the Roaring Fork Preserve Subdivision Preliminary Plan, with the following conditions of approval; and after the Planning Commission recommendation was made, the applicant responded to a number of the recommendation of the Planning Commission. Staff would suggest that the recommended conditions of approval be modified to read as follows:

1. All representations of the applicant made in the application and at the hearings before the Planning Commission and Board of County Commissioners shall be considered conditions of approval, unless approved otherwise by the Board.
2. The applicant provide a map showing the location of the noxious weeds by type and location on the property prior to Final Plat approval. Additionally, the County Vegetation Management office will be provided a copy of the map and a specific plan to treat the property immediately for leafy spurge and spotted Knapweed will be agreed upon, prior to Final Plat approval.

3. The improvements associated with the Final Plat will include a revegetation provision for the disturbed area associated with the improvements for the subdivision, along with security to guarantee that the revegetation has been successful.
4. Impact fees shall be paid to the Fire District prior to finalization of the final Plat. The applicant shall adhere to the recommendations of the Carbondale and Rural Fire Protection District.
5. The applicant shall receive a recommendation from the Colorado Division of Water Resources stating that there will be no material injury to water rights in the area. Prior to the approval of any Final Plat, each well permit will be approved by the State Division of Water Resources and each well will be drilled and meet the following criteria:
   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 of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
   6. If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;
   7. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
6. The covenants need to select a specific ISTS technology required for the development or the covenants may be modified to require a choice of the two technologies, with the understanding that if a company goes out of business the HOA can select another replacement technology.
7. Hepworth-Pawlak Geotech's recommendations shall be followed. Site specific studies shall be conducted for individual lot development. The need for site specific studies shall be disclosed in the covenants and on the plat in the form of a plat note.
8. All building envelopes shall be redesigned to be consistent with the recommendations of Beach Environmental recommendations and the new building envelopes will be certified by Beach Environmental as being consistent with the recommendations, prior to a Final Plat approval.
9. All proposed roads shall be built to Garfield County Subdivision standards, without any exceptions. Emergency access for the development will be provided for all roadways or the cul-de-sacs will be reduced in length to 600 ft. or less. Provided a suitable emergency access to County Road 100 off of Road C and a common emergency access between lots 1 and 4 to the Mayfly Bend subdivision. Road C shall be a semi-primitative road with a cul-de-sac.
10. Prior to any final plat approval, the applicant will obtain a deed for the emergency access easement between Lots 1 and 4 from the Mayfly Bend property.
11. All utilities shall be buried.
12. Articles of Incorporation shall be proposed by the applicant prior to the approval of the Final Plat.
13. The covenants shall be amended as follows:

    (1) Section 3.12 of the covenants needs to be modified to indicate that only the northern portion of the property actually borders the Roaring Fork River and that the fishing easement applies only to lands within the subdivision. The covenants should clearly indicate that private property rights exist and that no trespassing shall occur on the bordering property. Preferably, the applicant would obtain a fishing easement for HOA members.

    (2) A plat note and covenant that will "hold harmless" the Colorado Division of Wildlife from any and all claims for damage to landscaping improvements, fencing, ornamental and native plants, and garden plants resulting from the activities of wildlife and the same language be included in the covenants.

    (3) An amendment to the covenants that requires all outside storage of hay to be enclosed in a game proof fence, at least eight (8) feet in height.

Applicant Comments:
Ron Liston and Bob Emerson - The only presentation to offer is to make sure that the emergency access loops so there is an easement coming off of our extended cul-de-sac to the Mayfly Bend Property which loops through their road system back onto our main road - there is a verbal agreement between the parties and the actual document will be delivered today. The road easement has been made into a full county road standard and an easement out to CR 100. Staff has done a very good job and everything has been taken care of. All the conditions beginning of Staff Comments page 17 are very appropriate except we would like to comment on number 5 - requested the first line be removed since they have received the well permits.
Attorney Bob Emerson - commented on the well construction (excerpt from Condition No. 5 - each well will be drilled and meet the following criteria). Is it necessary to drill wells on each of these lots as a condition of approval. The reason for the concern is plan does include the emergency access easement and explained there is a verbal agreement and will have the agreement today.
All conditions are very appropriate and commented on No. 5 since the well permits have been received.

Bob Emerson - after information has been obtained, is it necessary to drill wells at all locations mentioned - they are aware of what is developing in Garfield County where wells are the source of water, you want to have these wells in place because it may be questionable whether the quality and quantity of water to serve a single family residence is there. In this case, number one these are very large lots of 5 - 15 acres so a building envelope is big. One well was dug that was 25 feet deep and this subdivision is in the Roaring Fork Alluvium and the water quality was good, so the likelihood of not being able to get a producing well isn't very great. The problem is that if they go out and arbitrarily pick a spot to drill a well and the buyer of the lot may have to pipe a long way to the location they choose. Since there is very little risk in not getting very good quality and quantities of water, the request is to have the Board consider not including as a condition of approval, the requirement that wells actually be drilled before final plat.
Commissioner Comment
Chairman Martin - In the future in the ISDS systems - they are real close to picking up Carbondale's Central Sewer System and there is another Sanitation District coming down from Basalt - have you looked into a central source.
Ron looked at the non-district which was the Ranch at Roaring Fork but the costs of getting across the river were astronomical - much time away from any other available Sanitation Districts being in place. They choose to stay with the ISDS system and to make the commitment for a Class C operator in order to put out an extra level of service.
Commissioner McCown - one dry hydrant to serve this entire area?
Ron Liston - talked to Carbondale Fire District with the 30,000 water tank storage, only one dry hydrant but additionally have required sprinkler systems for these residences. In this case they are providing the additional storage and sprinkler systems taking the arrival time out of the picture.
Joe Hope commented that each one of those sprinkled systems would be engineered in each house so they would recommend the storage on site to provide the fire protection level that system requires.
Commissioner McCown asked to have comment on the number of ISDS technologies.
Ron Liston said they originally designated one in the covenants and in the staff comments about making it two makes sense - they are getting more information about the types of systems available - two is not a problem and gives flexibility. They will contract with an operator in the valley to look after the system.
Mark Bean - the only problem was the language they included - "the preferred technology" and would request that it be "required."
The applicant agreed to this change.
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; motion carried.

A motion was made by Commissioner McCown to approve the Preliminary Plan for the Roaring Fork Preserve Subdivision with the recommendation of the Planning Commission as well as the recommendations of staff to be included as conditions of approval for the Preliminary Plan.
Mark Bean commented that he kept all of the Planning Commission Conditions where they were the same, just amended those that were appropriate so if the Board goes with the recommendations of staff that will cover it.
Commissioner McCown amended his motion.

Commissioner Stowe seconded the motion.
Chairman Martin - noted that Carbondale Comprehensive Plan requested the clustering effect - they are not really in favor of what is designed here and also the density is greater than what has been provided.
Vote on the Motion
McCown - aye
Stowe - aye
Martin - nay because of those two issues.
Motion carried.

Recess until 1:00 P.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Henry Building - Proposal for Computer Software
Georgia Chamberlain and Mildred Alsdorf presented the proposal for computer software and monthly support for the Treasurer and Clerk & Recorder in the Rifle Henry Building location.
Georgia submitted the cost of $3275.00 per computer and $66.00 per month for monthly support for each additional computer.
Discussion was held regarding the licenses, costs, possibilities, and other miscellaneous items in connection with the move.
Commissioner McCown said, in response to the cost per month that we're at the mercy of Eagle Computer Systems.
Georgia stated their software is great and what Eagle is providing the Treasurer is on the cutting edge, best software out there. But as far as support, she is not that impressed. The costs paid to Eagle Computer Systems for monthly support is: $1200 for Treasurer and $1500 for Assessor; and Mildred said the Clerk & Recorder cost is $1,000.
Mildred said Eagle Computer Systems have the best software available for her department's needs.
Georgia said that Broomfield and Boulder are choosing to go with Eagle Computer Systems because they have the best software available.
Mildred commented that we do not have to purchase equipment from Eagle Computer Systems any longer.
The Board suggested the costs be submitted to Tim Arnett and Jesse Smith and they will start working on a compromise.
Commissioner McCown - these costs are necessary for these offices to function.

HUMAN SERVICES COMMISSION
Ron Lamos were present for the update on the Human Services Commission.
Services representing all the Community Agencies.
Served on the Housing for Tomorrow aka Affordable Housing. Works with Advocate Safehouse
Ray stated that he is not here to focus on a particular service; he stays in tune with the services offered - very few gaps in the Human Services Commission - the services offered as astounding.
Ray submitted information The 2 Rivers Community Foundation, Inc. saying it is able to accept many kinds of charitable gifts, but the most common are direct transfers of cash or marketable securities (stocks and bonds), marketable real property (deeds, water or mineral rights, easements, etc.), and more complex or planned gifts (such as trusts, retirement assets, bequests, interests in a business entity, etc.). All non cash gifts will usually be liquidated immediately and deposited, along with all cash gifts, into an Asset Management Fund.
This a savings account for the community to begin to accumulate endowment funds for not-for-profit agencies or for charitable purposes to be distributed by that Foundation to a wide range of services within the community. This is actually to be another funding source for services in the valley. There is a very strong board that has been meeting for about six months and will being marketing very soon. It is unusual to have a Community Foundation in this small geographic region, Aspen Foundation (Aspen Community Foundation) has a very specific focus, the Summit Foundation is a neighboring one in Summit County and there is one in Steamboat Springs. What makes it unusual is that typically the demographics of such a foundation requires about 100,000 - 125,000 people but this County has a very high income level and it's entirely possible that this Community Foundation could become quite a successful component of the financial resources available for the needs of the valley. Ray added that they did accept their first gift about three months ago which was transferred and allowed the purchase of a facility in Rifle for Youth for Christ

- it was a quarter million gift and came through the Community Foundation and was used to purchase the facility about 3-4 weeks ago.
Commissioner McCown commented that Ron, since he doesn't have an interest in any particular entity and it gives him the ability to see a much broader picture and comparatively speaking on an unbiased what each entity is doing. He is fulfilling a very important position.
Board of Health - Contracts
Mary submitted the ***EPSDT Contract*** - it's a 2 percent increase this year so $480 for a total contract amount to $21,700.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the EPSDT Contract for $21,700. Motion carried.

Master Contract

Mary said this is a new concept and there are comments as well. State health is looking at this so every year there would be renewal letters instead of a contract.
Ed said there was a lot of comments from lawyers from the State asking that they clean up the master.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the signature of the Chair, after review of the contract by County Attorney Don DeFord, Department of Public Health - Master Contract for Public Health; motion carried.

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

BOARD OF HEALTH
Mary Meisner gave the update on Public Health programs.
Lisa Pavlisick was in Vail today - no report for Healthy Beginnings.
Chairman Martin requested Lisa to submit a copy to the Commissioners later.
WIC - 1050 clients - June has not been slow like the past years; staff on vacation and covering those positions.
Oversees Travel - A company out of Vail wanted them to do all the Encephalitis shots on their crew members going abroad. They had to purchase the vaccine in advance, therefore a large expenditure but they will more than cover these expenses as revenue.
Mary submitted the monthly report on the tobacco sensation - funding and grants are being coordinated with Valley Partnership. The year's work plan was included. It is a process and they are working on the strategic plan, collation development, changing some messages and cues that are given out to the community. There won't be one countywide collation - Glenwood Springs, Rifle and Parachute will be split so they can get community emphasis.

A Board meeting will be held this Thursday - Sue Jones, Head of the Home Health Board called and cautioned Mary that Valley View may end up closing their Home Health Agency. There is only one other home health agency in the community - Columbine Health. Mary stated she will keep the Board posted. She is hoping that the Valley View Board will keep this open - they are also the Hospice in the valley as well.
Margaret Long added they are working as a nonprofit and very little budgeted for that program. Home Health is the thing to keep them out of hospitals. If Valley View closes, it will be a significant downturn in what was already a difficult situation in terms of the options for long-term agencies. There is a huge need for the disabled and elderly.
Mary said in the last three years is a CQI, a quality process was applied once called DRG and was only applied to hospitals - now it is applied to home health agencies. It makes their profit margin so very tight that it makes it difficult for them to operate.

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

BOARD OF SOCIAL SERVICES
Margaret Long and Joy Davis were present.
Margaret presented the monthly case reports for the Board's review.
Reports
Margaret submitted the monthly reports including: Referrals, Placement Type for Child Welfare, Graph showing Out of Home Placements, Colorado Works/Gateway, and Caseload Statistics.
Discussion Items

- *Results of the TANF Bid Process*

  Margaret said there was good news - after they had put the Power Point Presentation together and submitted the report to the Board, Colette was in Denver attending the State Accounting Meeting and found out that because the State has put so little money of their own into the TANF block, Garfield County can take 30% of 1/2 of the remainder of the Maintenance Effort meaning we can take 75% times 30% - they have more money than they thought. Therefore, she is really glad they proceeded to push to get a good amount as this gives them a lot more leverage. The final figures should be in by June 18, 2001 but Margaret stated the preliminary figures look good.

  The ***Power Point of Garfield County's Bid*** as originally submitted and does not include the changes mentioned:

  - Garfield County 0.96% of State Allocation
    - Garfield County bid $1,725,000 and was willing to exceed its MOE to generate approximate allocation of $1,470,000 with an approximate $216,000 MOE
    - The bid received was $1,518,313
    - Garfield County's MOE is $223,205
    - Garfield County's Need for TANF Transfers
    - With the Bid, Garfield County hoped to have TANF transfers of:
      - Child Welfare - $62,700
      - Regional Child Care Project - $125,400
  - Available for TANF Transfer with the Allocation
    - $647,554 is the Federal Share:
      - 10% share to Child Welfare - $64,755
      - 20% share to other programs (specifically to Regional Child Care Project) - $129,510
  - Gains for Garfield County
    - Garfield County will get to transfer to the Child Care Project approximately the same as SFY 2001.
    - Garfield County can expect to continue to have a quality TANF program during the next year.

Colorado Works Allocation Methodology - 63 Counties Bid Summary
Margaret also submitted the report showing the Colorado Works Allocation Methodology for the 63 counties in Colorado.

$ 966,602 Maximum bid
$ 223,205 Final Actual Spending Level MOE (Maintenance of Effort)

- *Results of the CWAC (Child Welfare Allocation Committee)*

  This is the process to determine both the child welfare allocations for State FY 2001-2001 and a new methodology for allocation. The final figures should be in by June 18, 2001. The preliminary figures look good for the CWAC as well.

Child Support Collections
Joy Davis, Administrator of the Child Support Collections submitted the report showing:

	$3,460,448.00 Garfield
	201,824.00 Pitkin
Total collections	$3,662,312.00

Good News - at the Yearly Child Support Conference June 3 - 6 in Breckenridge this year and they gave out State Awards to all the Counties that reached their goals. There are four (4) goals and Garfield County reached all four (4) of their goals so they received a really nice Certificate of Achievement Plaque and it looks like they will reach the goals again for this year. They are on track with collections, establishing current child support, collecting arrears, etc. And for Pitkin County, they received three (3) of the four (4) categories and the one they missed was the amount of total collections. For the first time since Joy has been administrator of the Child Support Collections, it looks like they will meet all of Pitkin County's goals. And then they had sent in a nomination for Outstanding County because they think they are doing some innovative things with how they handle their caseloads and the custody clinics, etc. The State awards these to large, medium and small counties. The Great News is that Garfield County received the "Award for Outstanding Medium County."
Margaret recognized the hard work that Joy and her staff have put into the child support collections and custody clinics.
Joy said in all of the categories of what they are suppose to collect and establish, Garfield County is in the top three (3) for the entire State. Joy said that she has a plan to increase this category this year. Out of the State, Garfield County has the highest foster care collections so they do a really good job and she attributed it to really working with their people. FIDM, the Financial Institution Data Matches, going on now in Eagle and one bank to pilot the program, are in the process of getting other contracts with a lot of the banks in Colorado.
Joy said she was really proud of her staff and for nine (9) people they do a great return on investment. Joy said it is nice to go to the conferences and receive recognition by your peers.

Joy gave each of the Commissioners a travel alarm clock engraved with "Child Support Conference for the State of Colorado."
The Commissioners congratulated Joy and her team mates from all their accomplishments and suggested they keep up the good work.

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

Information - County Courthouse - US Forest Service Meeting - Friday, July 13th
Resignation from Weed Board
Town of Carbondale Councilman David Rippe resigned from the Weed Board and stated his displeasure that Garfield had a meeting with C-DOT and discussed Carbondale roads.
Chairman Martin commented that this was a misunderstanding and felt some clarification was necessary. C-DOT came before the Commissioners and the discussion items were on their agenda, therefore, Garfield County actually had nothing to do with what subjects were covered in their report.
Mildred Alsdorf stated that Suzanne called and asked if the Commissioners had the meeting and requested a copy of the Minutes. Mildred said she sent a draft copy of the Minutes of May 14, 2001 to the Town of Carbondale Council via Suzanne Cerise the Town Clerk. She also verified that the Town of Carbondale had a copy of the Agenda for May 14, 2001 and pointed out that Colorado Department of Transportation: Regional Director - Owen Leonard - Future - Transportation Issues Discussion was scheduled at 10:00 A.M.
Chairman Martin requested a clarification, not an apology saying for them to read the transcript of the meeting before they take such action.

MAC (Management Action Center) Exercise
Friday, August 24, 2001 from 10 AM to Noon in Room 301.
Ed said they would like to have involvement by the Commissioners.

Wilderness Areas - Castle Peak, Flattops and Deep Creek
Ed announced that Diana Deget will be here on August 6 and 7 to talk about the wilderness areas she is supporting - Castle Peak, Flattops and Deep Creek. She would like to set up a meeting with Garfield County and Eagle County Commissioners in the evening of August 5 in Eagle.
Chairman Martin agreed to attend.

Executive Session - Personnel Issues and Legal Information from the County Attorney Updated Open Meetings

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the above mentioned items. Motion carried.

Mildred Alsdorf, Jesse Smith, Ed Green, Don DeFord, and the Commissioners were requested to be present.

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

✓ *Direction to Jesse Smith Regarding Travel for Interview*

A motion was made by Commissioner McCown regarding travel in the amount not to exceed $400 for her interview time. Commissioner Stowe seconded; motion carried.

✓ *Letter to Sheriff*

A motion was made by Commissioner Stowe and seconded by Commissioner McCown authorizing the Chair to sign a letter directed to the Sheriff explaining the Board of County Commissioner's policy on two (2) nonexempt employees in the Sheriff's Department. Motion carried.

Don explained that the Sheriff's attorney, Barbara Case-King, will be copied on the letter and he will talk to her also.

✓ *Barrett Resources - Mineral Lease*

Chairman Martin mentioned a document needed signature of the Chair from Barrett Resources authorizing them to pay the $25.00 annual payment for mineral leases on two (2) pieces of property.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the mineral lease with Barrett Resources; motion carried.

✓ *CCI Conference - Social Services*

Jesse Smith stated he sat in a full day of meetings on Social Services at CCI and the last session was very interesting. The Fed's are going to start auditing states on whether states are in compliance with the federal requirements on federal money with Social Services. And the States who are not will be placed on a Performance Plan for two (2) years in which they will have to come into compliance and if they do not again, they will risk losing federal funds. This will start next June and they will pick four (4) counties to audit out of the State and based on whether those four (4) counties meet the minimum requirements or not will be the basis of whether the State gets approval or disapproval. Denver will no doubt be one of those counties because it is the largest and the other three (3) will be picked at random. Jesse talked with the State head of this after the fact and took a position that he knows will not be popular with Social Services people. The way they were planning to approach this was to wait until they got notified as to which four (4) counties would be selected and then start doing a self-study. The self-study will probably resolve in a very thick book that would have to be prepared to document everything for the self-study. There will be a team of 24 people that will come into the county to assess everything with that particular Social Service operation. Half of that team will be county people and the other half federal people. Jesse suggested to the State was - don't wait because they are only going to notify you three (3) months in advance. He said to go ahead and get the self-study guide now and you have every county complete the self-study and go ahead and put teams together made up of State and County people and you go in and audit every county so they will know ahead of time how you're going to come out and can start doing remedial action before June so that you up your chances of getting approved. This is an accountability issue, and it can be defended on that basis to make sure we're doing what is right with State and Federal funds. The State head liked the idea. Jesse thought it was a good way to put accountability measures into Social Services. It raises the bar and everyone tries to out score everybody. It is a time consuming process but everybody wins.

Discussion Road and Bridge Shop - Cattle Creek

Tom Russell, Tim Arnett and Randy Withee were present.

The discussion centered around information on the Cattle Creek Site for the Glenwood Springs Road and Bridge Shop.

Tom Russell stated the conceptual design has been altered, changed and the best thing to do at this point would be to demonstrate what he feels he needs for the shop and have the Commissioners direct Tom as to

what they think should be included. His main concern is to meet the needs of the site to function properly in serving the east end of the County. He submitted a rough draft of the site for Road and Bridge but hasn't received an estimate from the architect.
Ed said at the present time it is estimated at $650,000. Tom said that is why he went back to the drawing board and the new one proposed is 80' deep instead of 100' deep and bays reduced from 24' to 20'.
Tom said this shop has to give Road and Bridge the ability to house their equipment inside and to allow them to be able to have a quick response to this area. At present there are no plans to change the routes. The equipment currently at the Glenwood Shop includes a total of 10 pieces: 3 motor graders, 5 trucks, a loader, and one empty stall for future expansion. Tom continued to justify the reason they need to park the equipment inside is because of the sand trucks that need to be kept warm in the winter; the motor graders could sit outside but every time you have to start one, it takes time to let it warm up and this just heats up the engine - the hydraulic tanks are still cold, the iron's cold, bearings cold, and nothing breaks faster than cold iron. If they are parked inside they can be warm - when an operator comes up, he does a pre-trip inspection before he takes off - if the equipment is outside and has 3" of snow on it, the operator fires it, waits for it to warm up a little bit, jumps in and takes off; he doesn't look to see if the lug nuts are tight, the hoses checked for cracks because he won't stand out in the cold doing this. Tom stresses the importance of this procedure but it doesn't work. If it's parked inside, the operator will take the time to check hoses and lug nuts.
The parts room created some confusion, but Tom said this houses spare tires - one for every piece of equipment they have; also to store tire chains, signs, barricades, shovels, stompers, gas cans - all items that go with daily operations - their tools are big - a 12' bit, 4' motor grader tire.
The wash bay is needed due to a low water volume. The equipment has to be washed everyday - Mag chloride on the windshields, wires constantly being eaten by the same, cleaning and washing allows the operator to find loose bolts, loose lines, leaks, etc. as part of maintenance. However, they can not wash the equipment outside where this drains into the soil - it's no longer an acceptable method as it contaminates the soil. He proposes a method where the water they use can be recycled by running it through a filtration system and allows them to reuse the water. This is a similar operation with what they are using now only it will be mounted to the floor. The bulk of the cost is the recycling and where there isn't much water, this is necessary.
Commissioner McCown told Tom the only concern the Board had was the cost of the building - it either gets built for the allocated amount of dollars or it doesn't get built.
Tom said if $500,000 is the magic number, they can do it. The office space has been lessened from 30' to 15' - this is needed for a place to have the operators fill out their time cards, Monday safety meetings, etc. The bid with the smaller dimensions have not come in yet. They have stated they are waiting on a bid - the estimate for the building is $450,000.
Commissioner McCown stated there is only $500,000 allowed in the budget for this shop.
Randy Withee said the building was estimated at $452,000; equipment at $58,000; infrastructure at $10,000 = total $560,000.
Randy suggested they pour the entire slap of concrete and add another building later.
Tom didn't like this idea unless all the slab on concrete could be poured at once.
Ed Green said that Tom did put in his 2001 budget $460,000 - $280,000 for this Cattle Creek Facility and $180,000 for infrastructure improvements at the Airport site. So there is almost $.5 million coming out of the Road and Bridge Budget so this may help with this situation.
Boundary Lines
Tom said that M&M Construction has met with Road and Bridge but Ron Perau of Polaris has refused to come in and talk to them. They had some discussion regarding the County possibly excavating more into the hillside to achieve more land. The Bureau of Reclamation will not allow them to do anymore mining in that pit. They are taking a little bench out of there and the Bureau has allowed it.
Chairman Martin suggested this issue get resolved without a big war.
M&M wants to get the property issue cleaned up and his property dedicated for him to go on there. He was pretty upset at the Polaris Dealership because they are running their snowmobiles and 4-wheelers up into his property, delivery trucks prohibiting M&M from getting into his property; therefore he is anxious to get this settled. However, M&M explained to Tom that he wants the County to be the bad guy.
Discussion has been held with Ron Perau of Polaris and he knows what's going on. He built a lot of infrastructure on other property than his own. M&M has had an annual agreement that Ron Perau has to sign saying that it is a yearly deal.

Commissioner McCown commented that this is a precautionary measure in order that Ron Perau would not be able to claim that portion of M&M's property as adverse possession.
Commissioner McCown suggested moving the Road and Bridge down the street and put in a new access coming directly off the Access Road. A map of the property verified there was room to move the site.
The Commissioners felt it would be better to move the entrance down the road and avoid the entire mess of property lines. The County would be giving up a small triangle of property by adverse possession.
The Commissioners instructed Tom, Tim and Randy to keep the cost down.
Tom said Brennar Har is preparing documents to go out to bid; he would bring in a price once it comes back with bids.

UPDATES:

Upper Mamm Creek - Rifle Road and Bridge Shop - Airport Industrial Center

Ed Green, Randy Withee and Tom Russell were present.
Ed mentioned that earlier in the meeting today, the Board wanted staff to get an engineering estimate of Upper Mamm Creek - CR 349 before applying for a Department of Local Affairs - Energy Impact Assistance Grant. The next cycle is August 1, 2001.
Commissioner McCown mentioned there was a waste of county resources by paving all the way up West Mamm Road above the curves, by the Cedars, where it levels out going to Harold Schaffer - this is straight-a-way.
Tom suggested they could stop the paving and put in chip seal.
Commissioner McCown added that from a maintenance standpoint, all the problems occur in the curves and the hill.
Tom clarified if the Board wanted to put chip seal or gravel and Mag chloride on that portion.
Commissioner McCown said he preferred gravel and Mag chloride - from the end of the curves, where it levels out on top - gravel and Mag that portion; and asphalt from the end of the Tar Sand up to the curves.

Hardwick Bridge

Randy Withee and Tom Russell were present.
Tom said that the State Bridge Inspectors are coming in July 18 - June 22 to inspect the Hardwick Bridge. The problem is the abutments - who will pay for the mistake - the Soil Engineer or the Bridge Designer? Tom will keep the Board updated.

Memo - Sheriff Tom Dalessandri

Jesse Smith informed the Board that he had received a memorandum from Tom Dalessandri asking that contingency funds be placed into his line items for unexpected computer repairs and purchases for a new a computer system as well as funds billed to Micro Solutions for 2000 which they were contesting. Jesse said he told Barbara Sunderland that they needed to place this on the Commissioners Agenda. Apparently, Barbara Sunderland did not do this - a note on the bottom said "please notify Barbara Sunderland when this will go to the Commissioners and my presence will be required." Jesse asked if the Board wanted to address this - the request is for $11,678 of contingency moneys be placed in his line items to take care of computer repairs, SQL Server, 20 Licenses for the SQL Server associated with that $70,000 purchase made last year.
This is above the $70,000 in order to get the computer working.
Commissioner McCown mentioned this was just a drop in the bucket as to what he will need to go into the new jail.
Tim Arnett mentioned that the Sheriff had submitted his list of needs to Tim just minutes ago and he has not had time to review the request.
Commissioner McCown suggested the Sheriff be placed on the Agenda for July 16th and bring in the information as to what he will be requesting.
Tim said he had sent the proposal via e-mail for pricing information already.

Announcement - the Department Of Local Affairs - Presentation of Budget to Local Governments - Wednesday, June 27, 2001.

Ed Green said the memorandum was from Geoff Withers of DOLA and had asked for Commissioner participation.

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

Attest: Chairman of the Board

_____ _____

JUNE 22, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 3:00 P.M. on Friday, June 22, 2001 with Chairman John Martin and Commissioner Larry McCown present. Commissioner Stowe was absent. Also present were County Administrator Ed Green, County Attorney Don DeFord, Assistant County Manager Jesse Smith, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER
Chairman Martin called the meeting to order at 2:00 P.M.

EXECUTIVE SESSION
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to go into Executive Session; motion carried.
Don DeFord asked for the County Commissioners, Ed Green, Jesse Smith, Judy Osman, Randy Withee, Mildred Alsdorf and himself to be in the session.

TOPICS DISCUSSED IN EXECUTIVE SESSION
- PERSONNEL - LITIGATION - ARCHULETTA
- DISCUSSION - IMPROVEMENTS - COUNTY ROADS - AIRPORT
- DISCUSSION - CURRENT STATUS IGA WITH CITY OF GLENWOOD SPRINGS - CATOR PROPERTY
- ATTORNEY/CLIENT ADVICE - TAX LIEN

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to come out of Executive Session; motion carried.

PUBLIC MEETING

I. DISCUSS IMPACT OF CITY HALL

II. SEARCH AND RESCUE GRANT APPLICATION
Don DeFord stated he was contacted by Phil Vaughan earlier this week - he asked Don to expedite review of an RFP for a design built contract for construction of a facility for Search and Rescue. Phil told Don at the time that he needed to move forward so they could get returns on bids, prices they could present in the grant application to Department of Local Affairs) DOLA in August. Don said he was not at all familiar to this other than Phil had submitted a form of contract to review for a design built agreement. Don discussed this with Ed Green who has some familiarity with it saying that it was considered as part of a prior organization process and his understanding is that the Search and Rescue Facility was at least on the list of priorities. This is an item that needed to come in front of the Commissioners if the Board was going to move forward with an RFP. This is not an item that came from the Sheriff's Office directly and normally it would as Search and Rescue is under the auspices of the Sheriff's Department.
Ed said there are three potential grant application that we're faced with - one is improvements to the Airport Road on CR 319 going south; the other is the prospect of the Road and Bridge Facility itself; and the third is the Search and Rescue Facility. He broached the issues with the Board a month ago asking the priorities and the Commissioners indicated that the Road Project was the first because it also enhances our ability to obtain additional funds in support of the Runway Project through the FAA. Ed said he also talked to Tim Sarno about it and asked for his thoughts - his strong preference was that we find a way to merge the Road and Bridge Facility and the Search and Rescue Facility. He felt that the DOLA Review Board would be much more receptive to a joint facility at the Airport Site if we could do that. Ed suggested this to Lanny and the Board to consider this as an option as well.
Lanny Grant - Search and Rescue - said they were trying to get direction as to where the Board wanted them to go. Tom Russell was not present and suggested this come before the Board again next week as an agenda item with either Tom or Jim present.

Larry said they have a Search and Rescue Board Meeting on Wednesday evening and because of the limited time frame they have until August 1st. Phil Vaughan recommendation trying to do the invitation to bid and to proceed is the first step. They did a Board vote and decided they would still like to try and make it on this first deadline if it's doable.
Commissioner McCown - Lanny, you voiced concern earlier about the Rifle Road and Bridge Site south of the Airport being too far west for their operation.
Lanny said ideally it is but they are open to anything - they are not fixed on one thing - still remain flexible and open to anything - the biggest issue is to find a solution pretty quick. They are in the middle of the current river search and he has spent the last six days on it. They've had equipment, vehicle, and staging problems and all of these is related to the situation they're in. It would be much easier to respond to this type of a long-term incident if they have things in the right place and together. As conveniently as a facility can work into the system, they would like to stay on the agenda.
Commissioner McCown referred to the earlier meeting with the Board and Lanny where he mentioned property in Silt that he estimated obtaining for $80,000.
Lanny said no, the owners came back with a price of $130,000. We had two sites and the one site they preferred to sell was larger that the first one, so they are looking at purchasing one acre versus two-thirds of an acre.
Commissioner McCown - but even at $130,000, if that could be applied to a location where we already own the property, that $130,000 could be applied to the building costs. He added that he was not trying to make it an inoperable situation for Search and Rescue if they do it at the Rifle Airport - it's not a central location - but it's 2 minutes to the interstate and you can go either way.
Lanny said this could work.
Commissioner McCown said geographically, there's more Garfield County west of the Airport that there is east of the Airport - population and activity there isn't.
Lanny said it is within 5 - 10 minutes further and it doesn't matter that much. Most of the members of Search and Rescue live in Rifle, Silt and New Castle. So they're not at all against a combined site. The main thing is the timeline.
Commissioner McCown said they couldn't back off of the Road and Bridge Site so it would be easier for the Board to include this in that building envelope - not in the same structure - than it would be to take a completely separate land somewhere else and start at ground zero.
Jesse Smith asked about the temporary rental site - Dry Dock - in Canyon Creek.
Chairman Martin said Lanny looked at it and found that it was sub-par.
Lanny said they looked at the building; it wasn't secure and it's in pretty rough shape - he didn't even know if the roof would shed water. It would take a lot of money to make it work.
Jesse said he was thinking of bridging from now until the Road and Bridge Facility gets finished.
Chairman Martin said that was the focus of the Dry Dock to go ahead and coordinate that and centrally locate things and make sure it was secure.
Commissioner McCown asked Lanny if they gave him an indication on what their window was for building the church there?
Lanny said they didn't know - it was a long term goal. The question that the Search and Rescue Board had for the Commissioners is - the existing Road and Bridge Facility in Silt - is that scheduled to be sold. Because one thing they looked at was the 5 bays that could serve as response bays and the potential for adding on for the meeting and other needs that they would have.
Commissioner McCown said it was on the agenda to get it sold to help defray the cost of the new facility at the Airport.
Lanny said Phil Vaughan indicated something about an existing building or a deal on a building.
Ed said the engineering staff have just been exploring options - they talked to Alpine in Grand Junction about what they have. Alpine has a building now that's 140' span that is inferable expandable so it would be possible to make it long enough so that we could stick Search and Rescue Facility at the end, seal it off and have your bays going out in the opposite direction of the Road and Bridge bays.
Lanny said if there's anyway in the planning to put them as close to the road as possible for response time.
Commissioner McCown said the furthest they would be is less than 600 yards from the main Airport Road.
Don DeFord said the issue that really needs to be addressed today was should the staff be moving forward with the RFP at this point and a grant application for August.
Commissioner McCown said he thought it was premature at this point.

Chairman Martin agreed and that was the reason at looking for temporary housing for Search and Rescue as soon as possible and that's number one for them. The priorities on the DOLA grants has already been established.
Commissioner McCown said he didn't argue on the temporary facility and whatever the County has that's available to be used, but we are talking here about an RFP for a design build and we all know that if someone else doesn't come in lower that Phil, once he gets the RFP for the design build, he gets the project. We're not to that yet - number one - we don't have land nor a funding source.
Lanny asked what the next cycle for the DOLA grant looked like for priorities - do you wait and see how this one comes out?
Commissioner McCown - yes and the Airport Road Engineering Study that has to take place will not make the August cycle either. But what was are going to ask for on the August cycle is a phased grant where it will go over a 3-year period and the road will be done in 3 different stages.
Lanny said he talked to Tim Sarno in May at the DOLA meeting in Frisco, and Tim indicated that he felt they had a really good chance at getting up to $300,000 for their project. At that time he recommended Search and Rescue try to go for the August cycle. He said the grant could be written with contingencies and secure the grant with contingencies of acquiring the land and acquiring matching money.
Commissioner McCown - this means you are committing the County to $300,000.
Lanny said DOLA would secure the $300,000 and if they awarded it, it would just be held until they were able to meet the contingencies - land. This match wouldn't have to be cash but if they had the land like at the Airport, can you take that property and show it as an in-kind match.
Commissioner McCown said yes you can. Like in the other case it would be $130,000.
Lanny - what their goal is, to not really rely on the County for that matching cash money, but they would go after Williams Energy and America Soda as well as some other entities to try and get some substantial cash donation. So they would try to come up with the match on their end. If the County could provide the site, that's really all they would ask of the County.
Commissioner McCown inquired of the size of a building they were thinking of needing?
Lanny - the four bays, Phil indicated 40' x 80' - they would be happy just to get this part now. They could meet in the bays if necessary and possibly they could add the meeting room and training area with donations. The immediate need is a site, 4 bays and adequate parking. Today they are asking for direction from the Board.
Commissioner McCown said the County would not be ready by August 1st to apply for the Road Improvement Grant, so nothing is planned for submittal.
Lanny said they would proceed to continue discussions with Tim Sarno - Tim told us the money would not be available until November if they awarded the $300,000 or whatever amount they decided. Basically, they didn't want to go after heavy donations until they knew there was a plan in place. If they go for the August 1st cycle and try for what they want, then they will proceed. The Glenwood Post has agreed to reprint the Search and Rescue Fundraising Brochure - this was supposed to be done by Strawberry Days but they didn't get it in. We have a full page Brochure printed last Fall with a donation from Jean's Printing and the paper agreed to reprint the entire thing with the donation form and run it in 10,000 copies - daily issue. They have had four calls within the last two weeks and with the current activity in the river, it puts them in a more receptive situation for donations.
Commissioner McCown clarified that the $130,000 would purchase one acre and a 40'x 80' building would be a start - this would provide adequate storage and parking for all of their equipment.
Lanny said this would meet the immediate needs. If the Board is considering the land in Silt, the Town of Silt is still willing to waive building and tap fees - that's a large sum of money.
Commissioner McCown said he didn't know if they had the luxury of giving that site up because it would be like giving you the Glenwood Road and Bridge site and it is a marketable site that we feel is going to help defray the cost of the new building. He added that he doesn't share the same comfort level as Lanny with the Energy Impact Board views of their grant application if you don't have property in hand and don't really know what a building would cost. But going out for an RFP on a design build pretty well guarantees that this is going to be the design of it and this is who's going to build it and we're not at that point yet.
Don pointed out that the Search and Rescue is under the auspices of the Sheriff's Department and the Board is really not in a position to make a decision without the Sheriff's participation.
Commissioner McCown mentioned they would wait until July 9, 2001.
Lanny asked to be on the agenda for the July 9th Commissioner Meeting.
Don clarified if the staff was to withhold until some direction on July 9th.

III. DISCUSSION - ACQUISITION OF COURTHOUSE PLAZA PROPERTY

EXECUTIVE SESSION - CONTRACT NEGOTIATIONS
Blake Jordan via telephone conference, Jesse, Mildred, Ed and Don DeFord were present for the Executive Session.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to go into Executive Session; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to come out of Executive Session; motion carried.

Jesse Smith if we're doing this, do we want to go back and rethink the suggestion he threw out before? Instead of buying Roy Stanick's land, we trade it. We still have ownership, we just trade him a piece of land and it gets him out of the tax bracket.
Don clarified Jesse was talking about the current Road and Bridge Shop site.
Jesse said they have the Glenwood Springs Road and Bridge Shop appraised, they pulled the easement off of it and sold that to the City and trade him the rest of Glenwood Road and Bridge Land for his land across the road - the County doesn't have any cash outlay - Roy doesn't have any taxes.
Don pointed out that the Board did make a commitment to the City to give them a first right of refusal on the entire parcel.
Jesse asked if the County could put an appraised value on it, offer it to the City, if they aren't interested then we look at a possible trade.
Don said that would be fine.
Jesse said we might avoid having to put out $650,000 into this think. Jesse said he was guessing that it would appraise for that.
Don mentioned the timing - the appraisal wouldn't be ready until the end of July - takes a surveyor, a title search, then to the appraiser - 30 to 60 days.

Direction
Don said he needs direction from the Board directing City staff to affirm the position of their June 1, 2001 letter to the City Attorney concerning conflicts in engineering issues, conflicts that's between this proposed City Hall and the Courthouse and Jail, at the June 26, 2001 Public Hearing to be held in front of the Planning Commission of the City of Glenwood Springs.
Commissioner McCown so moved. Chairman Martin seconded. Motion carried.

Also, to direct the County staff to proceed with acquisition of the Courthouse Plaza Site consistent with the opinions of your Bond Attorney expressed earlier.
Commissioner McCown made that into a motion. Chairman Martin seconded. Motion carried.

Commissioner McCown said as long as we maintain not to exceed.
Don said, acquiring the real estate and affirming a contract for an amount not to exceed the negotiated price.
Commissioner McCown - from Blake if we can't acquire the real property to go to a holding nonprofit entity, then it can't happen.
Don said that's right and one other thing encompassed in this - are you directing staff to go forward with Allen Matlotz and Blake Jordan to secure financing for both the Road and Bridge Maintenance Facility and an office building in Glenwood Springs.
Commissioner McCown yes, and he would make that motion. Chairman Martin seconded. Motion carried.

Adjourn
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to go adjourn.

Attest: Chairman of the Board

JULY 9, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 9, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
Moment of Silence
Chairman Martin asked to have a moment of silence for those victims murdered in Rifle last Tuesday, July 3rd. He recognized the City of Rifle for their efforts in putting together the Memorial March last night for those murdered last Tuesday. He mentioned Commissioners McCown and Stowe were also in attendance as well as several County Department Directors - Human Resources, Social Services, County Manager, Assistant County Manager, Road & Bridge and several other staff members.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

- ***Ken Kris - County Road 167***

Ken submitted photos with respect to the county road mentioning specifically the run off stemming from the commercial activity recently added. Attempts have been ongoing for years to get this road improved. More and more commercial building have been added and the road is a mess. Drainage is a problem. Discussion was held.
Commissioner McCown mentioned that the access permits and the need for culverts, drainage issues, etc. are controlled by Road and Bridge when they get a driveway permit.
Marvin stated this is a road they are going to adopt into the County Road System, right now it is just a public road.
Commissioner McCown mentioned that there has not been any monitoring of driveway permits.
Marvin said on county roads they do have to have a driveway permit, on public roads they do not.
Marvin Stevens and Jake Mall were present. Marvin reported they have been working with the Surveyor and the survey should be worked out very soon.

A meeting on site - County Road 167 - with Ken Kris and Marvin Stevens was set for 10:00 A.M. today.

- ***Mike Mathais*** - Eagle County resident stated he had received notice - "Cancellation of a Tax Sale Property." This is in reference to a tax certificate he bought at one of the delinquent tax sales and it is on the agenda as an item to be canceled. This is the third time in the last 25 years to his knowledge that the Commissioners have put this piece of property up into the public domain and for one reason or any other has canceled it later. My mother used to live on Blake in an old folks home and had her money in Colorado Bank on Grand Avenue getting 5% interest. He advised his mother that she could do better than this and me came to the tax sale in Garfield County and told his mother this was 14% interest - it's safe money. You pay the taxes for 3 years, you put in for a Treasurer's Deed and the property is yours, but 99 out of 100 times, whoever is delinquent on their taxes pays off so you do get that 14%. When he purchased the property almost 4 years ago, it said "owner unknown" and it sounded interesting so he bought it. The 3 years have gone by, he put in his claim for a Treasurer's Deed through Mrs. Chamberlain. By law she has 3 - 5 months to review all of the specifics here and get a title company to do a title search, she's supposed to put public announcements in the paper and if all these things work out during that 3 -5 months, then a Treasurer's Deed is cut for me for that property and from there on out, he's supposed to paying the taxes. Well this is the 11th month now and he has made an endless amount of phone calls to her office. I have the legal claim to this property. Well, it is an unusual case it's "owner unknown" and you don't see this very often, but the fact remains, I have the legal claim by the Colorado Revised Statutes for this property. I got the impression in talking with her and some of

the other county officials that they wish I didn't - that maybe it belongs to the Indians, maybe it's my 3rd cousin once removed to New Castle, or maybe it's the government, or maybe the fish department, or maybe the Peterson brothers whose land is right next to it by Silt. Well, be this as it may, these tax sales are public auctions or public forums and anyone can go and buy this property - I have the legal claim for this property irrespective of what the County might want as for the Petersons, or the Fish and Game, or BLM, etc. etc. - I have the legal claim and yet the thrust of the County Government at least the Treasurer's Office, by the County legal advisor, they want to deny me this property and essentially give it to someone else. I keep saying 'wait' I have the legal claim irrespective of whether you appreciate that fact or not - I have the legal claim to this property. I talked around with other counties and said look what's happening to me in Garfield County. Owner Unknown - do you ever have any property be like this in your county? And oh yes, once we automated years ago, a lot of this stuff came up into the public record because the computer's found it when we hadn't. I asked how they handle it - well we just do it like other property - put it in the public domain as these tax options, people buy it, pay the taxes for 3 years, they put in for a Treasurer's deed, they get title to it. I said well, what's going on in Garfield County and I explained it to them and with dismay they say, no, it can't be. They suggested, the other counties, that I get with the watch dog groups at State and that's what I do with Mrs. Chamberlain and know they've called her a couple of times, what is the problem here. Well, it's finally ended up here after 11 months, she has 3 to 5 months by law to clarify any issues - here is the 11th month and finally, thank you Commissioner Martin, I'm here today. Again, I state this property is mine - I have the legal claim to it and maybe the county wishes someone else had the legal claim - I understand that Peterson's had expressed interest in this property in the mid-80's but said they didn't want it - presumably because they'd have to start paying taxes on it. Fine, they had the opportunity and rejected it. This came up in a public auction in the late 70's and for whatever reason, the county reneged on that or it didn't follow through - came up again in the late 90's - that's 3 times this property has come up for the public domain and I happened to be sitting there trying to get some better interest for my mother when I purchased it. Now the County wants to say, no we made a mistake again - that's 3 times in 25 years - we acknowledge - we made a mistake - I'm putting this property up and we're going to deny your application for a Treasurer's deed - I say thank you - no - and that's why I'm here. I ask that you do not cancel this Certificate of Tax Lien because it is a valid tax lien, it's a valid purchase on my part under the Colorado Revised Statutes. I say, I own this land - and any other claimants do not have the strongest claim as I do to this property - period.

Don DeFord commented on the procedures and to advise the Board where they were at right now. A few weeks ago, June 18th the Board considered cancellation of the tax lien certificates. At that time you went forward and approved that - subsequent to that I did write to Mr. Mathais and the Board has a copy of that letter explaining a little about the procedure today. Mr. Rippy from the Assessor's Office has filed an abatement request that is scheduled for hearing - technically you need to consider this immediately after you consider Mr. Mathais' request.
Chairman Martin stated the abatement request is next on the agenda today.
Don said, as I indicated in the letter, the two are really tied together and so in effect, the Board is really forced to reconsider what you did on the tax lien certificate in any event because you can't really go forward on that abatement request, and if you do approve it, then you would be consistent with your previous action, but if you decide not to approve the abatement, then you really are compelled to rescind what you've done on the cancellation of tax lien certificate. In terms of the substance, I think factually most of Mr. Mathais' statements are correct in terms of the history of this property - it has been in fact listed on the tax roles and then taken off. It occurred in 1984, and for the same reason it's in front of you today, it was valued, it was placed on the tax roles, and the then sitting Board of Commissioners determined it was placed on the tax roles in error because the property, in that Board's estimation belonged to the United States. In this case, as Mr. Mathais indicated, the Treasurer and the Assessor's Office together asked for a title opinion on this property prior to issuing the deed - when they got a return on that opinion, it indicated that probably the property was owned by the United States and at that point Mr. Rippy through the Treasurer's Office initiated a request that the tax lien certificates be canceled because it hadn't been properly placed on the tax roles and valued. So that's the point at which this process started - it was in fact when a title opinion was obtained that those two offices initiated this request. I have reviewed the matter from a legal perspective - there is some doubt as to the owner of this may be - it is what is commonly called meander land - there are meander land properties along the Colorado River (not this one) where we have a

Court opinion that they belong to the adjoining property owner because of the way that the original land survey was done before the turn of the last century. But there are other properties where these meander lands have been determined to belong to the United States. And this property historically has been treated in the later category and we have the title opinion that indicates it probably is. So that was the basis of the request for the cancellation of tax lien certificates and I think when you get to the public hearing on the abatement, I think that really is the basis of the request to abate taxes on this property.

- ***Family Visitor (Defiance Thrift Store - DTS) - Sheila Markowitz***

Sheila Markowitz, Jackie Cabrinha, Sally Lippman and John Stelzriede, Defiance Thrift Store Board of Directors, presented the Board a presentation packet that included a background of the Defiance Thrift Store and its two beneficiaries - Lift-Up and the Family Visitor Program, past financial history for DTS and a pro-forma budget. Also, letters of support from various agencies throughout the community in support of the DTS and its efforts toward self-sufficiency.

The request before the Commissioners is for support for the plans, for which they are under contract, to purchase a commercial building in West Glenwood. This location will serve as a more stable, more visible, and more accessible location to better serve the community. One of the DTS's biggest motivations for this move is the opportunity to own their own place and not have any monthly rental expense. This would free up more moneys to be distributed to their two beneficiaries.

Therefore, they are looking for a Community Block Grant through the Department of Local Affairs, and need a local municipality to act as a "pass through agency" to receive these funds. Additionally, they are requesting monetary support from the County.

Shelia Markowitz, Sally Lippman, and Jacki Cabrinna were present. Shelia gave the history of the Defiance Thrift Store.
Shelia said they were asking for a $5,000 donation toward the matching share to receive the grant funds request. She added that 75% of all funds are profits are distributed; 25% are for administrative costs.
She added that they sent a letter to City of Glenwood Springs requesting they be the pass through agency and request a $5000 donation. The City did commit to give them $5000 in their new budget process as well as to be the pass through agency. Other grants are being written as well and will continue over the next eight months.
She clarified that the Lift-Up Thrift Store is not connected to the Defiance Thrift Store.
Commissioner Stowe mentioned he was having a problem of giving $5,000 to just one Thrift Store - there are other Thrift Stores in Rifle and Carbondale.
Shelia mentioned they also donate to the other Thrift Stores so there really a connection.
Action
Chairman Martin summarized that Commissioner Stowe was suggesting at the present time a letter of support for the project and consideration through the budget process at least a discussion of a contribution to the Defiance Thrift Store.
Commissioner Stowe said he'd be willing to live with that.
Ed confirmed this was part of the 2002 grant process; and that they also submit a grant request as well.
Sheila clarified that the needs to be into the Board by the 16th of July.

PUBLIC HEARING - ABATEMENT

- ***Abatement - Cancellation of Tax Lien Sale Certificate 1997-127, Unknown Owner***

Don DeFord, Georgia Chamberlain, Steve Rippy and Mr. Mathias were present.
Don DeFord stated that he had actually copied the Board on a letter that he wrote to Mr. Mathias - and has had some conversations with Steve Rippy and Georgia Chamberlain about property that lies to the south and somewhat to the east of Silt along the Colorado River. It's a parcel of ground that in 1981 the Board of Commissioners determined this was probably owned by the United States - it's meander land in the River - I think that's an accurate description of it. And for some reason, perhaps Steve has more information on it, or maybe no, but it came back on the tax roles and was valued and then of course because it was valued, the Treasurer taxed the property - no taxes were paid and it went to tax sale and Mr. Mathias was the purchaser of the tax lien certificate. It came to their attention and Don wasn't sure of the mechanism by which that happened, but he was asked to look at a mechanism to get this property off the tax roles because it had been valued and taxed improperly. There is a specific statute that allows the Board to proceed to repay

individuals who have paid for tax lien certificates and to reimburse them for their costs and to invalidate the tax sale - and that's what we're asking that the Board to do in regard to the subject property. And it is the same property that was dealt with in a similar manner by the Board of Commissioners in Resolution 81-351 and what we're really asking is you do the same thing today that was done in 1981 and I think this time the property is tax exempt.
Commissioner McCown - and who does it revert back to as far as the ownership?
Don DeFord - I think the ownership will be listed as the United States Government.
Steve Rippy - that's right.
Commissioner McCown - if this was done in 1981 and it was listed United States Government then, how did it get back on the tax roles?
Steve Rippy - When I became Assessor 6 ½ years ago, one of the first things that I wanted to do was to clean up the unknown owners and there were about a dozen of those that were in the County. And if you are not aware of those types of properties, there are legal descriptions that will lap different ways and a lot of times a piece of property is left out of a particular ownership. We do the research that we can and find it - we can't find an owner based on the different descriptions and deeds that have been transferred - [now after looking at all of these, we decided that we needed to put them back on the tax roles with unknown owner] - typically, when they get to tax sale and Georgia's ready to issue a deed, there is a property searcher identity done by a title company. And usually that title company comes up with an owner, because they have the time to go back and really research it; and when that happens, then we can go through procedures and we've been able to clean most of those up. This particular property for whatever reason, not sure who the Assessor was, probably Drinkhouse or Lee Hunter at the time, but it was taken off - there was never anything put in the records - it was listed again as unknown owner; and there was never any copy of this Resolution 81- 351 attached to it. One of my employees picked it up, they saw nothing in the records to indicate that it shouldn't be put back on. When it came to tax sale, once again we got a title company to go out and research it and the opinion was, and again this is very difficult property to research because of the lots that go along with the Colorado River and meander land, came back and his belief was that it belonged to the United States Government. Since that time, we've had to meet with Don DeFord and have gone back over some other information and ended up finding a copy of this Resolution where the County had actually done away with it before - this type of tax sale. What Steve is going to do is make sure it gets put on under the State of Colorado and will attach these Resolutions to it so that this doesn't happen in the future.
Don DeFord added that he would ask in this case that the Resolution actually be recorded and then it falls in the chain of title; and that would be our practice today, but in 1981 it wasn't and it wasn't recorded. The record should also reflect since Mr. Mathias isn't present, that he is adamant that the Commissioners not follow this course of action. Steve has talked with, Georgia talked to him, Don has spoken with him at least twice and did misspeak earlier - I indicated the Board had a copy of the letter I sent to Mr. Mathias - you do not. The letter actually hasn't been sent yet and so the Board does not have copies. But he did speak with Mr. Mathias and informed him about the meeting today - he was very adamant that we should not proceed - that he wanted to actually complete issuance of the tax deed for this property and in fact he felt that we, through the Treasurer's Office were overdue and delinquent in not actually issuing him a tax deed. Don did explain to him that we were simply following a course of action that the Board has in the past - that this was an error and the Statute provided for a correction. The Statute also provides that you have to reimburse him costs as well as paid him interest for the money that we've held - and that's equitable, that's what should happen, but it should be listed to the United States henceforth. One of Mr. Mathias' position was that the United States is not actually asking that this happen, that the property is not listed to a particular agency - Don did explain to him that in my view that makes no difference whether they requested it or not - prior Boards have taken the position that this is government property - that's the way it should be. That's where we are and we're asking that you authorize the Chair to sign a Resolution canceling the sale tax certificate 1997-127.
Commissioner McCown inquired as to the actual size of this property?
Georgia Chamberlain - 18.85 acres.
Commissioner McCown - and this would be direct access to the Colorado River.
Steve Rippy - the property is directly adjacent to Brent Peterson's property and there is no legal access to the property - it's land locked.
Don DeFord - but it is directly on the river.
Steve Rippy - right - the only access is by the river.
Commissioner Stowe - I think there's also a Statute that prohibits land locked property?

Don DeFord - if you have it within your power to prevent that, that is correct.
Chairman Martin - I think we discussed that Mr. Bean also identified a meander land during a gravel pit hearing as well. That may be the same acreage as....
Mark Bean - No, this property is a little bit west of that.
Commissioner McCown - it continues on down the river from this same property.
Don DeFord - I should tell you too that meander land has been treated somewhat inconsistently in the County and there are properties further to the west on the Colorado River that were treated as meander land and belonged to adjacent property owners pursuant to the Decree of the U. S. Federal District Court. But that opinion has not been applied to this property in the past, as in the area of Parachute.
Commissioner McCown - is the verbiage in the 1981 Resolution exactly what we want, Don?
as if we were to make a motion to adopt some .....?
Don DeFord - no there are some specific monetary amounts that will obviously differ and so what he is asking, is for the Board again authorize the Chair to sign a Resolution canceling the tax lien certificate in 1997-127 and authorizing repayment to the current tax lien certificate holder pursuant to Section 39-12-111.
Georgia Chamberlain - calculated the amount - the total amount we would be paying back to Mr. Mathias - it's $979.61 and would need $360.44 from the County General Fund to pay back the interest on that tax lien to Mr. Mathias.
Chairman Martin - is he currently using that land for anything at all?
Commissioner McCown - he can't even get to it.
Steve Rippy - I think the only argument of use would be from Peterson as part of his ranch over the years.
Chairman Martin - He's laid no claim to it either, Peterson?
Steve Rippy - yes and no. Through the years they wrote a letter saying they didn't own it, about three years later there was a letter that came in saying that they wanted to be considered as the owner. So something must have changed in two year period of time.
Commissioner McCown - but there were never taxed on it?
Steve Rippy - no and those letters are probably 10 - 12 years old

Motion
Commissioner McCown made a motion that the Chair be authorized to sign the Resolution canceling the tax lien sale certificate 1997-127 and the Treasurer be authorized to repay said Mr. Mathias in the amount of $979.61 and $360.44 for interest.
Commissioner Stowe seconded the motion.
Stowe - aye
McCown - aye
Martin - aye

Motion carried.

COUNTY MANAGER'S UPDATE: - ED GREEN

- ***Employee of the Month: Guy Meyer***

  Ed Green stated that Guy Meyer as the July 2001 Employee of the Month. Guy is just an all-around fun buy, who has been working for Garfield County since 1988. He started with the County as a detention deputy, then began working for Community Corrections in May, 1991. Currently he is Director of Community Corrections/Emergency Management.

  The Board of County Commissioners presented Guy Meyer the Employee of the Month Certificate.

Chairman Martin requested Ed to find the missing Employee of the Month Certificates for March, April, May, and June.

- ***Appointment of Library Board Member***

  Jaci Spuhler, Library Director reported that the Library Board met on June 25, 2001 and interviewed Tom White and Tom Kinn, candidates for the position vacated by Susan Barrena. They determined that both gentlemen are excellent candidates and recommended the following:

Tom White to be appointed to fill the unexpired term of Susan Barrena through December 31, 2004

Tom Kinn to be appointed as an Alternate Member, attending meetings and voting when a regular Board member is absent - (4 year term).

Jaci said that the demands on volunteers boards and the frequent difficulty in seating a quorum, the Alternate Member would be invaluable to the organization. The Library By-Laws would be changed accordingly to accommodate this new position.

Motion

Commissioner McCown moved to approve Tom White as the regular member to replace the unexpired term of Susan Barrena through December 31, 2004 and Tom Kinn as an alternate member of the Library Board. Commissioner Stowe seconded the motion. Motion carried.

Chairman Martin asked that Jaci be notified of the appointments.

- ***Boards and Commissions***

Ed stated that Trish Gousset, Administration Secretary, is doing a project with the Boards and Commission. Ed submitted her first draft and mentioned she had put out a memorandum for anyone with information on members of the various boards to please provide names to her.

Chairman Martin stated it would also be nice to have photographs of each one.

Ed said that is what he told Trish and it is our intent.

- ***Snowplow Procurement - Kenny Maenpa***

Tim Arnett and Ken Maenpa presented the bid tabulation for the acquisition of equipment for the Airport - a large high speed Airport style snowplow vehicle.

Ken said they did submit an application to the FAA for a discretionary grant for general aviation airports which is $150,000 and this is the first year this has occurred and the first opportunity for the County to purchase a piece of equipment which would be an airport snow plow - heavy duty and high speed. They went out to bid for this equipment in May advertised as well sent invitation to bid to several qualified bidders throughout the State of Colorado and on June 14th in Tim Arnett's office we opened three bids:

Hanson Equipment	$177,800.00
O. J. Watson	$229,005.00
Stewart & Stevenson	$214,790.00

The low bidder was Hanson Equipment for $177,800. The catch to the $150,000 FAA Grant is that the County the 10%. This low bid is over that but essentially the County will be getting a heavy duty new piece of snow plow equipment for $27,000. Ken added that he does have some savings and would be able to cover the shortfall in the capital budget - a savings on the mower of $6200 as well as electing not to move forward with any purchase of any additional used equipment in the capital budget. So he can cover the shortfall in his budget.

Ken said the recommendation by staff is to award the bid to Hanson Equipment.

Discussion was held with the Commissioners.

Ken stated, when using the US Government specifications, there is no deviation. That explains the cost. The sander can be removed from the bid for $2,338. If sand is used, the Road and Bridge sweeper can be used if necessary.

Ken said this is a good purchase for a first year entitlement.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid for a large high speed Airport style snowplow vehicle that includes the Truck Chassis, Dump Body, Hydraulic Control System, Snowplow, Quick Hitch, and Sander for a total of $177,800.00. to Hanson Equipment.

Discussion

Amended Motion

Ken requested the Board sign the Notice of Award contingent upon FAA concurrence.

Commissioner McCown - I would include that in my motion. Commissioner Stowe - amend my second. Motion carried.

- ***Update - Rifle Shop Remediation***

Ed Green, Randy Withee and Craig Heydenberk were present.

Craig Heydenberk informed the Board that the Colorado Department of Labor and Employment Oil Inspection Section (OIS) has received and reviewed the Site Characterization Plan (SCP) and Corrective Action Plan (CAP) for the Rifle location of the Garfield County Road and Bridge Maintenance Shop. Waste Engineering, Inc. (WEI) has received a copy of the letter from the OIS dated, June 13, 2001. The letter requests preparation of a Corrective Action Plan for the Site.

Randy Withee said the letter from WEI states that OIS has established a fund to reimburse applicants for the remediation cost for registered leaky underground storage tanks. Based on a conversation with the OIS, Garfield County will be eligible for reimbursement from the fund for costs association with Characterization and Remediating the Maintenance Shop Site. It appears the county will be penalized $10,000 for the delay in providing the OIS with Site Characterization information that has been requested since the release was reported in 1992. OIS also maintains a list of reasonable cost guidelines restricting the allowable rates and activities. Additional there are administrative costs associated with the preparation and the application.

WEI included a budget estimate that proposed to undertake the scope of work on a time and material basis in accordance with a specific rate schedule. The total cost for WEI's work is $16,400.00.

Drilling

For drilling services for both of the two additional monitoring wells and pilot test wells as the monitoring well materials, from HP Geo Tech is $5,800 - $6,300.

Laboratory

WEI will use Analytica Environmental Services for analyses of both soil and groundwater samples - an estimate cost of $2,600.

Pilot Test

WEI received a cost estimate of $7,000 from Terracon to perform the pilot and hydraulic conductivity tests.

Contracts

WEI suggests that Garfield County contract directly with HP Geo Tech, Analythica and Environmental Services and Terracon that will eliminate the 7.5% mark up that WEI requires to cover cost associated with subcontracting.

Randy stated that WEI is prepared to commence this work promptly upon receiving the signed contract. The time frame anticipated for drilling of both monitoring and pilot test wells can be performed by 20, 2001; the monitoring well developing and sampling could possibly be completed by July 27, 2001; and the pilot test program could be completed by August 17, 2001. The OIS letter dated June 13, 2001 states the CAO be submitted to the State by August 12, 2001; WEI will request an extension to prepare the CAP and recommend that a due date of August 31, 2001 be granted.

Craig said they did submit their site recommendation report and it was approved and received a letter back from the State regarding that review. The site characterization field investigation perform was successful - we were able to evaluate the extent of soil contamination and ground water contamination to the oil inspection OIS criteria. There were two small exceptions: 1) the State has requested that two additional monitoring wells be installed - one is just north of the City of Rifle Maintenance Building near monitoring well #7 and the second is in the middle of the green area which is the area of ground free product contamination; they also requested a complete set of ground water data for all wells that have been installed to date - a comprehensive list of analysis for all of the wells at one time; 2) they also requested the performance of pilot tests.

Craig continued - some research has been done with the State regarding their reimbursement fund and it would appear that the County would be eligible for reimbursement on this project. They talked about a $10,000 penalty for the time period to get the cap to them from the time the leak was first detected and reported to the State in 1993, but it is our recommendation that we look further into the reimbursement criteria - the initial task would be to go through the eligibility process with the State and then start submitting or collecting reimbursement material. The County would first be eligible for reimbursement after the correction action plan is completed and approved by the State. The remediation plan must be in place before you will be eligible for any reimbursement. Craig added that WEI has helped several clients complete the reimbursements - this is a tedious long drawn number crunching process - the State does not reimburse 100% of the cost whether it be for drilling or environmental consultants, surveying or whatever the task may be. The State has "reasonable cost guidelines" in which they reimburse a tank owner for these types of requirements - this could be anywhere between 60% - 70% of the overall cost the County could

expect to be reimbursed upon final completion of the forms. Craig stated he is willing to handle the reimbursement process.

Remediation Plan

Craig stated they have given the remediation plan a great deal of thought and have come up with two different scenarios involving the soil remediation process - the initial task would be to remove the free product from the ground water - an enhanced recovery system. Soil contamination - we're looking at two different types of methods 1) would include excavation and disposal, actual physical removal of the contaminated soil and 2) a vapor extraction system. Additionally, Craig said they were looking at the cost associated with both. The in-placed vapor extraction system would have a lot less disruption to the County and City property. The excavation contamination of the soil would involve removal of 16' to 18' of material before reaching the contaminated soil and during that process a couple of County buildings at the shop, street associated utilities would be compromised and complicate the removal of the soil removal activities. Therefore, they are putting up exit on the vapor extraction system simply because it is a lot less disruptive. The impacts to the Landfill come in to play as well. Hauling thousands of yards of contaminated soil would impact the Landfill as well. And if there is an opportunity to leave it in place and remediate it in place, we think that would be a better solution.

The State will require what they call pilot tests - we need to go in and set up these remediation systems both the contaminated free product recovery system and the vapor extraction system and run those for a period of time to demonstrate the effectiveness and also back their associated costs in the contracts for the Corrective Action Plan. This entire process would be the same regardless if the County decides to apply for reimbursement or not. The State's reasoning behind this is - they want to make sure in the event that the County does apply for reimbursement that those moneys are legitimate and being well spent.

Craig said they have been talking with Terracon out of Grand Junction - we want to bring them on board for two purposes: 1) to set up and perform these pilot tests - WEI would assist them and then follow up with post readings/measurements necessary to complete the pilot test. Also proposing to use Terracon to assist us with preparing with what the State calls a "Technical/Feasibility Study". They look at the technical requirements, technical production perimeters associated with these pilot tests and the costs and we summarize them into a portion of the Correction Action Plan.

In the proposal before the Board, Craig said they put in a total amount of $34,000 for this additional work which includes the installation of the wells, the additional ground water monitoring, the installation of two wells required for the pilot tests and completion of this technical/feasibility study. These pilot test wells are the beginning of the remediation process. If they are successful, the same components that we're installing now would be used during the actual remediation. We'd complete the pilot test based on their successfulness - we'd complete the corrective action plan outlined - the remediation outline to the state - and then go back and use those same components for the actual remediation.

Commissioner Stowe - the $34,000, does this include the reimbursement from the State?

Craig - no.

Randy Withee - basically, the information he got from Craig last Monday was these new wells are necessary - we can't say no and the same is true for the additional monitoring wells. This process will put another month on the schedule; we assumed we could have something in place - get the State to approve the CAP plan and go on with the process. But it appears we have to do this and it could be late Fall.

Randy said they would recommend to the Board right now is to move forward with the 2 additional monitoring wells plus the 2 test pilot wells and then do the monitoring of the wells - then prepare this CAP; also for approval for WEI to pursue with OIS to extend the date of August 12 to August 31, 2001.

Discussion

Commissioner McCown - In Craig's letter he's suggesting that we contract directly with HP Geo Tech, Analythica and Environmental Services and Terracon. So who is the on-site that's monitoring these contracts?

Randy Withee said he was volunteering.

Commissioner McCown - so all we're looking at approving today is the $16,400 with Waste Engineering - the others have to be separate contracts but have to be in front of us to approve them.

Randy - basically I'm asking for approval of all of them at this time.

Commissioner McCown - we don't have a number.

Randy - yes we do.

Commissioner McCown - this allows between $5800 and $6300 for HP Geo Tech.

Craig explained this was their range in their cost estimate to four total wells. If we had approval for everything here today, I would contact those outside entities and have them prepare their own contracts to the County.
Commissioner McCown - stated he doubted that this would be okay - County Attorney Don DeFord always has problems with those kind of contracts.
Randy added that the three outside firms have a County contract that has been approved by Don - this has been done with HP Geo Tech and Analythica Environmental Services.
Commissioner McCown - this only leaves Terracon as the only new firm.
Craig - he didn't spell out the survey costs that we would also require - they have used a survey outfit out of Rifle and they would need to come out and survey these four new wells and estimated their costs to be about $800.
Randy said his numbers add up - not to exceed for this part $32,300 - without the survey costs.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the proposed price not to exceed $32,300 for the waste remediation work to continue at the Rifle Road and Bridge Shop with Waste Engineering Inc. and to extent the date from August 12 until August 31, 2001 and for the Chair authorized to sign the contracts. Motion carried.

- ***Rodeo Contract for Fair - Dale Hancock***

Ed, Tony and Dale working diligent to meet the deadlines.
Toni submitted the Fair Books Contract - it is basically the same as last year - the Fairboard is the sponsor for the Rodeo and they have hired Brennis as their stock contractor for the Rodeo - he will be providing everything on his portion - pickup men, livestock announcers. The Fairboard will be providing hotel rooms, hay, and volunteers to help with the running of the Junior and CPR Rodeos.
Chairman Martin clarified Toni had enough volunteers to do all the other things that go on during the Fair.
Motion
Commissioner McCown made a motion to approve the contract for stock provider with Brennis Rodeo Company, State of Colorado for the Fair in the amount of $4200 plus $8 per run on the timed event cattle used in the Junior Rodeo and the Chair be authorized to sign the contract. Commissioner Stowe seconded. Motion carried.
Toni added that the Fair this year will be dedicated to Ron Fritzlan.
Fairboard Meeting - Tuesday, July 10.
Chairman Martin mentioned receiving correspondence from Congressman Scott McInnis regarding "Hoof and Mouth/Mad Cow Disease" and precautions by the USDA to make sure that everything is followed. Toni said the Extension Office has probably received this as well.
Fairground Advisory Group Meeting next Wednesday, July 18 - these are being held quarterly and she requested the members bring ideas for work to be done at the Fairgrounds in order to put those things into the 2002 budget. If there are any other items you would like them to consider at that meeting, she will submit it to the group.

- ***Lois Hybarger - 2001 Fund Balance***

Ed said they were finally able to close out the year 2000 and paved the way for them to be able to evaluate where we are from the fund balance standpoint.
Jesse Smith introduced Lois Hybarger as the New County Controller saying she came to us from Key west Florida where she had been serving as Controller of a very large private sector Social Services Organization. She not only brings to us Social Services experience, she's has also been a Controller of Summit County and is well familiar with Colorado having lived here over twenty years ago.
Lois presented the final draft of the Audit for 2000 and took those numbers and proceeded forward. With the document is a balance sheet through May 31st. Within their system they run just 10 to 15 days behind, so instead of giving the Board May revenues and June expenditures she waited in order to make it a complete cycle. She pointed out a very strong cash balance, and the combined balance sheet - all types and account groups accumulated at the end. The second document she gave the Board is a budget summary showing the existing budget 2001 with year to date expenditures and the year to date balance. This is based on the budget adjustments that have been completed through May 31st - there will be some budget adjustments forth coming. The final document is a fund balance summary and perhaps most indicative of where we stand as of May 31st. The beginning fund balance, year to date revenues by fund, year to date expenditures by fund and a current fund balance. The documentation provided to the Board is just the first

draft of financial statements that she is going to try and present to the Board every month. She asked for input as far as any additional information or documentation they would like. In her position we often get into a situation where too much information is provided and end up with a 3" document and she didn't think the Board would care to read all of those reports.
The Board was pleased with the documents she submitted and welcomed her aboard.
Lois commented that she has excellent challenges ahead for the Accounting Department with the implementation of SB 34.

- ***Judy Osman - Internet Policy***

Ed said the County now has high speed Internet capabilities throughout the County thanks to Jesse Smith and Tim Arnett. It is appropriate that the Board consider a policy. In the last Personnel Committee there were further deliberations on this proposed policy.
Judy Osman - several months the County Attorney and Administration brought to her attention that the current policy is inadequate based on the fact of having Personal Computers in all offices and being connected to the Internet. The process used was to solicit from other counties their Internet and Computer Policies - took the best of all of those and compiled it into a policy for Garfield County. This policy is more extensive than the present one, it covers E-Mail.

Internal E-mail

- This is not their own private e-mail system
- it belongs to the County and can be scrutinized by supervisors;
- Software belongs to the County and no one can download for their own personal computer at home
- Gives specific uses
    - no excess to privacy on their computers
    - not to be used for transmitting sensitive materials
    - deleted messages are not deleted from the E-mail system
    - not to be used for illegal purposes
    - personal, non-work related messages are not to be sent to a mailing list
    - employees may not run their personal E-mail through the County system

Internet

- The purpose of the Internet is to provide the County with significant access and dissemination of information to individuals outside of Garfield County
- facilitates County business among employees and other business associates for messages or memoranda
- can not be used for illegal purposes
- employees may not use the County Internet facilities to:
    - -- Download entertainment software or games
    - -- Play games
    - -- Participate in non-business related chat-rooms
    - -- Download images or videos unless a business-related use is demonstrated for materials.

Judy stated this policy has been before the Personnel Committee for input and changes, County Attorney for approval. It has been approved by the Personnel Committee as submitted and to the Board for approval to include in the Garfield County Personnel Policies and Procedures Manual.
Don DeFord mentioned there was a accurate description of the availability of records under the Open Records Act to the extent their on E-mail. This is made very clear to all the staff members that there are successible to that type of disclosure.
Commissioner McCown made a motion to approve the Internet Policy for our Personnel Policy as exhibited. Commissioner Stowe seconded the motion; carried.
July 25 - 1 P.M. next Personnel Meeting.

- ***Bilingual Testing*** **- JUNE 11, 2001**

- ***Executive Session - Property Acquisition of Courthouse Plaza***

Ed Green requested an Executive Session to discuss the property acquisition of the proposed Courthouse Plaza.
Don DeFord, Mildred Alsdorf, Randy Withee, Tim Arnett, Jesse Smith, and Ed Green were present for the session.

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

JULY 16, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 21, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER'S UPDATE - ED GREEN

- ***County Health Pool***

Ed Green attended the County Health Pool last week.

- Historical
  - Segal recommended 11.3% for 2001
  - Eastern Counties pressed for 5%
  - Finally settled on 7.5%
- Appears that 11.3% might have been a little light
- Close correlation between increased employee participation and claims growth
- Most of the increased claims experience is with the long time member counties
  - Only 1 of the 12 highest claim experience is with the long time member counties entity.
  - Garfield is one of the 12 highest
- An analysis of duplicate claim payments has been made
  - Only $60,000 in duplicate claims has been found
- Board voted to enact an immediate 15% increase effective August 1
  - Total cost increase to GARCO $114,000 for the rest of 2001
  - Ancillary organization costs are $40,000
  - Total budget impact is $150,000

Ed reported that the June financial fund balance is continuing to grow.
Jesse added he was close to revising the market survey; the next step is to take this information back to personnel where they will look at the factors pertaining to the positions - commensurate factors - then bring it back to the Board of County Commissioners for revisions to the Personnel Code and peer review factors.

- ***Housing Authority Board Appointment***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Joan Baldwin to the Housing Authority Board. Motion carried.
The Board requested a letter be sent to the Housing Authority thanking them for their input in this appointment.

COUNTY ATTORNEY'S UPDATE - DON DEFORD
EXECUTIVE SESSION - PERSONNEL DISCUSSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.
Don requested that Judy Osman, Jesse Smith, Ed Green, the Commissioners, Margaret Long and Mildred Alsdorf stay for the discussion.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

- ***Courthouse Plaza - Resolution - Reimbursement - Capital Expenditures***

Don DeFord submitted a form of Resolution - if the Board passes it, it will allow you to reimburse yourself for moneys expended on capital projects before the financing is actually in place. Don said he had discussed this with Blake Jordan who is the bond attorney - this form of Resolution is the one he recommended and also he recommended to move forward with this as soon as possible so that any moneys the County expend from this point forward on either the new Administrative Facility, the new Road and Bridge Maintenance at the Cattle Creek Facility can be reimbursed even if the financing is not in place. Commissioner Stowe made a motion that the Chair be authorized to sign the Resolution for reimbursement as described by the County Attorney. Commissioner McCown seconded. Motion carried.

- ***Letter to S & G Construction - Purchase Courthouse Plaza***

Don DeFord requested that a letter be signed to S & G Development, the principals being Roy Stanek and Bill Guest committing to purchase property that will be referred to as the Courthouse Plaza - the conditions have been set out in a draft letter, essentially the structure would require that S & G Development construct the building on property they own and if satisfactorily both in time, price and quality to the County at the conclusion of construction the County would then purchase it at a not to exceed figure specified currently at $3,769,000 - there are other specifics that have been discussed but this is the important parts of it. Commissioner McCown so moved; Commissioner Stowe seconded; carried.

- ***Discussion of Fire Ban Continuation***

Guy Meyer was on vacation; Ed Green gave the report on moisture content.
Ed stated the moisture level is 11% and 15%.
Based on that information, the Commissioner McCown moved to continue the Fire Ban until August 20, 2001 and authorized the Chair to sign the Resolution. Commissioner Stowe seconded; motion carried.

SHERIFF - COMPUTER ISSUES

Tom Dalessandri, Dan Hall, Les Beckman, computer consultant with Desk Top Consulting Bob McNutt and Jim Sears were present.
New Computers and Computer Contingency
Discussion was held on Computers - Tom submitted the need for 12 new and 27 existing computers for the new jail facility with 11 in the administration department, 22 in detention and 6 for patrol officers.
Tom said he was asking for $52,850 in general funds. He suggested that he could look into his budget to see if there are significant savings and could possible make up some of this from existing budgets.
The Commissioners requested Tom to do an assessment of his budget with respect to funds he could allocate toward this and come back July 23, 2001 to report his finding.

COMMISSIONER REPORT

Commissioner Stowe - Rural Resort in Leadville on Thursday, 9 a.m. until 4:00 p.m.; in Washington, D.C. last week - met with Labor Secretary Chow also Senator Wayne Allard and Congressman Scott McInnis - Dept. of Labor - Immigrate Work Force in Colorado - help to develop a plan that will help facilitate the needed 6000 position of labor that are in the Rural Resort area last year and intended to go for the next several year and hopefully to get those people here legally as opposed to illegally - hopefully this will develop over the next 3 - 5 years and some legislation will come forth.
Commissioner McCown - Wednesday and Thursday - Steamboat Springs - Associated Governments meeting
Chairman Martin - Letter from City Council of Carbondale requested attendance at a meeting with C-DOT and the Board of Trustees on Friday, July 27 at 10:00 a.m. Carbondale Town Hall - an informal meeting - development plans - request input on CR 133. GoCo Planning Meeting - Tuesday, Hotel Colorado - Noon - 2:00 p.m.; and Public Session at 7:00 p.m.; Grand Valley Citizens Picnic - 4:00 p.m. Sunday, July 22, 2001- Battlement Activity Center; Saturday, New Castle Burning Mountain Parade 10:00 a.m. ; CCI, Wednesday, July 25, CCI - Oil and Gas; a letter from LaPlata - requested intervention with CCI on Oil and Gas Intervention.
Ed and Don - Tuesday, the Airport Road Draft Plan Meeting
Road and Bridge Draft Plan Meeting ; Ed - Airport Master Plan Meeting - 10:00 a.m. on Thursday at Rifle City Hall.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution of approval concerning the Diamanti Special Use Permit
c. Sign Resolution of Approval for the Heinig Two Family Unit
d. Sign Resolution of Approval for Strong Lumber
e. Sign Resolution of Approval for a Zone District Map Amendment for Robert Klein: S11, T6S, R93W

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - e; carried.

REGULAR AGENDA: BUILDING & PLANNING ISSUES:

REVIEW THE CITY OF GLENWOOD SPRINGS APPLICATION FOR THE CONSTRUCTION OF A LIFT STATION. LOCATION: WEST OF THE NEW COMMUNITY CENTER OFF OF THE ALTERNATIVE ROUTE. APPLICANT: CITY OF GLENWOOD SPRINGS

Mark Bean, Don DeFord, David Dodds - Schmueser, Gordon Meyer were present.
Mark stated that this is an application for Site Approval for Construction of Sewage Lift Station. The City of Glenwood Springs proposes to place a lift station on the south side of the Midland Avenue, between the City Community Center and the City Municipal Operations Center. The lift station will allow the City to serve the Community Center, MOC and the Wulfsohn Ranch development with the existing sewage treatment plant. The total projected population equivalent to be served by the facility is projected to be 2242 people.
Mark continued by reviewing the relationship to the Comprehensive Plan, Major Issues and Concerns and the Recommendation.
Recommendation:
That the Board of County Commissioners recommend approval of the site application with the comment, that the new lift station should be consistent with the City of Glenwood Springs plans to develop a regional facility and incorporated into the City's 201 Facilities Plan.
Dave stated that Mark did a fine job and did not have anything to add.
Chairman Martin said this was currently in the 208 plan and the County encourages this.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve incorporating Marks' comments that future development of a regional system be allowed to operate be included in this particular system. Motion carried.

PUBLIC MEETINGS:

REQUEST FOR APPROVAL: AMEND THE BUILDING ENVELOPE FOR LOT F27, 0286 RAPTOR, ASPEN PUD AND THE GOLF COURSE CORRIDOR EASEMENT. APPLICANT: MARIE AKESSON AND GEORGE CHOLAS

Greg Butler and Don DeFord were present. The applicants were not present.
Greg submitted the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Petition; and Exhibit C - Letter from Jennifer Guccini, Board Administrator for Aspen Glen Golf Company.
Chairman Martin entered Exhibits A - C into the record.
Greg explained this request is to amend the building envelope of Lot F27 of the Aspen PUD and Golf Course Corridor Easement. The applicants have received approval from Aspen Glen.
Recommendation:

1. Prior to signing the Amended Plat the applicants will have final written approvals from the Aspen Glen Golf Company and Aspen Glen Club approving this transfer of land and a copy made part of this file.

Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request to amend the building envelop and the Golf Course corridor easement for Marie Akesson and George Cholas with the recommendation made by staff; carried.

CONTINUED PUBLIC HEARING: OAK LANE ACCESS - VACATE THE ROAD EASEMENT OVER LOTS 22 AND 23, WESTBANK FILING NO. 1. APPLICANT: WESTBANK RANCH HOMEOWNERS ASSOCIATION

Attorney Steve Beattie for the applicant, County Attorney Don DeFord, Building & Planning Director Mark Bean, Attorney Rick Neiley and Engineer Peter Belau for Marlin Company Ltd. for Prehm Ranch were present.
Chairman Martin swore in the speakers.
Brief Update:
This is a continued public hearing that was originally noticed for June 4, 2001. However, on June 4, 2001, Attorney for Marlin Company, Ltd. for Prehm Ranch petitioned the Board of Commissioners to consider postponing the proposed public hearing date regarding the Oak Lane Access to Vacate the Road Easement from the June 11, 2001 date to a time when he could be present. Mr. Neiley maintained that the road easement provides access and only serves Prehm Ranch.
The date of July 16, 2001 was scheduled and the request for postponement required the County Attorney's Office to renotice the 115 certified mailings.
Don DeFord stated that the Public Hearing was not opened.
Don stated the certified mailings, posting, and public notification and determined they were in order and timely. The Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication and Notices
Exhibit B - Plats; Exhibit C - Communication Richard Neiley - dtd July 13, 2001.
Chairman Martin entered Exhibits A - C into the record.
Don DeFord mentioned there was no staff report for this vacation petition - the burden is born by the petitioner to demonstrate the validity of their request.
Steve Beattie attorney and resident of Westbank Subdivision, submitted the petitions of the Westbank Homeowners Association an association of the 100 lots comprising Westbank Subdivision - that petition was submitted April 19, 2001 and sets forth the reasons that the Westbank Homeowners Association believes that vacating of a roadway is appropriate and in accordance with the law. There are four Exhibits to that: Exhibit A - Excerpt of the Plat for Filing 1 - filed in January 1971; Exhibit B - Dedication Language contained on that Plat; Exhibit C - Draft minutes arising out the hearing held on January 15, 2001 in response to an application for driveway access permit filed by Marlin Ltd - the owner of the Prehm Ranch property; and Exhibits D - Plats for Westbank Filing No. 1 excerpt and Exhibit E - the overall site plan from Prehm Ranch.
Steve explained the petition and pointed out directly where the Oak Lane Easement related to the Westbank Filing No. 1. He explained in detail the two roads and pointed those out on Exhibit D. He reviewed the dedication language saying these were dedicated to the public, the streets, drives, alleys, public land, utility and drainage easements. The streets and roads were dedicated; but roadway easements were not - this is still the position of Westbank Homeowners - they were not dedicated to the public. So then, the question arises, why then are we asking you to vacate it? The reason is that after the subdivision has been in place for 30 years, the owner of the adjacent property to the west and to the south - Exhibit E - Prehm Ranch - confusing because the Roaring Fork River running along the top of the map as shown, in order to connect to the end of Oak Lane ties into a point that is proposed by Marlin Ltd. to go through the entire development in a northerly direction eventually coming out on the Glenwood Springs Airport Road. Four Mile Creek is shown on Exhibit E - the proposed driveway application permit application previously sought a driveway permit from the cul-de-sac Exhibit C - Prehm Ranch, Marlin Ltd. sought to have a driveway permit from the cul-de-sac of Oak Lane over into Prehm Ranch and the Commissioners denied that on a 3-0 vote. The reason the WBHOA is before the Board believing that dedication does not create a dedicated public right-of-way anyway, is that Marlin Ltd. has taken the position on several occasions that it does - they want it to be public access so they can go through Oak Lane and access Prehm Ranch for their development purposes. He just received a July 13, 2001 letter from Rick Neiley, and it appears that Marlin takes the position that a narrow amount of property between the end of Oak Lane and the boundary of Westbank - they content it is a dedicated public right-of-way. Mr. DeFord has stated this is the proper procedure to take to vacate a roadway even no roadway has never existed. It should be noted that there has never been a road [there is a difference between a road and a roadway] and the testimony today will indicate there has never been a road situated to the west of Oak Lane within Westbank Subdivision - there has been a fence de-marking the boundary to Westbank Subdivision but never a road. In visiting with his mom and dad who lived out there from 1974 to the late 1980's - all three of them know that this is not a roadway and not used as access. The Marlin people would like to use it as access because it would increase the value of their property if they do so, however Commissioner McCown correctly noted in the January 15

hearing, at earlier proceedings the developer had represented to you that access from the North or from the Airport Road was sufficient and it was upon that representation that the Board apparently granted your approval of their proposal. So there should not be any suggestion that Westbank is trying to take anything away from anybody that has existed - it hasn't worked that way - it wasn't presented to you in that fashion in the first place - Westbank simply because the issue has come up for the first time in 30 years - and someone wants to open it up where it's never been opened up - have you vacate a notation on a plat - a roadway on a plat where there has never been a road and never been public access - but to respond to the assertion by others that there is. In a situation like this it is real common and understandable for people to have different impressions of things - Mr. Neiley in the January 15 public hearing indicated in the 5th page of the draft minutes line 253 "we believe access was allowed to the Prehm Ranch and that is the specific reason and the only reason that the road easement is described on the plat and that the road extension of Oak Lane is depicted on the plat - I don't know that John Huebinger opposes this." This comment was in response to an earlier comment by Steve Beattie that he had talked to John Huebinger and he had not intended to create access to Prehm Ranch - since this time, Exhibit D to the petition, read into the record specifically, paragraph of Mr. Huebinger's affidavit "the gap that was created between the westerly boundary of the Oak Lane cul-de-sac and the easterly boundary of Prehm Ranch was intentional - Westbank Ranch No. 1 did not want the print of future owners or anyone else claiming that a public right-of-way had been created all the way to the boundary of the Westbank property. Westbank Ranch No. 1 wanted to prevent claims that Oak Lane and the other streets in Westbank could be used as public access to or through the Prehm Ranch or other points west and north of Westbank. It may have been that's why Mr. Neiley understood that to be the reason that was placed on the plat - the developer of Westbank said absolutely not - that wasn't his intent.

There is a real concern - there's never been a road through this area in the history of Garfield County - there was the Midland grade railroad right-of-way but that's many years, generations ago - if Marlin creates a road and has sought the Board's approval for a bridge across Four Mile Creek - it couldn't be used as continuous through access without a usable bridge - there was an old bridge, but the approval has been for a new bridge - in the draft minutes of April 16, 2001 on the Special Use Permit application of Marlin Ltd. related to the bridge and other structures - Exhibit F was admitted - and would note for the Commissioners consideration on page 5 - Mr. Neiley - "approximately one-half of the Ranch is upriver, up Four Mile Creek and will be served by this bridge as well as the three building sites on the property" - it was represented to the Commission that this bridge would in fact facilitate access to the upriver part of the property - with that bridge, with that access - that's consistent with the representation to the Commission earlier - that access from the north was suitable - your records will reflect that the Westbank Homeowners Association did not appear or oppose this application believing that it was appropriate for this owner to use his property through it's historic access and that fact is worthy of consideration. There have been some letters of counsel between February and April between Mr. Neiley and Steve Beattie as indicated - there are no ongoing negotiations - the Westbank Homeowners Association meeting was on April 16 and Mr. Neiley was not present at that meeting but a client, Lynn Cantrell was there and was told that the next step was to file the petition to vacate. Summary: An adjacent property owner is trying to create public access where none previously existed. Where adequate access existed from a different direction, where no access existed previously, and where to grant that access causes substantial potential questions in terms of traffic, changes in the character of the neighborhood and safety. For all of these reasons, Westbank Homeowners Association respectively requests that you grant the petition for vacating of this limited roadway easement.

Public comments - Information from the Homeowners Association

Dan DeRow - member of the Board whose primary charge is this issue - submitted Exhibit G - a marketing brochure for Prehm Ranch - lower right hand corner - depicts that there is access to Westbank and Aspen Glen, how can this be if they appeared here on January 15 and were denied any kind of a road permit at that time? Secondly, he pointed out that part of their request for any kind of roadway or easement through there, driveway, street whatever you want to call it, is for secondary access and what happens if there a catastrophe - the Westbank Ranch has almost 100 homes and has been served by one single access road for over 30 years and over 25 years there was also a golf course club house on that road, so why would there be a necessity for 8 home sites to have a secondary access road when it wasn't necessary for over 100 home sites?

John Huebinger - Westbank Mesa - originally he lived at 0235 Oak Lane for 24 years at end of the cul-de-sac at which the portion that wraps around at the end of the cul-de-sac is part of Lot 23 and the other parcel that comes to the center of cul-de-sac is Lot 22. His residence was there for 24 years and never saw anyone

go through that property with exception of Holy Cross who did it once - they took the fence down and worked on that transformer. He saw Joe Jammeron park his vehicle at the end of the cul-de-sac and craw across the fence and go down and work on something unidentified. However, it was our intent, when we developed this to put a barrier between the end of the cul-de-sac and the end of our property which would be the west portion and that's why we did that bringing the description of the Lots 22 and Lots 23 to the centerline of that cul-de-sac and create about a 21 foot no man's land between the end of the cul-de-sac and the westerly boundary of Westbank - at all times it was his intent not to have an access to the Prehm Ranch. - Affidavit - Exhibit D.

Lyle Beattie former resident at Westbank commented that he was one of the earliest residents at Westbank - purchased his lot in 1972, Lot 20 - which was the last lot ever occupied on the north side of the Oak Lane before you got to the boundary with Prehm Ranch. He subsequently owned Lot 19 below it - build home and lived there for 20 years - served for years on the original board of the Homeowners Association of Westbank - dealt with the Board of County Commissioners successfully in the 70's to share the cost of getting that road paved out there - the point is that he was deeply involved and interested with the affairs of Westbank all that time - conscious of the use of the road and what might be the future use of it, but said specifically that in all those years out there, he never saw any access from Oak Lane onto the Prehm Ranch other than the utility companies or foot traffic - he walked down there himself many times - no vehicle tracts down on the old railroad grade and simply it was never used for an access. He's known Bill Prehm - since late 1950's and got along fine - the subject in all of their conversations never came up about any passageway through there - he expressed his views and supports the current Westbank Homeowners' petition.

Richard Newell - 0105 Oak Lane - voiced their opposition of an access going through - lived there for 11 years, no one has used this road as an access. Support the petition to vacate.

Dave Leetie - 0281 Oak Lane - the old Beattie house - 200 ft southeast of the Prehm Ranch property line. Many people were here on January 15 when they heard and much agreed with the vote of 3-0 to turn down the access. Several weeks after that was voted down, a Realtor came by his house and showed him this elaborate brochure stating that 200' from his front door was gateway to Aspen and the south entrance to the Prehm Ranch - this got distributed to many relators - the marketing effort had already been undertaken and it was a given that it was going to be the south entrance to the Prehm Ranch and the gateway to Aspen. Supports the petition to get this thing stopped.

Fred and Velman Rowland - live next door to Dave Letty for 24 years - backed up what Mr. Huebinger and Dave Leetie said, he has never witnessed any attempt at public access off of Oak Lane onto the Prehm Ranch property - his understanding and the reason he never tried to walk the railroad bed - it was dangerous to do so - public access was frowned upon by the Prehm's.

Warren Wright - from Westbank and in support to vacate this petition. He believes there is not a public easement there - Understanding the position of the Prehm Ranch, they have a nice piece of property with access from Midland pass the Airport through the industrial area, and can see how economically they would want to come in from the other end. Historically, that's never been the case and doesn't need to be changed now. Also represents the O'Donnel family and Mr. & Mrs. Jim Nadine who also support the petition to vacate.

Anne and Hayden Phillips - about 10 years ago her son lost his driving license and the only way he could get to work was to ride his bike - the route through the Prehm Ranch, going Oak Lane was convenient - he tried that - the Prehm Ranch very firmly said he had no access rights. When it's convenient they have access rights, when it's not convenient, they don't.

John Haines - supports what the BOCC did earlier to deny the access to the Ranch and suggestion to go back and look at what you did originally with the PUD - if they had access to the north and that was all that was really needed and that's all they wanted - let's just leave it that way.

Jack and Jean Wood - resident of Westbank for 23 years and supports what has been set forth in the petition by the Westbank Homeowners.

Danelle Hannon - 024 Westbank Road - moved down here from Pitkin County - looked for a neighborhood with the character of Westbank - opted to go for the safety of the neighborhood for their new daughter. The idea of access for 8 Lots upset her - these are 8 second homeowner for the convenience of those plus to rectify errors made by Realtors. This is opening up a can of worms - making it a shortcut to Sunlight - she supports this petition.

Jean Sobieck - West 102 Fairway Lane - 10 year resident of Westbank Subdivision - supports petition.

John Huebinger - mentioned that every street ends in a cul-de-sac - residents purchased homes here for the peace and quiet of the neighborhood and he doesn't want to see that changed.
Linda English - 0409 Westbank - support vacation - moved there 3 years ago - chose Westbank Subdivision for safe, quiet neighborhood to bring up kids. To see this opened up for 8 house is not something she wants to see - supports petition.
Jeff Wisch - supports the petition and passed his 3 minutes to Mark Gould.
Mark Gould - 0041 Oak Lane - Lot 27 in 1986; purchased Lot 21 this year. Exhibit H - contract to purchase Lot 22 - July 2000; Exhibit I - proposed Prehm Ranch last year - asked marketing people and Bobby with Earthmoving about possible access - he told the owner that Lot 21 has this access. It has been represented in the Fall of 2000 as such - Marlin knew - needed to mitigate their access from an aesthetic point. Exhibit G - marketing plan. The issues - represented some issues are going on and misrepresents what they knew and they want this accesss and don't care how they get it.
Chairman Martin entered Exhibit G-H- I into the record.
Erik Martin - 15 year resident - purchased his home from Vicki Lee Green Realtor - cul-de-sac - closed for perpetuity and will never to opened for access. Wildlife - lion killed a raccoon Sunday before last. Bear, albino Elk at Westbank- photos of lion on Westbank Road - coyote and skunks - biking, walking - all not bothered by traffic - describes Westbank as an important community - neighbor values - not overrun by developers, no access through - the bridge was built by Airport - please don't destroy their values.
Tom Ball - 0701 Westbank Road - 11 year resident and past president of HOA - support vacating and supports the Board decision on January 15. Took a different slant - professionally he is vice president and general manager for Colorado Mountain Express - in the Vail and Roaring Fork Valley - they look at alternative routes - secondary routes - also looking at the options - looking at this option that is before the Board is a primary example of secondary access for those who are trying to either access up to Four Mile cutting across of Glenwood due to traffic congestion, to eliminate their weight on the grind of Hwy. 82 - this is factually how it will come about and play out in the long run. The access should not be granted.
Christine Page - 0235 Oak Lane in Mr. Huebinger's old house - moved to Glenwood 3 years ago and purchased a home in West Glenwood with the same idea as the other fellow - we fell in love with Westbank but couldn't afford it - in November made sacrifices and purchased a home for their family of 5 children - looked for a safe place to have kids play - chose Westbank - the property owner they purchased their home from said they were approached and asked and offered money to sell a portion of property in order to allow a road to go through there and they wouldn't sell them the property unless we promised them we would not do that. They are victims of a company that has a lot more money than they do - the property they purchased - it would be convenient to drive to Sopris Elementary, but they drive around - own Lot 23.
Dick Weinberg - Airport Manager and lives in Westbank - supports to vacate - what is happening they are trying to elevate property values of 8 houses and lower the property value of 100 homes.
Susan Horning - living in Glenwood a luxury - chose Westbank - supports petition 100%. Once access breaks through, what is to come in the future?
Brook Robinson - 1978 build moved in 1979 - one of the nicest communities is Westbank, no through traffic - support vacating petition - in all the years he's lived there he never saw a vehicle - utility people, foot traffic he may not be aware of - no need and never has been a need to have public access through Westbank.
Bill Alley - lived 8 years in area - support the request to vacate - asking the BOCC to protect the lifestyle - if the road is vacated, new people will know what they have in the future a road between Carbondale and Glenwood Springs - curved road through Westbank - you can see difficult in making the turns - help protect their way of life.
Nancy Alley - lives with and agrees with Bill Alley - they walk their dogs and in the last week with all the trucks coming by and the fact that they do a lot of walking in their neighborhood, this morning they saw 2 dead snakes on the road - this is the first time she has seen any dead wildlife - to her the increased volume of traffic with dump trucks going by has halted some of the children from playing on the road. She really support vacating the petition.

Attorney Rick Neiley for Marlin, Ltd. and *Peter Belau, Engineer* were present.
Rick Neiley - oppose any action by Garfield County to vacate this very short right-of-way between the end of Oak Lane and Prehm Ranch - disagree with characterization of both the easement and the physical aspects of the road - the plats that have been presented. Copy of the Westbank Subdivision Development but looking closely they are talking about much more than a squily line between the end of Oak Lane and

Prehm Ranch - there are actually 2 lines that depict the road and identifies the center line of the road easement. The plat notes says that the streets and roads on this plat are dedicated for the public use and enjoyment and indeed the extension of Oak Lane is physically shown on that plat. He said they think they know the reason why now - the reason why not withstanding the original developers reservation about creating public access - obviously there was some requirement that this be placed on the plat or it would not be there - it was simply the developer's intent to have the road end - the road would have ended - instead there is a 60 foot wide road easement and the 60 foot wide easement exists in the location of the old Midland Railroad rail bed. In fact the Midland rail bed was in place 100 years ago and was in place at the time that the Westbank Ranch Subdivision was created in 1970. Additional exhibits were submitted for the record. Exhibits J - very old aerial photo of the Prehm Ranch and what we have is the bulk of Prehm Ranch and at the corner is the Westbank Subdivision Filing No. 1 - you can see through the Ranch the road which used to be the Midland Railroad rail bed. It physically exists - it has in fact been used - Exhibit K - a letter from Ed Prehm, one of the former owners of the ranch until last Fall when it was purchased by Marlin Colorado - introduced Mr. Prehm's letter to the Board and read into the record "Dear Commissioners, dated July 12, 2001, I have been advised that the Westbank HOA has filed a petition with you seeking to vacate the road easement connecting the Prehm Ranch with Oak Lane - I've been asked to provide some information and background regarding this access. Until we sold the ranch in the Fall of 2000, I lived there on and off for approximately 70 years - I grew up on the ranch from the time I was four years old. Before the Westbank Ranch Subdivision was established, there were historically two accesses off of the Prehm Ranch to the south and east. One was the old Midland Railroad rail bed which still exists today, the other was a Ranch Road between the rail bed and the Roaring Fork River. These accesses were used to moved to move life stock and ranching equipment on and off and through the Prehm Ranch - both roads were gated to control livestock and access. When the Westbank Ranch Subdivision was established in the early 1970's the access between the rail bed and the river was closed - this left us with only remaining access. After Westbank Ranch Subdivision was created, we continued to gate the access on the rail bed to control livestock and keep trespassers out. In addition to our use of the rail bed access for ranching purposes, utility companies used the access for installation and maintenance of utility lines; since the 1950's the Jammaron family has also used that access - the Jammarons have a spring located on the Prehm Ranch which they use for domestic water purposes. The Jammarons used the rail bed access off of Oak Lane several times each year to maintain the spring and periodically brought equipment onto the ranch by that road for that purpose. It is my understanding that these uses continue at the present time. The road to the Prehm Ranch onto the Westbank property has been in place and in use for over 70 years. I believe my family had the right to use the road from the Prehm Ranch boundary access the Westbank property long before the Westbank Subdivision was established." What we have is an historic roadway and it is admittedly not been maintained, not been paved or turned into a fully developed though-a-fare but it doesn't mean that it doesn't exist and it doesn't mean it won't continue to exist. Submitted Exhibit L - copy of 2 deeds - one from Gene Simpson Prehm to Leo Jammaron dedicating a right-of-way along the south 300' of the rail bed to access the Jammaron spring on the Prehm Ranch and also a deed from Victor Jammaron to the Prehms conveying 27 acres of land but excepting out the spring and the right to access it. The historical access to that spring has been via Westbank Ranch. Victor Jammaron's deed is from 1950 and the Jammarons have been accessing the Prehm Ranch for purposes of maintaining their domestic water system since at least that time. Exhibit M - copy of the warranty deed by which Marlin acquired ownership of the ranch. That warranty deed attaches a list of exceptions - that list of exceptions includes the easements and right-of -way for the Mountain States Telephone & Telegraph Company, Rocky Mountain Natural Gas Company and in addition to the deeded easements for the utility system which actually comes through the Ranch and services Westbank, we have an overhead electrically line which does the same thing which follows the same alignment. During the last several months and a variety of discussions with the Westbank Homeowners about the possibility of agreeing to some limited form of access, they have been unsuccessful but during that course of time, someone physically obstructed the right-of-way, the road easement if you will, with large boulders which the utility company subsequently came in and moved because it blocked their right of access. Even if you were to proceed with vacating to the public at large - there are still people who need to use that and there are people who will use it including utility companies, the Jammarons and would hope that you wouldn't vacate it so that the owners of Prehm Ranch can continue to use it. He pointed out, that your own Subdivision Regulations - Exhibit N - Section 9:33 specifically says that 'dead-end streets shall be discouraged except in cases where the dead-end is meant to be temporary with the intent to extend or connect the right-of-way in the future' - these Subdivision Regulations were not in existence at the time that

the Westbank Subdivision was created however, they do express the general planning policy and objective of not having dead-end streets. One of the reasons for that is one that is related to health and safety issues. Exhibit O - a letter from the Glenwood Springs Fire Department which he read into the record "to, Mr. Belau, Engineer, I have received your letter of May 31, 2001 regarding access for the Prehm Ranch property. While having two ways out is a fundamental rule for the fire service, we evaluate each and every situation on a case by case basis. I believe that the homeowners of the Westbank Subdivision want to restrict traffic going to and from their area and maintain the quality of life they currently enjoy. However, the ability to have additional egress/ingress would allow emergency vehicles access to the Westbank area from CR 163 when out south fire station is built, the density of the Prehm Ranch Development abates single family homes, is such that a second access was not required however, with the Airport area closed for additional growth and expansion, with the proposed south bridge over the Roaring Fork River, from CR 116 to Hwy. 82, this additional right-of-way would allow for alternatives that currently do not exist today. Sincerely, Michael D Piper, Chief Glenwood Springs Fire Department." The concerns heard today from the homeowners are that we will negatively impact quality of life - the values of the neighborhood and take exception to that - don't think they will. Exhibit P - Mr. Belau provided a traffic study - important to consider - Prehm Ranch right of this public roadway. It analysis the likely traffic to be generated from the Prehm Ranch and likely impacts on the road system in Westbank. He explained further that the roads within Westbank were developed and continually plowed with public funds - as constructed, has the capacity to allow for Prehm Ranch and Westbank - adds 2 vehicle trips per hour and overall traffic from Prehm increase by 2.7% - the impacts of the additional use are minimal - 8 homes - primary entrance is north and secondary access is south. On Jan. 15 - request to improve roadway - met with same resistance - stated they do understand concern. No traffic study - that safety would overburden the traffic - 8 homes - as friendly to the Prehm Ranch as they can be - the minimum traffic would be hardly noticeable and not nearly the congestion of adding the golf course - entered into with Rose Ranch to facility the connection. This would be serving a second home market. The platted roadways when platted were available to all of the public - they looked at the plat, only serves one property - the Prehm Ranch - the BOCC is being asked to vacate access - BOCC should treat equally both Prehm Ranch and Westbank. Prehm Ranch is entitled to the access - in order to have reasonable access - it is essential. Jan 15 - presented an application of improvement of the historical right-of-way - it was turned down - not one reason was technical - Tom Russell - according to the minutes - stated he had reviewed it and it met all standards of Road and Bridge. This should not be taken away simply because they do not want them there. These minutes are Exhibit C. The impact of vacating to Prehm Ranch is significant. Exhibit Q - County Road Map and pointed out from one to get to Prehm Ranch to Carbondale or over to the Rose Ranch Golf Course - shows a gap in the County Road - one would have to go north toward the Sunlight Bridge, across the bridge over the new connection to Hwy. 82, back down off of CR 154 to CR 109 up to Westbank Ranch - 8 miles further away to get to the same place - 5 feet are separating the end of the cul-de-sac to the Prehm Ranch. They are not supporting a primary access from the Airport to Prehm Ranch. Should this be taken away from the Prehm Ranch - there is an unfounded fear - no intention of creating that as a primary access.

In closing - letter objecting to the vacation of Oak Lane extension - letter on Friday objecting to the vacation to the Oak Lane Extension on a number of grounds: 1) question the propriety of the notice that was given as they believe the statutes require the Commissioners to give notice of intent to vacate and easement before it can be done as opposed to consider an application to vacate the easement - no action could be taken today with the type of public notice that was issued; 2) we know that Colorado law entitles them to reasonable access to the public road system - we think reasonable access is not driving an additional 7 or 8 miles to get to the same point they can get to by driving 5 or 10 feet; 3) also raised with the County the right to receive compensation if this access is taken away from them - we consider it to be access which was intended to and which in fact provides access only to Prehm Ranch - unique to them - if taken away - it's not vacation of a roadway suffered in common with members of the general public - it is a vacation - loss of a right that will be suffered only by one property owner, one tax paying property owner who contributes to this County to built and maintain the roads in Westbank - that is not an appropriate exercise of the County's power to vacate roads. Mr. Neiley continued to refer to the input by the public comments - the owners of Prehm Ranch misrepresented to you facts about this ranch and adamantly reject that contention. Alluded to the fact of always being honest and up front, intentions were evaluated - this legal right of access off of Oak Lane off of a public road that has been in existence for 100 years and asked the Board not to vacate the Roadway.

Discussion was held between the Commissioners and the applicant

Steve Beattie assured the Board that they have the power to vacate this roadway easement - it is not depriving anybody of any access they didn't ever have before - urged the Board to vote in favor of the petition to vacate.
Don DeFord - Mr. Neiley indicated late on Friday submitted a letter to the Board raising a number of legal issues, one concerned notification - Mr. Neiley correctly sites the statutory provision - this is not what this notification stated - it has been the normal practice when the Board actually wants consider a Resolution as such, the staff is directed to draft such a Resolution - then it is considered in a public meeting. If you wish to consider vacation of this area denominated a road easement, at the end of your consideration, you need to direct staff to prepare such a resolution and set a date and time at which you wish to consider it and when you do that, we will then provide notice to the three property owners that are adjacent to this property.
Several additional public comments were heard - all supporting vacation of the roadway.
John Haines, Danielle Hammond, Christine Page, and Dan Durow - read Exhibit R into the record- a letter from Ed Prehm to the Letter to the Editor - where he referenced fishing.
Additional discussion was held with the Board and Mr. Neiley.
Rick Neiley - referenced the letter regarding public fishing - Ranch historically gated. - this is in fact a road that served the ranch for 100 years and predates the Westbank - established as a road many years ago - the plat shows it - gated on the rail bed - has been there and has been used - equipment by Jammaron on their spring.
Commissioner Stowe brought up the claim made by Marlin Company of $50,000 a lot if this is vacated - is that a real liability?
Don DeFord commented he would need to provide legal discussion and provide information to the Commissioners in an Executive Session.
Executive Session - Legal Advise
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to obtain legal advise; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Chairman Martin entered Exhibits A - R into the record.
Deliberations:
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried..
Commissioner Stowe made a motion to approve the request to vacate the road easement.
Commissioner McCown seconded with discussion.
Commissioner McCown mentioned that in the motion an addition needed to be added to direct staff to draft a Resolution, set future date for hearing this in a public meeting and direct staff to give legal notice to the three property owners.
Commissioner Stowe - amended his motion to include this additional verbiage.
Commissioner McCown amended his second.
Don DeFord suggested an actual date to be set for August 13 in the afternoon during the 1:15 p.m. agenda.
Commissioner Stow amended his motion to also include the date and time.
Commissioner McCown amended his second.
Commissioner Stowe commented that in the original hearing of Prehm Ranch, they proposed a north access. Several other communities end in cul-de-sacs - he referenced changing the character, safety and welfare of the community of Westbank Subdivision.
Commissioner McCown stated his position saying the northern access was proposed and should be used; it wasn’t going to change Westbank Subdivision.
Vote on the Motion
Martin - aye;
McCown - aye;
Stowe - aye
Motion carried.
Chairman Martin stated that on August 13, as part of the 1:15 p.m. schedule - Consideration of Resolution to Vacate would be noticed.
Allocation of Mineral Lease Funds

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the allocation of mineral lease funds; motion carried.

Rifle Office - Clerk & Recorder

Mildred announced that the Rifle Clerk's Office would close tonight at 4:30 P.M. and was scheduled to reopen on Wednesday at the new location in the Henry Building.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn. Motion carried.

Attest: Chairman of the Board

_____ _____

JULY 22, 2001

III. DISCUSSION - ACQUISITION OF COURTHOUSE PLAZA PROPERTY

EXECUTIVE SESSION
Blake Jordan via telephone conference, Jesse, Mildred, Ed and Don DeFord were present for the Executive Session.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to go into Executive Session; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin, who stepped down as Chair, to come out of Executive Session; motion carried.

Jesse Smith if we're doing this, do we want to go back and rethink the suggestion he threw out before? Instead of buying Roy Stanek's land, we trade it. We still have ownership, we just trade him a piece of land and it gets him out of the tax bracket.
Don clarified Jesse was talking about the current Road and Bridge Shop site.
Jesse said they have the Glenwood Springs Road and Bridge Shop appraised, they pulled the easement off of it and sold that to the City and trade him the rest of Glenwood Road and Bridge Land for his land across the road - the County doesn't have any cash outlay - Roy doesn't have any taxes.
Don pointed out that the Board did make a commitment to the City to give them a first right of refusal on the entire parcel.
Jesse asked if the County could put an appraised value on it, offer it to the City, if they aren't interested then we look at a possible trade.
Don said that would be fine.
Jesse said we might avoid having to put out $650,000 into this think. Jesse said he was guessing that it would appraise for that.
Don mentioned the timing - the appraisal wouldn't be ready until the end of July - takes a surveyor, a title search, then to the appraiser - 30 to 60 days.

Direction
Don said he needs direction from the Board directing City staff to affirm the position of their June 1, 2001 letter to the City Attorney concerning conflicts in engineering issues, conflicts that's between this proposed City Hall and the Courthouse and Jail, at the June 26, 2001 Public Hearing to be held in front of the Planning Commission of the City of Glenwood Springs.
Commissioner McCown so moved. Chairman Martin seconded. Motion carried.

Also, to direct the County staff to proceed with acquisition of the Courthouse Plaza Site consistent with the opinions of your Bond Attorney expressed earlier.
Commissioner McCown made that into a motion. Chairman Martin seconded. Motion carried.

Commissioner McCown said as long as we maintain not to exceed.
Don said, acquiring the real estate and affirming a contract for an amount not to exceed the negotiated price.
Commissioner McCown - from Blake if we can't acquire the real property to go to a holding nonprofit entity, then it can't happen.
Don said that's right and one other thing encompassed in this - are you directing staff to go forward with Allen Matlotz and Blake Jordan to secure financing for both the Road and Bridge Maintenance Facility and an office building in Glenwood Springs.
Commissioner McCown yes, and he would make that motion. Chairman Martin seconded. Motion carried.

JULY 23, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 23, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
Al Maggard - Community Correction gave the background concerning the proposed Community Corrections Facility Operator formerly planned to be MCI out of Boulder; this was before the purchase of the Airport Property in Rifle. MCI attempted to find a location in Silt and Carbondale without success. Once the Airport Property was secured by the County, renegotiation was held with the Executive Committee. At that meeting, MCI stated they could no longer offer their services due to the investment of other facilities they were purchasing for $3 million.
The Corrections Board began putting together a new RFP - that has been sent out and August 31 is the deadline to have those interested return their proposal.
Al said there has been several inquiries. Therefore, he presented the Board some issues that require consideration and action: type, terms and fee for a lease on the Airport Property; protection for both the contractor, holding company and the County.
If there is a response at the end of August - the Board of Corrections will be back before you requesting this information in advance of talking to those interested parties.
COUNTY MANAGER UPDATE - ED GREEN

- Sheriff - Computer Update

Discussion was held with respect to the computers for the Sheriff and the capital expenditure fund.
Tom Dalessandri stated he could come up with $8,500 toward the purchase of new computers - a total of 39 computers needed for the new jail. Tom explained they needed one for every station - before the move, they will be sharing computers.
Tim Arnett said he could reduce the original estimate of $52,000 to purchase the computers by buying Gateway equipment. He also said he could reduce the consulting charges for set up.
The Commissioners tabled approval of the expenditure until August 6, 2001 and requested that Tim Arnett to present some hard number.

- Cattle Creek Shop Review

Tom Russell, Randy Withee, Chuck Brenner with CF Brenner and Association and Marvin Stevens were present.
Chuck submitted blueprints for the proposed building for the Cattle Creek Shop and explained the plans - the cost per sq. ft. based on similarities with fire stations that are the closest thing to a Road and Bridge Shop is $63 sq. ft. for the 15,000 sq. ft. structure; $66.50 sq. ft. for a 10,000 sq. ft. structure. The plans are to construct the building 150'x100' to allow for 10 vehicles; 20' bays x 7 with 18' ceilings and accommodate a second floor over the first bay for an office. The office is in the plans but no plans to build it at this time. However, Chuck stated the office would cost $20 sq. ft. for the office in the 10,000 sq. ft. structure. Another bay to house the proposed inside water circulation system would cost up to $30,000 compared to an outside wash system and pad of $9,600.
At this point several options were discussed.
Tom submitted his preference was for Option 2 - eliminates the inside wash bay but still allows storage for equipment - Tom said it was as close as they could get - $900,400.
Ed Green commented that the appraisal on the Glenwood Shop is not in yet.
Direction was given to eliminate the inside wash bay, fine tune Option 2 and keep working.
License - Silt # 34 Ambulance
Dale Hancock submitted the License for the new Silt Ambulance and stated that this had been obtained through a grant process.
Commissioner McCown made a motion to authorize the Chair to sign the License for the Silt Ambulance #34; Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY UPDATE - DON DEFORD

- Consideration: Amendment Ukele Acres Deposit Agreement

Don DeFord submitted an amendment to the Ukele Acres Deposit Agreement saying it was changing name of vendor - still have money with the County to ensure the improvements.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the amended Agreement; carried.

- ***Consideration: La Plata County Board of Commissioners Request***

Don submitted correspondence he had received dated July 9, 2001 from La Plata County Board of Commissioners with an attachment of the "Language Adopted at the May-June 2001 Hearing and Language Proposed for July 2001 Hearing". The letter was informing Garfield County of the rulemaking process to revise its regulations with regard to oil and gas development in Colorado. The COGCC has taken actions as a part of its rulemaking that they believe directly contravene counties' authority to regulate land use impacts. There ultimately requested to convene a meeting of county and city officials whose jurisdictions may be impacted by the new rules being promulgated by the COGCC to discuss their ramifications and consider a course of action with respect thereto. The meeting will be held on Wednesday, July 25, 2001 from 11:00 a.m. to 1:00 p.m. at the offices of Colorado Counties, Inc. in Denver.

Don also reported he had received correspondence dated July 10, 2001 from Goldman, Robbins, & Rogers, LLP attorneys at law with respect to recent regulatory action taken by the Colorado Oil and Gas Conservation Commission. Essentially, the COGCC has attempted to usurp local government land use regulatory authority over oil and gas operations and to quell the participation of local governments in COGCC actions. La Plata County believes it would be prudent for all local governments to join together to discuss the impact of these recent regulations, to determine whether there should be a legal challenge to these regulations and to discuss other avenues available to local government.

- ***Medical Services Agreement***

Don submitted the Agreement for Medical Services in reference to the Garfield County Jail/Detention Center. He said he had reviewed the Agreement and did not have any problems.
Dan Hall and Renae Brown have been working on this - it provides mental health services for the jail and formalizes the agreement with Colorado West Mental Health.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Medical Services Agreement in an amount not to exceed $70,000 based on the rate of $50 per hour.CONSIDERATION: ANNEXATION PETITION - IGA 116/117
Don DeFord, Mayor Sam Skramstad, Building & Planning Mark Bean, City Attorney Teresa Williams, City Council Don Gillespie and Jean Martinsen were present for the discussion.
Don DeFord introduced the subject saying that sometime ago he had sent an IGA to the City setting out the perimeters of the annexation of portions of CR 116 - CR 117 Road, also it involved pre-construction of that intersection and sharing of cost of the intersection. Last week he received from Teresa a draft of a petition for annexation of the property that was subject of the IGA - Teresa and Don briefly discussed it and there were some alterations in terms of the legal descriptions - the City discussed these issues at their City Council Meeting.
Teresa Williams - said there was discussion about the pre-annexation that the County signed some time ago and after much discussion, including the annexation of CR 156 that the City Council agreed it would sign with one modification - that there would be a paragraph added that said " we would go ahead with the annexation of these rights-of-way, but the second reading of the Annexation Ordinance would not occur until we had agreed on a IGA regarding the $250,000 for the traffic study on the South Midland Intersection. That's basically the only addition - with regard to the meets and bounds, Robin Milyard has been out of town - he is back today and she will meet with him to get this straightened out and also the County would be the only one on the petition.
Sam said they will deal with annexing the rest of the private property within the City at a different time and as a different issue.
Commissioner Stowe suggested to adjust the $250,000 by adding 'a not to exceed $250,000'. He reiterated that he thought that study would be $500,000 so the Commissioners would donate up to 1/2 not to exceed $250,000.
Commissioner Stowe clarified if the annexation was to be finalized then.

Sam Skramstad said if they can get the second IGA completed, in place and signed in a couple of week it's a done deal.
Chairman Martin clarified that this is an item to be put into Budget 2002.
Commissioner Stowe wanted to make sure this agreement is framed so that the annexation will take place upon our signing the other IGA regardless of anything else - there won't be any further delays - my question is I understand how things sometimes happen, we intend to annex, we intend to do this, 5 years from now we're still intending to do it - I don't want that to happen.
Teresa Williams said what I have scheduled right now is for Don and I - as soon as I get some of the mapping questions answered - the City is looking at putting the petition on the next agenda; the petition is done by Resolution and then we have to do some publication required by statute and then we would have the first and second reading of the annexation ordinances. It's probably going to take a 45-60 day window, but we will get started at the next meeting.
Don Gillespie - from a practical standpoint, we really can't expect the Roundabout to occur this year, is that correct?
Sam Skramstad - no, we're still scheduled to do it this winter.
Chairman Martin - as I understood from the City Engineer, he has just about everything out and also his and his workers are probably ready to go by Fall.
Sam Skramstad - so it's after we get the first reading, the second reading is two weeks away.
Teresa Williams - right.
Don DeFord - I need to ask a practical questions because the way the time is being discussed - the way the IGA is written right now, the City could not commence construction until the annexation was complete, is that going to work from a practical standpoint? How does the County Commissioners want to proceed and the City Council?
Teresa Williams - I think we won't be able to start before 60 days.
Commissioner Stowe - is there some kind of liability release they can give us?
Don DeFord - there would have to be something like that if they commence ahead of time.
Teresa Williams - okay.
Chairman Martin - but you are going to get this underway and hopefully completed by Fall so we can assure the Citizens that are using that corridor that it will be paved.
Sam Skramstad - our intention is also is to get the 27th St. Bridge done this Fall.
Chairman Martin - the paving of the project should continue on schedule, I think it's a request of the City, but we also need to hear from the Bank and the Developer that they wish to be relieved of paving that intersection on schedule on August 15, but we need to coordinate that effort.
Sam Skramstad - Mike has also been conversing with the Bank because they're also very interested in annexing to the City so very amenable to do whatever it is.
Chairman Martin - will it be in the form of a letter requesting that.
Don DeFord - we need a request to amend our subdivision improvement agreement.
Don Gillespie - I haven't been up Four Mile lately, how far is it up to where you turn off? and is there anything keeping you guys from paving up to where we will do the Roundabout?
Chairman Martin - other than just the hillside and also the lay back - the retaining wall and the final grading and drainage - no - what is amount to is they are planning on doing that on schedule - starting that paving.
Commissioner Stowe - we will just stop like 200 - 150 feet.
Chairman Martin - 200 feet from the intersection is where they are going to stop and are scheduled to be done by the 15th of August.
Teresa Williams - I think Larry's been working with staff on exactly where that needs to be.
Chairman Martin - and that will be around 200 ft. and there's some engineering that needs to be done in the last 200 feet to meet the Roundabout that we'll have to do together, but we'll coordinate that effort.
Don DeFord - so when Teresa gets the language back to me, then we'll put it on your agenda again.
Chairman Martin - and then we can approve that but where it's an understanding that we're going ahead and those items we will need - those two letters and final IGA.
Jean Martinsen - what about the transfer of the - we'll need to transfer that right-of-way along Cator's property to us won't we before we get started on the construction?
Don DeFord - I imagine - we'll have to deal with that in the IGA - just set a date when you want the transfer to occur and that's what we'll do.
Chairman Martin - and that property is secured and that the transfer is doable upon request.
Teresa Williams - yeah, we got a letter to that effect, so..

Sam Skramstad - the Cators and McGreggor are talking to the City about annexing into City too, so we're on our way south.
Chairman Martin - and Mr. McGreggor did mention there was some items that we agreed upon with the developer that had not been completed and he was submitting some information to the City since it is in the City. Also probably copying us on it that issue.
Sam Skramstad - and if you could also direct staff to work with City when we start the annexation on the properties on CR 156 - I don't know what we'll possibly need.
Chairman Martin - there's a lot of properties - I think we need to assist on that.
Don DeFord - I would anticipate this for August 6th.
City Hall Ground Breaking
Sam Skramstad said the breaking ground for the new City Hall is slated for September 15 or before - details need to be worked with our contractor.
EXECUTIVE SESSION - PERSONNEL LITIGATION, LA PLATA COUNTY, AND COURTHOUSE PLAZA

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
Don DeFord requested those to remain included: Jesse Smith, Ed Green, the Board, Mildred Alsdorf, Dale Hancock and Judy Osman.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.
COMMISSIONER REPORTS - Commissioner McCown - nothing this week but the past week he had Assoc. Governments at Steamboat - Wed and Thurs.

Commissioner Stowe - Wed - Personnel 1:00 P.M.; Thursday - Down Valley Mayors Meeting in Silt; C-DOT Carbondale - Hwy. 133; and feeding the group - Ride the Rockies.
Chairman Martin - CCI meeting - Ed Green and Dale Hancock also attended; Great Colorado Outdoors - Tuesday; City Council IGA - 116/117; Parades - Rifle dedication to the fireman; CCI oil and gas - La Plata - 25th Wed 11:00 a.m.; Haystack Ranch - 1:00 Sunday - Mule Deer Foundation - Barbecue; and Board of Equalization July 30, 31, and August 1.
Commissioner Stowe - last Friday Jesse, Ed & he attended a Planning Session - Rural Resort; Summit in September on Immigration - Rural Resort - focus on human services - should it come under Northwest Cog and live on it's own - 3 of the 5 counties are in Northwest COG.
Eagle looking at pulling out and we are also looking at expanding the Rural Resort.
SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

CONSENT AGENDA

a. Approve Bills
b. Sign the Acknowledgment of Final Satisfaction of Subdivision Improvements for the Coryell Ranch Company, LLC

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda items a & b; carried.
REGULAR AGENDA

BUILDING & PLANNING ISSUES:

PUBLIC MEETINGS:
APPROVE SPECIAL USE PERMIT McNULTY ACCESSORY DWELLING UNIT SUP. LOCATION: 0420 CR 122 - MISSOURI HEIGHTS. APPLICANT: ELENA McNULTY
Mark Bean Greg Butler, Lean and Elana McNulty and Don DeFord were present
Don inquired as to noticing adjacent property owners.
Elana stated she owns 264 acres and this request if on a 35 acre parcel deeded separately.
Don determined that this was a separate parcel that only Elana McNulty owns, the surrounding properties are owned jointly by Elana and Mary McNulty. Notice was in order and Don mentioned to the Board the testimony that the adjacent property was owned by her mother and herself under Pleasant Ranch a LLC.

Chairman Martin swore in the speakers.
Greg Butler entered the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Application and attachments; Exhibit C - Staff Report and Project Information; and Exhibit D - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - D into the record.
This is a request by Elana McNulty for a Special Use Permit for an Accessory Dwelling Unit located in Missouri Heights on her Pleasant Valley Ranch property to provide housing for the hired ranch hand and then to rent out two rooms.
Recommendation
Staff recommends approval with the following conditions:
1. All representations by the applicant will be considered conditions of approval.
2. This proposal will comply with Section 5.03.21 of the Garfield County Zoning Resolution, 1978, as amended.
3. This modular unit will comply with the regulations detailed in *the Minimum Application Requirements for Mobile Homes* and those regulations found to be pertinent in UBC, UMC - UPC (1994-5) for one and two Family Dwelling. Copies are available at the Building and Planning Office. In general, all living facilities will have operable toilets, bath/shower and meal preparation appliances.
4. That only three people are allowed to live in this ADU at any time.
5. An irrevocable access easement to the Accessory Dwelling Unit must be on the Exemption Plat at time of signing.
1. Applicant

Elana McNulty submitted Exhibit E - this is not a modular rather it is a stick built home. The exhibit includes all information needed, deeds, plat, plans, etc. She wants to built this to have income for her mother and herself as well as having ranch hands to assist with the upkeep of the ranch. Access - roads are already built to it, electric poles in, well very close. Road 122 doesn't touch any part of her parcel. She explained the reason why rental units are needed.
Ranch hands and rental units will share kitchen, paying hourly - only when work is needing to be done.
Commissioner Stowe - inquired if this is a limit of 3 people?
Mark said that an accessory dwelling with an ISDS allows 2 occupants per room - could allow up to 6 people.
Elena commented then that she should change this is a 3-bedroom accessory dwelling not to exceed 1500 feet, add a pump test for the well. If she has records then it could only need a water test.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner McCown and Commissioner Stowe to approve the request for a Special Use Permit for Elana McNulty for an Accessory Dwelling Unit with the recommendations of staff 1, 2, & 3, striking existing No. 4 in the staff report and inserting the existing mobile home on the property is to become a tool storage shed and is to not be inhabited; adding No. 6 that a 4 hour pump test and water quality test need to be performed. If the applicant has documentation of a 4 hour pump test at the time the well was brought it, that will suffice for that need.
Commissioner Stowe seconded. Motion carried.
APPROVE SPECIAL USE PERMIT, FABER FLOODPLAIN SUP. LOCATION: 1705 HIGHWAY 82, EL JEBEL COMPANY. APPLICANT: BRAD FABER

1-5400 Don DeFord, Greg Butler, Brad and Theresa Faber were present.
Don reviewed the noticing documents - posting, legal notification, notices to adjacent property owners and determined that the Board may continue.
Greg submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E - Project Information and Staff Comments.
Chairman Martin entered Exhibits A - E into the record.
Greg stated that this is a request for a Special Use Permit to excavate two existing freshwater ponds. The applicant is requesting permission to dredge two existing ponds on their property to a depth of 3 feet. Also, they are requesting permission to increase the diameter of the larger pond by some twelve feet and replace the existing culvert that connects these two ponds. The dredged material, which will probably be not more

than 178 cubic feet, will be placed on their property adjacent to flood-fringe to dry out and thus decrease in size.
Greg reviewed the Relationship to the Comprehensive Plan, Garfield County Zoning Resolution of 1978 as amended, Referral Agency Comments, and Suggested Findings.
Recommendation
Staff recommends approval, with the following conditions:
1. All representations by the applicant will be considered conditions of approval.
2. The excavated material will be stored in such a way as to prevent it from causing sedimentation to the watercourse.
3. The applicant will contact Steve Anthony of the Weed Control Board and establish a plan that prevents this excavation material from becoming weed infested.
4. Fish will not be stocked in these ponds without written permission of Colorado Department of Wildlife.

1. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.
Commissioner Stowe made a motion to approve the request for a Special Use Permit for Floodplain for Brad and Theresa Faber to dredge two existing ponds on their property. Commissioner McCown seconded the motion; carried

Executive Session - Courthouse Plaza - Purchase Agreement

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.
Those remaining included: Don DeFord, Ed Green, Jesse Smith, the Commissioners, and Mildred Alsdorf.
A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.
PUBLIC HEARINGS:

ABATEMENTS

Shannon Hurst presented the abatements:

Holy Cross Lutheran Church - $1,360.17 for 2000

The State of Colorado Division of Property Taxation determined this property to be tax exempt effective May 15, 2000.

Thomas & Margaret Lange - $1,255.89 for 2000

The subject property was split off of a large agricultural ranch and reclassified as vacant land for 2000. In 4/2001 the Assessor's office learned the buyer had leased back the property to the ranch for cattle grazing and hay production for the year 2000. The property has been reclassified as Agricultural land and the 2000 vacant land taxes need to be abated.

Ernest Leno

This is a mobile home the owners vacated, owners of the Cottonwood Springs Mobile Home Park moved the unit to Rifle Landfill. Abated taxes for 2000 - $63.46
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the abatements as above with the amount of rebate as stated; carried.

Public Hearing - Continued

Special Events Liquor License - Garfield County Republican Party - August 18, 2001

Chairman Martin swore in the speakers.
Mildred Alsdorf presented the application for the Garfield County Republican Party Special Event for August 18, 2001.
Jim Larson explained the purpose was for the Garfield County Republican Party to gather and socialize with the basic idea of fundraising.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Events Liquor License for the Garfield County Republican Party to be held on August 18, 2001. Motion carried.

Human Services Commission - Asistencia Para Latinos

Lindsay Neal - Asistencia Para Latinos
Lindsay mentioned Asistencia Para Latinos was founded in March 1992 as part of Aspen Substance Abuse and Awareness Program to work with meeting some of the needs of the rapidly growing Latino population in the valley. In 1994 they became their own independent agency and it has been going strong ever since and continually expanded the services that they offer to the Latino community. Their mission statement is to empower the Latino community towards self-sufficiency through services, education, advocacy and interagency collaboration. To break the dependent cycle of the Latino community on our service agencies and to encourage them to become self-efficient within our community utilizing the services we have but as opposed to the agency being a crutch, as being a means to empower the Latino community. A lot of services are being offered at the present time - at the inception of this agency we didn't have immigration work in mind, but as the needs of the community shifted, the focus of Asistencia Para Latinos has shifted as well and finding immigration is one of the primary services being offered today. There are two case managers trained and offering certain immigration services - a lot of outreach and education through the English as a second language at the Colorado Mountain College or through different agencies on various topics - domestic violence, DUI, ramifications of the law enforcement agencies and then immigration repercussions as well - rights of those who rent or own - how they can work with the police and with different agencies in the community as opposed to feeling like they are going against the grain all the time. They are also part of a Latino Task Force that was formed by RE-1 School District to work with them to get students and parents more involved in the education process.
They do a lot of mediation-advocacy between employee-employer, landlord-tenant and a lot of matching people up with available services.
General Statistics per the 2000 Census:
Garfield County - 7,300 Latino Community members - that is 16.7% of our population in Garfield County - an increase of 336% from the previous census. She mentioned there were a lot of undocumented that would increase the numbers by 2,000.
Lindsay referenced the numbers may increase soon with immigrations they had a "life fact" - the 245I which was developed to keep people who were here illegally but who had family members who were residents or citizens - and those people could apply for them so they could stay here but become legal here - it's in the Congress right now to establish the timelines, but an extension has been approved for this law and hopefully it will help - they're looking at between 4 months and one year extension and that will help legalize a lot of the people in this area and in the valley. She added that a lot of people took advantage of this opportunity.
There is a large population from El Salvador - they are more in the Eagle, Basalt and El Jebel areas - they have different laws that pertain to them right now.
Since January, the agency has seen about 1,000 new clients - new and repeat clients. 47% of the new clients are from Garfield County - a new data base allows them to access where they are living, employed, etc. 18% of the 47% are actually working in Garfield County. 81% of all of their clients are employed and of those small unemployed, most are students.
Some of the projects going on - the educational task force - outreach education; a staff trained in working with domestic violence; HIV Aids Grant from the Aspen Medical Foundation to educate the population; and the Annual Latin Festival in the mountains as a fund-raiser - August 25, 2001 in Carbondale.
Chairman Martin suggested the "How to Live in America" program and Restorative Justice.
The ones who pass through the Criminal Justice System get referred to the ESL Classes and they are mandatory for them - the only real contact with them is through the education-outreach with the ESL.
Lindsay stated they have been real involved with the tragedy in Rifle - July 4 through the present doing case management aspect and to make sure the families have their basic needs met. They are handling the entire immigration process for witnesses and family members of victims so they can be here throughout the judicial process - getting them work permits, housing and food. Also working with Carolyn Tucker from United Way and Margaret Long from Social Services in looking at having things in place when a major tragedy occurs.
Mildred Alsdorf inquired as to the 241I and if that is considered also like a spousal?
Lindsay said it can work that way as well as toward a variety of different scenarios - it depends on the case level.
Mildred said the Marriage Licenses escalated during that period.

Lindsay said if a citizen was married to someone here illegally, they could apply for them, pay a fee of $1000 to immigration and that person could stay here while their papers are being processed instead of having to go back to where they were from.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.
BOARD OF HEALTH

Sandra Barnett filling in for Mary Meisner submitted the written reports and provided updates:
Immunization Program - DTP shortage continues possibly until Fall or longer; Td shortage deepens; Flu vaccine will be slow in coming again this year - few in October and more in December; Foreign Travel consults have included local stonemasons traveling to Japan for special commission and many missionaries; and local immunization coalition started in May has continued to meet to discuss vaccine issues. *Health Care Program for Children with Special Needs (HCP); Child Health; communicable Disease*, WIC, EPSDT, Senior Programs, Satellite Clinics and other agency activities - the Glenwood Springs WIC offices have just moved to the former Communications office. In Rifle, plan are in place for moving from our 3rd floor space to the clerk and recorder's former space on the first floor.
Sandra explained more on the vaccines. TB is getting worse and are looking at those with injuries or people who have never had a primary series. Diphtheria/Tetanus shortage but the school is working with them - there's a form to send back to the school. The DTPA shortage is probably going to ease up a little bit - they have recall systems and can get them in later.
Flu vaccine - will get 60% of their order by the end of October - there's fewer doses than last year - in December they will be at the level they had in 1999. The flu shots will be prioritized for high risk population: seniors 65 and older as well as those adults with a history of chronic illness, infants, young children and medical people.
Immunization Coalition
Kate Lujan has formed a immunization coalition which has been helpful working with private health agencies and private physicians in Garfield, Eagle and Pitkin Counties in order to generate the same information to the public.
New Pediatricians
We have 2 new pediatricians in town - Dr. Ellen and David Brooks hired by Valley View and both take Medicaid and CHP plus. There is no one bilingual on their staff but they are working on it.

TB Elimination Advisory Committee is still meeting and working with the State for grants to help with outreach, education and non-English speaking communities - here and other areas where they have Asian communities.

WIC caseload is 1100 - Garfield County's Program was featured in the State Newsletter Feature for it's outreach programs.

Healthy Beginnings
Lisa Pavislick gave the report: Enrollees since January 1, 2001 - 175; 152 patients - deliveries; active patients - 146 prenatal and 54 post partem; birth outcomes of 143 babies, 7 low birth and 9 pre term deliveries.
Lisa reported that they are seeing an issue within the trimester enrolled - part of that is Grand River Medical Clinic is continuing to see patients and then they are transferring within the 3rd trimester without facilitation of care and not real participatory in having a good continuum of care; the midwives and she have gotten together and trying to schedule a meeting to work this out - as of October 1st when the contract begins with the State, Lisa said she will also start tracking when they initiated care elsewhere. The program had 9 women have tubules ligations and an additional 14 women have indicated interest in the program. Funding was available effective 4-1-01 for 15 patients @ $600 each; Lisa said a neurologist charges $200 for male sterilization - this is something they have offered in situations - the machismo aspect of it - never had a taker on it. Lisa said when the women indicate an interest, the midwife does an informal screening with respect to the number of children they have, their age, relationship situation - all of the ones selected have been married or in a long term relationship and have four children.

Special Workshop - Coalition on Woman Issues - Thursday - how to work with women who are having sexual abuse issues - trying to get more community volunteers involved and more training.
Space Issues - continue to work on this and Dale is very diligent in his work with possibilities.
Conference in Anaheim on Social Norms -Valley Partnership for Drug Prevention selected her to attend with the executive director. Focus was on the whole approach to get a community to come around an issue - how to education in a non-threatening way - primary issues with alcohol and drug issues that can be transferred to many other social issues.
Grant Fund Cycle for Human Services - August 3 - the issue is having to have the packet ready to go to Human Services by Wednesday, August 8.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.
Human Services Contracts

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the following Human Services Contracts: Family Visitor Program of Garfield County, Inc.; The Advocate Safehouse Project; Garfield Legal Services, Inc.; and Columbine Home Health, Inc.

Employee of the Month Chair
Kathy Podest - Employee of the Month Committee Chair - reviewed the breakfast arrangements with the Commissioners.
The Commissioners authorized the expense to come out of the Board's account.
SOCIAL SERVICES

Jesse Smith and Margaret Long presented to the Board a memorandum explaining some changes being suggested to provide more organizational structure in Social Services:

1. Lessen Margaret's span of direct supervision from 10 to 3; this will free up Margaret's time so she can do outreach and build coalitions in the County and with the State. (TANF may go away - what will replace it).
2. Add a layer of management with two assistant directors - Margaret would supervise both:

   -- one would pick up many of Colette's functions as well as supervise the CSE manager and the Income Maintenance manager; -- the other assistant director will supervise the four child welfare unit managers, adult protection program and the Single Entry point manager.
3. Margaret will also supervise the Rural Resort Child Care Project.
4. The county will assume the overall accounting functions (several bookkeeping functions will remain with the department for the time being)
5. The county will handle facilities management, personnel, purchasing and contract administration - computer assistance from the county contractor.

Margaret proposed to hire these two assistants at the salary grade of the assistant county engineer's level. They would be cross trained. A selection panel including Jesse and Margaret would be the ones interviewing and selecting personnel for these two new positions.
She added they are hopeful of addressing this immediately - Controller Lois Hybarger has begun working with Colette to incorporate State to County; Judy Osman is picking up Human Resources and Tim Arnett with purchasing.
The Board approved Jesse and Margaret to proceed - getting the two positions in place.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; motion carried.
Reports and Program Updates including: Child Support Collections, Referrals/Investigations of families and children; Placement type of Child Welfare; Out of Home Placements; Colorado Works/Gateway; Child Care Expenditure and Statistic Report; and Caseload Statistic Reports.
Tragedy in Rifle
Margaret reported a lack of coordination in the Rifle tragedy - some good things came out of the situation but there is a need to take another step in "disaster planning" to include the impact of those non-English speaking victims and families. The City of Rifle was helpful in organizing as well as the intervention from

the community. She said there were going to continue doing community meetings focusing on educational needs - this was not a race based crime but points up issues such as racial tension, misunderstandings, etc. Margaret said they have assessed the Carbondale area as being more problematic.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

- ***Courthouse Plaza Negotiations***

Don DeFord, Ed Green, Jesse Smith, Mildred Alsdorf, Roy Stanek were present.
Discussion was held with respect to the purchase of the Courthouse Plaza.
Don DeFord alluded to the contract saying he had spoken to Roy briefly about the discussion in Executive Session where the Board went through Roy's response July 22, 2001 to amend the Contract that he had sent out. Don said he circulated it to the administrative staff and then the Board had their own questions.
Don summarized - the first issue needing to be address is the County financing and making the purchase contract contingent on the County obtaining its own financing; the Board had some discussion about that in Executive Session earlier today.
Commissioner Stowe said the Board can try to expedite our end so that the funds can become available quicker for us so that we will still would have to proceed with it as is, contingent upon getting financing, but that could possibly be in place by as early as the end of September.
What is presented today to Roy is it may delay your construction schedule.
Roy Stank - there's no problem with September.
Commissioner Stowe mentioned the Board discussed waiting in order not to have to pay the cost of the money, but we can get the funds in place earlier and can earn interest on it while it's sitting in the bank.
Roy - our only issue is as long as we satisfy the bank as they have to know someone's going to take them out of the constructional and two, we just wanted to know the County was going to buying the building or lease - whatever.
Don DeFord said the way it's structured presently is that if financing fell through for some reason, not only would the contract terminate but they would return the earnest money and the Bank expressed concern about that issue. Don has redrafted the contract to give the County until June 30, 2002 to get the financing in place, the last day possible. So if timing alone is an issue, we could complete financing into September 2001. But the other issues would remain - the contract would be strictly contingent on closing that financing and we would be expected to terminate the contract.
Commissioner McCown mentioned the County couldn't afford it unless the financing comes through.
Commissioner Stowe - would we be open to a lease arrangement should the financing fall through - that would give his bank some sort of guarantee. However, the County's intention is to purchase the building as long as you can bring it in on our budget figures as discussed.
Roy - what I'd like to do is say we have some sort of long-term lease agreement with the County and if the financing falls through we continue with the lease and if it comes through, the County cash us out - we really don't care. But we need something to satisfy the Bank.
Commissioner Stowe - so they know there's a prospective lessor.
Roy - yes, they're not going to allow us to build the building on speculation.
Commissioner McCown - this $700,000 as mentioned in the contract is a problem for me. It's not being viewed as earnest money as far as I'm concerned. It's up-front money to kick-start this project - if something should happen to you, or if something should go array and your building costs go to $5 million, your Bank is going to be in the first position - we are not going to be in any position to recover any County money should that building go south during the time of construction. In worst case scenario, should it go south, the Bank is the first position, your contractor and subcontractors are all going to have the County liens on it and Garfield County is going through $700,000 to get it started with no recourse of going back and getting our portion of that money back out of it.
Roy - by some degree, what we're doing is reducing the loan from the Bank - it's like we started originally.
Commissioner McCown said he knows what Roy is doing, but to protect the County's interest, you probably won't find another lender that was going to buy that building from you with through $700,000 at it up-front and not have some security - the County is not in a position of security in anyway by doing that - if someone can tell me how we can be, it would sure change my mind. Right now, it looks like we are just ponying up front - $700,000 and we're taking a 3rd position basically with the Bank as 1st, contractors and subcontractors 2nd as ever hoping to re-coop that financial investment.

Chairman Martin asked if it would satisfy the County by putting two things together - to take the $700,000 and the long-term lease agreement and saying a guarantee at lease to this amount to the County?
Don - a couple of things first - on the lease - we can sign a lease but we have the same Tabor issues on it as we do with any lease - it can be one year renewable terms so as long as the Bank is okay with that - it has to be subject to appropriation every year. One the $750,000 based on what he is hearing, he would like to know what is the possibility of doing this as regular earnest money where the $750,000 would be put in escrow and held pending closing on the building.
Commissioner Stowe - the bank knows it there and they would be able to collect it obviously if the building finished. There's some cost of money.
Roy - yes, there's cost of money and what we are trying to reduce - we're trying to keep the financing costs down to where it was more amenable doing this rather than going out and getting bond financing, insurance and bonds. Either choice is good at this point. Perhaps what we need to do is talk with the Bank and see how comfortable they are with that and obtain some direction from them.
The Bank wants to finance 80% of the construction costs so they have to see somebody's money going into the first 20% - the Bank is not going to put up dollar for dollar - they want the owner or potential buyer to put in their 20% and then they start to financing.
Commissioner McCown - we're collateralizing it.
Roy Stanek - and to address Commissioner McCown's question too as far as the collateral - you have the guarantee, to the extent you can trust it, of the general contractor to give a fixed price contract or a maximum priced contract - it's another thing in there to help make it comfortable with someone else with some economics to try and hold the price. Listening to these various problems, perhaps we should go to Don's first idea and the way we started was for the County to purchase this land, hires us to be the construction managers and proceed that way.
Ed Green - however we can't do that because Roy becomes the architect of record.
That problem could be solved by one or two ways - either we get another architect to sign off or you do a contract with us as the architectural firm - as long as price guarantee and our services can be accomplished in whatever you call us.
Don said what the County would do under that arrangement - we would be the construction manager and Bill has hit upon it, we do a regular architect/contractor type arrangement where the architect actually acts as the supervisor of the construction project - that's a fairly typical arrangement. But then the County is back in the same issue of being the property owner, the bonded project and the usual issues dealing with the City of Glenwood Springs which we hoped to avoid. There's drawbacks on all of them and we just have to decide which one is best.
Chairman Martin - there is the most up-front way however, and the City of Glenwood Springs knows exactly what's going on - they are very aware of what is happening on this particular issue.
Don - we are again talking about the cost - the more money Roy has to finance is going to be passed through to the County is some way. We need to weigh that as well and get that figure to be sure what we're really looking at.
Ed Green - can you finance the 20%?
Chairman Martin said he didn't think this was an insurmountable problem but the County needs to be caution with what we already have going. That earnest money held in escrow could also be looked at as a guarantee of that 20% and the Bank can see that.
Commissioner McCown - guaranteed that it would be released upon successful completion of the building - then the Bank does see it as up-front money they can re-coop. The County's main problem is to be responsible to the County taxpayers.
Chairman Martin suggested to explore this and talk to the Bank and see if this will satisfy them.
Commissioner McCown said as long as they have the money they can earn interest on it.
Roy - the County's willing to put $750,000 into the Bank of Colorado in an escrow.
Chairman Martin and what it becomes is the earnest money - they hold it and guarantee that's what they have if something goes south. We have to look at our earnest money and how it is - you earn interest on, but that goes against the purchase of the building upon completion.
Roy - right.
Commissioner McCown - Whatever they would change interest on that money for instance, if they want 10% on that money and can earn 6% - they should really only be charging another 4%. So this would keep our cost down to some degree.
Roy - right

Commissioner McCown - in essence the County still has $750,000 sitting in the bank that should something go south, would come back to the County coffers plus the interest.
Commissioner Stowe - if the building didn't complete, you couldn't get a CO on the building, that's basically what we're looking at.
Roy - speaking about CO's, one of the issues on getting a CO is we have to put the ceiling on that - in talking with our subcontractors on Thursday of last week, what we're thinking is a cost saving item to accounting for it's tenant improvement is to not hang on the ceiling stuff until we knew what the tenant improvements were going to be. So, he's thinking we might have to change our wording slightly to be like a temporary CO or something, what he's afraid of, the costs is already $30,000 to put it up and take it back down, only to put it back up again - which is a waste of everybody's time and money.
Don - on that issue, to do some of the improvements we're talking about - most is a modular type arrangement, but those walls require a CO to put these in anyway because there will be wiring in them, etc. If Roy could check with the City and they will issue a temporary CO without the ceilings and without the walls, and the County has to put in that type of thing, would really be the best arrangement. Otherwise, the County is going to have to obtain our own building permit right after they get in the building.
Commissioner McCown - thinks that will satisfy our concerns - that the building is up to a point where it's ready for that but there's no need putting it in and taking it back out.
Don - some of the issues - the heartburn that we have with the City a little bit because they would have said that at least up to this point, everything is up to code as far as they're concerned and be hard pressed to play games with us after that. A temporary CO might work real well if the City will do that.
Don - ran through some of the questions that Roy had and make sure we've got them resolved.
On the question of contingency - we have the general proposition that we will stay but we will see what the bank has to say.
Purchase price - that's one of the problems that Jesse and Ed had as well - they were looking at the $3,750,000 as a not to exceed figure and not a fixed price. First of all, we're not quite there on terms of the not to exceed figure; we need the cost of the financing, we need the value engineering which will be some kind of a deduct to get to a final price - do you think that will be there by Thursday of this week.
Roy - we're expecting by Thursday of this week - all the subs have revised drawings they're looking at, all the major engineers and architects are fine-tuning their drawings, so we're assuming by Thursday or Friday morning, we should have all of our numbers. And we should have a final construction set of documents which will be plans and specs. That should have a schedule with it, our cost, plans and specs.
Don - then we still need to talk to the Bank to see what the cost of money will be on various scenarios to you.
Roy - what they told us is that it going to be prime plus one to one and one-half percent (1 to 1 1/2%) and it's a floating rate based on how much money is borrowed out at any particular point and time.
Don - so once you know a price, then you should be able to tie that figure down pretty well?
Roy - it depends upon how fast you're pulling money out and what the rate is at that given time. They could give the worst case which would be pulling out all the money on day one.
Don - I'm looking at this not to exceed figure, I just need to know what to put in here.
Commissioner McCown - the general contractor should be able to tie that with general operations.
Roy - we'll have that but not sure how you're going to tie that exact dollar to dollar on construction draws - that's the issue.
Commissioner McCown - it would be easier to tie it to the time of the draws than it would be the rate at the time of the draws. We definitely don't know that if your looking at a consistent draw on your contractors, then you look at their schedule - that would be fairly easy to come up with a number - the percentage rate is like throwing a dart.
Roy - your maximum price not to exceed may have to be a number plus financing with the financing the way it is. It's not something we're making up - it will be coming from the Bank. The Bank will not automatically going to release money until we submit the draw to them - then they'd authorize payment. We're better off using the bank and no one will know that number until it's done.
Don summarized - where is everyone if we had a not to exceed price which would basically be the contractor's price plus the cost of financing less the contingency that was not approved by both parties - and leave those two figures open - is the Board okay with this. Financing costs we thought at one point of $250,000 or more so that's a fairly substantial amount. The contingency originally was in this $3,7 million odd figure.
Roy said the contingency is in there of 10% - about $265,000 of contingency in there.

Don - so we'll get contractor price and stay with 10% for contingency plus cost of financing - this is an open-end, but not completely open of course.
Roy agreed it is better to be safe than sorry.
Commissioner Stowe - less the County Engineering.
Roy - right now the numbers that we have seen so far were $2,550,000 so it's $100,000 less than what we assumed it to be.
Commissioner Stowe - what offsets that $250,000 finance charge.
Roy - that number, as far as the $2,550,000 - the only thing we're still not certain on is - they are going to drill piers there - what we were going to do was grade B now with drilled piers because we know the old County Courthouse is there and we figure rather than disturb everything around it and open potential litigation with either Monihan or Petre, we're thinking of just going down and drilling through - so until you drill, you don't know what's exactly there. The other thing is - again to mitigate any other problems with those guys - what we're doing is now - we're going to do a crawl space - won't be slab on grade. This will be good for the County because it'll make service to that first floor easier as future needs dictate for computers, etc. It will not be a big crawl space - it's the depth of a grade beam - 3 to 4 feet and four stories.
Commissioner Stowe - so, if we won't use of our contingency, we take care of all of the value of engineering we can bring it up to $3.7.
Jesse Smith - you can bring it $100,000 under
Ed Green - yeah, if you do that.
Jesse Smith - cause the contingency in the cost of financing are equal.
Roy - the cost of the contingency is already in the $3.7 figure - you don't spent any contingency, that will be around $3.5 million.
Commissioner Stowe - throughout we'll spend some.
Roy - yes, we'll spend some. One other question is - again back to going with 1-50 ton versus 2-27's is what they're talking about - there a little bit of money there to spend - Don and myself have talked that I think it makes sense to hire a guy like Petula or another independent engineer and before we do anything, have them check Monihan's building and Petre's building so that can't come back on us down the road. We'll spend a little bit of money there. The other question that came up at Thursdays meeting was - when we do the roof-top/mount units - we don't know what's going to live on the fourth floor - but if you guys ultimately put counsel chambers up there or anything, the question that came from the mechanical contractor, is - does it make sense to put some sound deadening - there's some sort of roof curbing or something that you put on those compressors and all other stuff to make it more quiet. And the thought is obviously you need to do that now while we're building the building - it's not an add-on that's easily done later. So, those are the three kinds of things plus possibly we're trying to get a transformer from the City - the City thinks right now for shallow building - the electrical loads are not big enough to warrant any change in that transformer and that's on our site. Down the road, once we actually get what you guys are going to do for interior spaces and stuff, it may necessitate a transformer upgrade after the electrical engineer re-figures all the County electrical needs. These to me are the only four things that I could think of.
Commissioner Stowe - we'd have to keep down to that $100,000 - keep us out of hot water.
Roy - that's the other reason we should try and start sooner than later - a lot of that building is stucco and in talking with everybody and getting it sequenced to me there's nothing worst than just spending money keeping this guy in the winter. If we lose a month now, it will come back and haunt us down the road.
Commissioner McCown - if we've got a 4' crawl space under that building with a grade beam, what would another 5' cost? with four columns for parking.
Roy - we couldn't down there for parking though, we don't have enough grade because you've got to use 1 in 12 - it's a 1% slope with what the City makes you do, I don't think you could go down there with parking. Personally, we, you guys would be better off to buy Monihan and Moagly and scrape that stuff off and turn it to surface.
Commissioner McCown - that's not on the radar screen.
Roy - Otherwise, you're back to shoring again - that shoring was a $200,000 R hit so - I don't think we want to go back there again.
Commissioner McCown - How do you get buy without the shoring?
Roy - by doing the drills, we drilling down piers and the foundation is only going to be 10' wide and 4' deep - we're not cutting up as much. - when we're going down - before, Larry, we were down 11 1/2 feet below sidewalk level to the bottom of that footer, so then you have to come back - OSHA makes you come back

with that slope, so you've got to be 11' away of 11 1/2' to be perfect - we would have cut 8th Street by doing that plus we would have been into Monihan's building - we're only 10' away from Monihan. So we had to shore to get in there and get all the work done. Now we don't - there may be some shoring - in the budget, that structural put together, we still have allocated in there $50,000 for shoring But we took out $150,000 of it.
Don DeFord - the questions - we addressed earnest money that will have to be discussed further this week - the question on special taxing districts - the language in the contract on this is statutorily required language on taxing districts, I think we ought to realize we're in special district and there should no anticipation that we'd withdraw from the contract for that reason.
On special deadlines, we're addressed that - we are going to look into temporary CO's regular than a regular CO
Don thought he had reworded it pretty much along the lines of Exhibit C - that paragraph 6, but if not, I would agree that the alternative remedies are limited to those in our commitment to purchase.
Don - we're addressed the not-to-exceed figure in some ways. What we'd talked about earlier, and what were we going to come up with a final price - it looks to me like now what we're talking about is the final purchase price is going to be the engineer's estimate plus the 10% contingency as the base, plus the cost of financing and less any unexpended contingency at the end of the contract period. Is that pretty much what we're talking about?
Roy - so we're got the contractor's estimate.
Don - exactly, it's not the engineer's estimate, it's the contractor's estimate plus contingency - that'll be your base price then cost of financing would be an open figure and the unexpended contingency will be open because we don't know what we'll need and won't need. Is that acceptable?
Roy - contractor's price going to include devaluing engineering?
Ed - yes
Roy - we should have a number less than that $265000 number we assumed a few weeks ago - unless something's really weird.
Commissioner Stowe - what about "iffy"
Roy - there going to be a few things missing out of the formula, cost of land maybe, that's not part of the contractor's bid
Don - that should be a fixed price
Roy - it is
Don - and your fee should be based upon the contractor's estimate
Roy - right
Don - that should be a fixed price - so what I expect to get from you is that fixed price that will include the contingency, your fee, cost of land, what other figures you work into the original $3.7 million figure and then from that we will - the contract will literally say that it will include the cost of seller's financing to construct the project and the unexpended contingency will reduce it - what kind of limitations if any are we going to put on it on financing
Roy - instead of saying we've got $265,000 in contingency since we know we've already got to spend that much for the other - why don't we lower that contingency down to $100,000 - be realistic with structure and say we've got to keep it within this - I'm afraid if we see $265,000 in contingency out there, we'll say, we've got money in contingency and we ought to just go along - when we all know that's going to drive that final price $150,000 - why not just drop that to $100,000 now.
Don - if we can address right now or before we sign the contract, the question of the course we want on top - get that price resolved - get the price of engineering resolved - that takes out two unknowns right now - then we'd be in a position to do that.
Roy - I think that's a good idea.
Commissioner Stowe - I'm familiar with structural ..... and think we can built those in pretty well as long as we don't change things.
Don - let me ask everyone - is it realistic to try for Monday, or should we run this later next week? Because right now, our commitment is to no later than the 30th of July.
Roy - Why don't we shoot for Monday, Don but go - aren't cutting out of town or something?
Don - the Board will be available on some point during the week as they have Board of Equalization until the 2nd.
Verified - 31st, 1st and 2nd
Don - I would like to extent that time and the commitment right now if we could.

Roy - why don't we go to the 2nd Don
Don - that would give us time to work with the Bank, get the final drawings in which have to be reviewed by our engineers and these changes in the contract language are not that difficult to do - I haven't talked with Keith - he may have other changes -
Don suggested that all we're asking for at this point is to extend the commitment to purchase with the agreement of the seller who is here and can make that statement to the record to the close of business on the 2nd of August - we'll set a time later.
Roy - that's fine.
Don - is that all right with the seller to do extend that commitment time
Roy - yes.
Don - the Board by motion , will you extend your commitment to purchase as expressed in your letter of 22nd to 2nd of August?
Commissioner Stowe - so moved. Commissioner McCown - second. Motion carried.
Don - unless the Board or either Ed or Jesse of Roy, I think we've covered the issues and we need to work on this.
Jesse - I'll need a copy of those specs and design drawings and construction schedule - that's the last three things that we have to provide the financing people.
Don - Roy, on the County financing we will take out all reference to number of buildings or projects - we do have to leave the $8 million in.
Commissioner Stowe - our preliminary report is that's obtainable ....
Roy - Walt, can you share something with the bank that says it's "obtainable" or something I guess is my question.
Chairman Martin - that would be from Matlotz - he would have to give you a letter.
Ed - we'll call around and see if we can get something.
STEVE RIPPY - RETIREMENT ANNOUNCEMENT - RECOMMENDED REPLACEMENT FOR COUNTY ASSESSOR

County Assessor Steve Rippy officially announced his resignation from office which will be effective August 1st. He submitted an official resignation letter and make comments - thanked his staff - a great staff - well organized - done a great job with the public and the Board has seen this through the Board of Equalizations through the years. The limit as to the number of people that actually come forward and the issues we have, so without them it wouldn't have been nearly as easy to do this; Mildred has been great to work with over the years - we've had a good relationship - our offices have got along extremely well. As has Georgia Chamberlain - she's been extremely good to work with for my office - because of our different duties which interrelate as much as they do, our offices spend a great of time together and she's always extremely willing to do whatever it took to do to make things easier for us; and you Commissioners - I want to thank you - I really have enjoyed working with you - you've been great to work with - I think our relationships through the County Board of Equalization and the other issues have always been something that I felt very proud of and felt like we were perhaps different than a lot of counties where I hear some of those war stories with other Assessor's around the State that don't have that kind of relationship and I'm always surprised by that because I've always had such good relationships that have been here - so I thank you for that.
Steve said he wants to single out a person that worked in my office specifically to thank her and that is Shannon Hurst. Having worked with her for seventeen years, it's amazing what she can accomplish in a day's time and anybody that's in our office that's worked with her understands her abilities along that line. She certainly made his job easier; and on the work he thanked the citizens of Garfield County for having elected him twice and fortunate to have worked and lived in Garfield County as the Assessor. The citizens gave him the opportunity and they backed that up with his reelection the second time - through the years Steve said he has made a lot of friends in dealing in an area where you don't usually make friends - extremely thankful to them.
Steve said he was looking forward to the new job he's going to be doing and wanted the Commissioners to know in that capacity, he hopes to be able to work with the Board in a manner that we've always worked here and if there are issues that are important to you and important to the Town of New Castle, he assured the Board he will do everything he can to make sure there are no situations that make it more difficult and end up costing taxpayers and everyone.

Chairman Martin - September they want Steve to come down you'll receive a request to come down and visit with the Board to discuss issues on land that may affect both Garfield County, New Castle. We really want to do that quarterly if we can. Also, extended this to the new mayor.
Steve said they would be willing to do that.
Chairman Martin said that the two governmental entities have done a lot of good projects together.
Commissioner McCown told Steve he would be missed, to say the least - we appreciate you very much.
Donna Daniels asked if the Board was going to appoint a successor to Steve?
Chairman Martin suggested he could site the C.R.S. Statute that requires the Board to do that.
Donna Daniels - but will you actually take action today.
Chairman Martin - not today, not until Steve officially resigns. At that point then we entertain that and his deputy will be first in line.
Commissioner Stowe - the Deputy Assessor automatically assumes that position until the Board makes the appointment.
Donna Daniels - and if she is appointed, then does she serve out Steve's term and then she has to run for reelection.
Chairman Martin - until the next election which is coming up anyway - in a year.
Mildred Alsdorf - the Board will appoint the Deputy as acting Assessor until an appointment of the Assessor.
Commissioner McCown - and you are right, if she is appointed the Assessor by this Board, then she will fill out Steve's term which will expire in 2003. If she chooses to, would run in the election.
Donna Daniels - so she automatically takes over Steve's duties as of August 1st.
Commissioner McCown - we would make that act official. Then the appointment to the actual Assessor's position is the next step.
Donna Daniels asked if they see themselves doing this in the same meeting.
Chairman Martin stated it's a possibility.
Executive Session - Personnel
Commissioner McCown said the Board will have a discussion and then bring Colette in.
Chairman Martin said that she has to also request that we go into Executive Session.
Judy Osman - yes, she has told me she wants to do that.
Chairman Martin - this will need to be on record either for Executive Session or an Open Session.
Chairman Martin asked Colette if she has a copy of the Sheriff's memo as well.
Colette Barksdale - no.
Chairman Martin stated the Board has in front of them a letter of formal complaint and you have the option of having a discussion in public session or in executive session.
Colette stated she wanted a discussion in Executive Session.
Chairman Martin asked if she would like to have the Sheriff present.
Colette - the Sheriff present would be fine.
A motion was made by Commissioner Stowe to go into an Executive Session to discuss a personnel item. Commissioner McCown seconded; motion carried.
A motion was made by Commissioner McCown to come out of Executive Session; Commissioner Stowe seconded; motion carried.
Those present in the Executive Session included: Sheriff Tom Dalessandri, Colette Barksdale, County Assistant Attorney Carolyn Dalghren, Judy Osman, Mildred Alsdorf, Ed Green, Jesse Smith and the Commissioners.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; motion carried.
Motion
Commissioner McCown made a motion to direct the County Attorney's Office, mainly Don DeFord or the attorney's in his office to seek out and hire an independent investigator to investigate the claim brought by Mrs. Barksdale. Also, on the record make sure that she is kept informed on the status of the investigation and sure she will be as a witness - haste forth.
Commissioner Stowe seconded. Motion carried.

Carolyn Dalghren requested not to have Steve Zwick because he was too involved here, that the Board hire another County Attorney to do the factual investigation because they will have an understand how County Government was put together. She also gave me the name of an employment lawyer in the metro area

whom I don't know and she is assuming Don does know this person. But Don will have to talk with the Board some more about what's its looking like the investigation will cost.
Commissioner McCown - by suggesting another County Attorney, do you think that would meet Mrs. Barksdale's concerns - I got the feeling she was looking for someone outside County Government.
Carolyn Dalghren - didn't know - DeFord would just have to talk with her.
Commissioner McCown - didn't think he should be the investigator of her choice any more than it should be ours. It truly should be an independent.
Carolyn - didn't think that my impression, because Colette has a high level of trust with DeFord, she wouldn't necessarily assume that another County Attorney would have one vent or another. She said she would check this out.

Jesse Smith - in my perception this complaint has been filed in error. According to the Policy Manual a complaint made against me should be have been filed with Ed Green - it should not have been filed with the Board of County Commissioners nor should it have been copied to all of the electives. The Policy Manual is very clear that it says "that it will be filed with the direct supervisor or department head." I believe this is defamation of character.
Carolyn - have you had any separate conversation with DeFord earlier this morning?
Jesse - only that this was happened.
Carolyn - okay. I would only suggest that it would be appropriate for you to talk with separate legal counsel because of course, the County Attorney's Office has to represent the Board of County Commissioners and can't represent you individually or administration separate from the Board of County Commissioners. So it would be inappropriate of me to tell you whether I agree with your reading of the Section 2.04 - I assume that's what you're referring to.
Ed Green - is it appropriate for Jesse and I to also retain the services of Ms. Peterson?
Chairman Martin - an attorney?
Ed - yes.
Chairman Martin - under the circumstances, as we may have to have our own counsels.
Carolyn Dalghren - do you need to clarify with her if she will be representing you in your individual capacity as well as your capacity as an employee of the County.
Ed - in the past, it's been as an employee of the County. Is the Board willing to allow us to engage those representatives.
Commissioner McCown - .... do we have an option.
Chairman Martin - no, it's serious enough situation and also the nature of it and Don being in the predicament that he is for representing both sides of this issue, that we do secure an independent counsel.
Commissioner Stowe - would you each one need an individual one yourself or ....?
Commissioner McCown - on the last go round did you use the same one.
Jesse - yes, we used the same one and the promise was, when it became necessary for us to split, then we would.
Chairman Martin - yes, that's correct.
Ed - and you're also represented.
Chairman Martin - yes I was, I was the Chair - by separate counsel.
Commissioner McCown - and who did Mr. DeFord represent?
Chairman Martin - actually no one. - At that point he was out of the situation.
Carolyn - did want to point out on the 2nd page of Colette's long letter she said, "she expects a letter of apology and visitation from the Board of County Commissioners vindicating me of any acts of impropriety with regard to the classification positions, etc."
Commissioner Stowe - I wasn't at the last personnel committee meeting, I make most, but I was out of the country last time.
Commissioner McCown indicated he was as well.
Commissioner Stowe - and I guess I'm a little bit at a quandry, the Personnel Committee only makes recommendations to the Board, how it is that it became Colette's problem - how does she feel it was her problem in reassessing and evaluating and determining the job classifications for the Sheriff?
Carolyn - As I understand it, she was a member of the Classification Subcommittee which makes recommendations to the Personnel Committee and then to the Board ...
Commissioner Stowe - and so is Steve Rippy.

Commissioner McCown - apparently, this all happened Friday and there were quite a few people who knew about it Friday before we knew about it. And none of those people were named and we were. I guess I have a problem with that.
Carolyn - I don't know to what you're referring so
Commissioner McCown - well, the copies of these letter all went to Steve, Georgia, Mildred and Tom.
Mildred - I received one letter - I did not receive the others. I was personally handed a letter on Friday.
Commissioner McCown - and did you have a meeting with Don on it.
Mildred - yes.
Commissioner McCown - so there was a lot of significant people that were copied on this letter that were not named in the allegation that were aware of it and had a meeting with our County Attorney prior to ...
Mildred - the only ones there Friday was Georgia, Steve, myself, and then Tom came in later - and we were all in this letter.
Commissioner McCown - yeah, you were copied. It wasn't in my packet that I got Friday evening.
Chairman Martin - So you were put in the dark here.
Commissioner McCown - yeah, I was handed the letter this morning and was handed the second letter by you Carolyn.
Carolyn - yes, and the purpose of the meeting Friday afternoon was to discuss whether or not the elected officials would come to this meeting because they were addressed, because they were copied and I was present at that meeting so I can tell you the decision was made that it would be most appropriate for only Mildred in her capacity as Clerk to the Board to be present in an attempt to keep this as quiet and as .....
Commissioner McCown - apparently one particular elected chose to do otherwise by not only writing a memo but showing up at the meeting.
Carolyn - yes - the Sheriff thinks that whatever occurred added to the conflicts between his office and administration - that's definitely his perspective.
Chairman Martin - we'll see if counsel is available for administration and go from there to see if we ...
Carolyn - and let me go see if Don's back and let you all know what's going on with him and Diana.
Chairman Martin - there is nothing else unless there's a discussion pertaining to the Board.
Commissioner McCown - no, I don't think there is..

Adjourn
Commissioner Stowe so moved to adjourn. Commissioner McCown seconded; motion carried.

Attest: Chairman of the Board

_____ _____

JULY 23, 2001

- ***Courthouse Plaza Negotiations***

Don DeFord, Ed Green, Jesse Smith, Mildred Alsdorf, Roy Stanek were present.
Discussion was held with respect to the purchase of the Courthouse Plaza.
Don DeFord alluded to the contract saying he had spoken to Roy briefly about the discussion in Executive Session where the Board went through Roy's response July 22, 2001 to amend the Contract that he had sent out. Don said he circulated it to the administrative staff and then the Board had their own questions.
Don summarized - the first issue needing to be address is the County financing and making the purchase contract contingent on the County obtaining its own financing; the Board had some discussion about that in Executive Session earlier today.
Commissioner Stowe said the Board can try to expedite our end so that the funds can become available quicker for us so that we will still would have to proceed with it as is, contingent upon getting financing, but that could possibly be in place by as early as the end of September.
What is presented today to Roy is it may delay your construction schedule.
Roy Stank - there's no problem with September, but reading through it, it looked like July of later.
Commissioner Stowe mentioned the Board discussed waiting in order not to have to pay the cost of the money, but we can get the funds in place earlier and can earn interest on it while it's sitting in the bank.

Roy - our only issue is as long as we satisfy the bank as they have to know someone's going to take them out of the constructional and two, we just wanted to know the County was going to buying the building or lease - whatever.
Don DeFord said the way it's structured presently is that if financing fell through for some reason, not only would the contract terminate but they would return the earnest money and the Bank expressed concern about that issue. Don has redrafted the contract to give the County until June 30, 2002 to get the financing in place, the last day possible. So if timing alone is an issue, we could that date to complete financing into September 2001. But the other issues would remain - the contract would be strictly contingent on closing that financing and we would be expected to terminate the contract.
Commissioner McCown mentioned the County couldn't afford it unless the financing comes through.
Commissioner Stowe - would we be open to a lease arrangement should the financing fall through - that would give his bank some sort of guarantee. However, the County's intention is to purchase the building as long as you can bring it in on our budget figures as discussed.
Roy Stanik- what I'd like to do is say we have some sort of long-term lease agreement with the County and if the financing falls through we continue with the lease and if it comes through, the County cash us out - we really don't care. But we need something to satisfy the Bank.
Commissioner Stowe - so they know there's a prospective lessor.
Roy - yes, they're not going to allow us to build the building on speculation.
Commissioner McCown - this $700,000 as mentioned in the contract is a problem for me. It's not being viewed as earnest money as far as I'm concerned. It's up-front money to kick-start this project - if something should happen to you, or if something should go array and your building costs go to $5 million, your Bank is going to be in the first position - we are not going to be in any position to recover any County money should that building go south during the time of construction. In worst case scenario, should it go south, the Bank is the first position, your contractor and subcontractors are all going to have the County liens on it and Garfield County is going to through $700,000 to get it started with no recourse of going back and getting our portion of that money back out of it.
Roy - by some degree, what we're doing is reducing the loan from the Bank - it's like we started originally.
Commissioner McCown - knows what Roy's doing, but to protect the County's interest, you probably won't find another lender that was going to buy that building from you but would through $700,000 at it up-front and not have some security - the County is not in a position of security in anyway by doing that - if someone can tell me how we can be, it would sure change my mind. Right now, it looks like we are just poning up front - $700,000 and we're taking a 3rd position basically with the Bank as 1st, contractors and subcontractors 2nd as ever hoping to re-coop that financial investment.
Chairman Martin asked if it would satisfy the County by putting two things together - to take the $700,000 and the long-term lease agreement and saying a guarantee at lease to this amount to the County?
Don - a couple of things first - on the lease - we can sign a lease but we have the same Tabor issues on it as we do with any lease - it can be one year renewable terms so as long as the Bank is okay with that - it has to be subject to appropriation every year. One the $750,000 based on what he is hearing, he would like to know what is the possibility of doing this as regular earnest money where the $750,000 would be put in escrow and held pending closing on the building.
Commissioner Stowe - the bank knows it there and they would be able to collect it obviously if the building finished. There's some cost of money.
Roy - yes, there's cost of money and is what we are trying to reduce - we're trying to keep the financing costs down to where it was more amenable doing this rather than going out and getting bond financing, insurance and bonds. Either choice is good at this point. Perhaps what we need to do is talk with the Bank and see how comfortable they are with that and obtain some direction from them.
_____ the Bank wants to finance 80% of the construction costs so they have to see somebody's money going into the first 20% - the Bank is not going to put up dollar for dollar - they want the owner or potential buyer to put in there 20% and then they start to financing.
Commissioner McCown - we're collateralizing it.
_____ and to address Commissioner McCown's question too as far as the collateral - you have the guarantee to the extent you can trust it of the general contractor is give a fixed price contract or a maximum priced contract - it's another thing in there to help make it comfortable with someone else with some economics to try and hold the price. Listening to these various problems, perhaps we should go to Don's first idea and the way we started was for the County to purchase this land, hires us to be the construction managers and proceed that way.

Ed Green - however we can't do that because Roy becomes the architect of record.
_____ that problem could be solved by one or two ways - either we get another architect to sign off or you do a contract with us as the architectural firm - as long as price guarantee and our services can be accomplished in whatever you call us.
Don said what the County would do under that arrangement - we would do the construction manager and Bill has hit upon it, we do a regular architect/contractor type arrangement where the architect actually acts as the supervisor of the construction project - that's a fairly typical arrangement. But then the County is back in the same issue of being the property owner, the bonded project and the usual issues dealing with the City of Glenwood Springs which we hoped to avoid. There's drawbacks on all of them and we just have to decide which one is best.
Chairman Martin - there is the most up-front way however, and the City of Glenwood Springs knows exactly what's going on - they are very aware of what is happening on this particular issue.
Don - we are again talking about the cost - the more money Roy has to finance is going to be passed through to the County is some way. We need to weight that as well and get that figure to be sure what we're really looking at.
Ed Green - can you finance the 20%?
Chairman Martin said he didn't think this was an insurmountable problem but the County needs to be caution with what we already have going. That earnest money held in escrow could also be looked at as a guarantee of that 20% and the Bank can see that.
Commissioner McCown - guaranteed that it would be released upon successful completion of the building - then the Bank does see it as up-front money they can re-coop. The County's main problem is to be responsible to the County taxpayers.
Chairman Martin suggested to explore this and talk to the Bank and see if this will satisfy them.
Commissioner McCown said as long as they have the money they can earn interest on it.
Roy - the County's willing to put $750,000 into the Bank of Colorado in an escrow.
Chairman Martin and what it becomes is the earnest money - they hold it and guarantee that's what they have if something goes south. We have to look at our earnest money and how it is - you earn interest on, but that goes against the purchase of the building upon completion.
Roy - right.
Commissioner McCown - Whatever they would change interest on that money for instance, if they want 10% on that money and can earn 6% - they should really only be charging another 4%. So this would keep our cost down to some degree.
Roy - right
Commissioner McCown - in essence the County still has $750,000 sitting in the bank that should something go south, would come back to the County coffers plus the interest.
Commissioner Stowe - if the building didn't complete, you couldn't get a CO on the building, that's basically what we're looking at.
Roy - speaking about CO's, one of the issues on getting a CO is we have to put the ceiling on that - in talking with our subcontractors on Thursday of last week, what we're thinking is a cost saving item to accounting for it's tenant improvement is to not hang on the ceiling stuff until we knew what the tenant improvements were going to be. So, he's thinking we might have to change our wording slightly to be like a temporary CO or something, what he's afraid of us, the costs is already $30,000 to put it up and take it back down, only to put it back up again - which is a waste of everybody's time and money.
Don - on that issue, to do some of the improvements we're talking about - most is a modular type arrangement, but those walls require a CO to put these in anyway because there will be wiring in them, etc. If Roy could check with the City and they will issue a temporary CO without the ceilings and without the walls, and the County has to put in that type of thing, would really be the best arrangement. Otherwise, the County is going to have to obtain our own building permit right after they get there's.
Commissioner McCown - thinks that will satisfy our concerns - that the building is up to a point where it's ready for that but there's no need putting it in and taking it back out.
Don - some of the issues - the heartburn that we have with the City a little bit because they would have said that at least up to this point, everything is up to code as far as they're concerned and would hard pressed to play games with us after that. A temporary CO might work real well if the City will do that.
Chairman Martin - this is what we are up against as far as a Board, hopefully
Don - ran through some of the questions that Roy had and make sure we've got them resolved.

On the question of contingency - we have the general proposition that we will stay but we will see what the bank has to say.
Purchase price - that's one of the problems that Jesse and Ed had as well - they were looking at the $3,750,000 as a not to exceed figure and not a fixed price. First of all, we're not quite there on terms of the not to exceed figure; we need the cost of the financing to Roy, we need the value engineering which will be some kind of a deduct to get to a final price - do you think that will be there by Thursday of this week.
Roy - we're expecting by Thursday of this week - all the subs have revised drawings they're looking at, all the major engineers and architects are fine-tuning their drawings, so we're assuming by Thursday or Friday morning, we should have all of our numbers. And we should have a final construction set of documents which will be plans and specs. That should have a schedule with it, our cost, plans and specs.
Don - then we still need to talk to the Bank to see what the cost of money will be on various scenarios to you.
Roy - what they told us is that it going to be prime plus one to one and one-half percent (1 to 1 1/2%) and it's a floating rate based on how much money is borrowed out at any particular point and time.
Don - so once you know a price, then you should be able to tie that figure down pretty well?
Roy - not pretty well, it depends upon how fast you're pulling money out and what the rate is at that given time. They could give the worst case which would be pulling out all the money on day one.
Don - I'm looking at this not to exceed figure, I just need to know what to put in here.
Commissioner McCown - the general contractor should be able to tie that with general operations.
Roy - we'll have that but not sure how you're going to tie that exactly dollar to dollar on construction draws - that's the issue.
Commissioner McCown - it would be easier to tie it to the time of the draws than it would be the rate at the time of the draws. We definitely don't know that if your looking at a consistent around a draw on your contractors, then you look at their schedule - that would be fairly easy to come up with a number - the percentage rate is like throwing a dart.
Roy - your maximum price not to exceed may have to be a number plus financing with the financing the way it is. It's not something we're making up - it will be coming from the Bank. The Bank will not automatically going to release money until we submit the draw to them - then they'd authorize payment. We're better off using the bank and no one will know that number until it's done.
Don summarized - where is everyone if we had a not to exceed price which would basically be the contractor's price plus the cost of financing less the contingency that was not approved by both parties - and leave those two figures open - is the Board okay with this. Financing costs we thought at one point of $250,000 or more so that's a fairly substantial amount. The contingency originally was in this $3,7 odd figure.
Roy said the contingency is in there of 10% - about $265,000 of contingency in there.
Don - so we'll get contractor price and stay with 10% for contingency plus cost of financing - this is an open-end, but not completely open of course.
Roy agreed it is better to be safe than sorry.
Commissioner Stowe - less the County Engineering.
Roy - right now the numbers that we have seen so far were $2,550,000 so it's $100,000 less than what we assumed it to be.
Commissioner Stowe - what offsets that $250,000 finance charge.
Roy - that number, as far as the $2,550,000 - the only thing we're still not certain on is - they are going to drill piers there - what we were going to do was grade B now with drilled piers because we know the old County Courthouse is there and we figure rather than disturb everything around it and open potential litigation with either Monihan or Petre, we're thinking of just going down and drilling through - so until you drill, you don't know what's exactly there. The other thing is - again to mitigate any other problems with those guys - what we're doing is now - we're going to do a crawl space - won't be slab on grade. This will be good for the County because it'll make service to that first floor easier as future needs dictate for computers, etc. It will not be a big crawl space - it's the depth of a grade beam - 3 to 4 feet and four stories.
Commissioner Stowe - so, if we won't use of our contingency, we take care of all of the value of engineering we can bring it up to $3.7.
Jesse Smith - you can bring it $100,000 under
Ed Green - yeah, if you do that.
Jesse Smith - cause the contingency in the cost of financing are equal.

Roy - the cost of the contingency is already in the $3.7 figure - you don't spent any contingency, that will be around $3.5 million.
Commissioner Stowe - throughout we'll spend some.
Roy - yes, we'll spend some. One other question is - again back to going with 1-50 ton versus 2-27's is what they're talking about - there a little bit of money there to spend - Don and myself have talked that I think it makes sense to hire a guy like Petula or another independent engineer and before we do anything, have them check Monihan's building and Petre's building so that can't come back on us down the road. We'll spend a little bit of money there. The other question that came up at Thursdays meeting was - when we do the roof-top/mount units - we don't know what's going to live on the fourth floor - but if you guys ultimately put counsel chambers up there or anything, the question that came from the mechanical contractor, is - does it make sense to put some sound deadening - there's some sort of roof curbing or something that you put on those compressors and all other stuff to make it more quiet. And the thought is obviously you need to do that now while we're building the building - it's not an add-on that's easily done later. So, those are the three kinds of things plus possibly we're trying to get a transformer from the City - the City thinks right now for shallow building - the electrical loads are not big enough to warrant any change in that transformer and that's on our site. Down the road, once we actually get what you guys are going to do for interior spaces and stuff, it may necessitate a transformer upgrade after the electrical engineer re-figures all the County electrical needs. These to me are the only four things that I could think of.
Commissioner Stowe - we'd have to keep down to that $100,000 - keep us out of hot water.
Roy - that's the other reason we should try and start sooner than later - a lot of that building is stucco and in talking with everybody and getting it sequenced to me there's nothing worst than just spending money keeping this guy in the winter. If we lose a month now, it will come back and haunt us down the road.
Commissioner McCown - if we've got a 4' crawl space under that building with a grade beam, what would another 5' cost? with four columns for parking.
Roy - we couldn't down there for parking though, we don't have enough grade because you've got to use 1 in 12 - it's a 1% slope with what the City makes you do, I don't think you could down there with parking. Personally, we, you guys would be better off to buy Monihan and Moagly and scrape that stuff off and turn it to surface.
Commissioner McCown - that's not on the radar screen.
Roy - Otherwise, you're back to shoring again - that shoring was a $200,000 R hit so - I don't think we want to go back there again.
Commissioner McCown - How do you get buy without the shoring?
Roy - by doing the drills, we drilling down piers and the foundation is only going to be 10' wide and 4' deep - we're not cutting up as much. - when we're going down - before, Larry, we were down 11 1/2 feet below sidewalk level to the bottom of that footer, so then you have to come back - OSHA makes you come back with that slope, so you've got to be 11' away of 11 1/2' to be perfect - we would have cut 8th Street by doing that plus we would have been into Manihan's building - we're only 10' away from Manihan. So we had to shore to get in there and get all the work done. Now we don't - there may be some shoring - in the budget, that structural put together, we still have allocated in there $50,000 for shoring But we took out $150,000 of it.
Don DeFord - the questions - we're addressed earnest money that will have to be discussed further this week - the question on special taxing districts - the language in the contract on this is statutorily required language on taxing districts, I think we ought to realize we're in special district and there should no anticipation that we'd withdraw from the contract for that reason.
On special deadlines, we're addressed that - we are going to look into temporary CO's regular than a regular CO
Don thought he had reworded it pretty much along the lines of Exhibit C - that paragraph 6, but if not, I would agree that the alternative remedies are limited to those in our commitment to purchase.
Don - we're addressed the not-to-exceed figure in some ways. What we'd talked about earlier, and what were we going to come up with a final price - it looks to me like now what we're talking about is the final purchase price is going to be the engineer's estimate plus the 10% contingency as the base, plus the cost of financing and less any unexpended contingency at the end of the contract period. Is that pretty much what we're talking about?
Roy - so we're got the contractor's estimate - it's not our

Don - exactly, it's not the engineer's estimate, it's the contractor's estimate plus contingency - that'll be your base price then cost of financing would be an open figure and the unexpended contingency will be open because we don't know what we'll need and won't need. Is that acceptable?
Roy - contractor's price going to include devaluing engineering?
Ed - yes
Roy - we should have a number less than that $265000 number we assumed a few weeks ago - unless something's really weird.
Commissioner Stowe - what about "iffy"
Roy - there going to be a few things missing out of the formula, cost of land maybe, that's not part of the contractor's bid
Don - that should be a fixed price
Roy - it is
Don - and your fee should be based upon the contractor's estimate
Roy - right
Don - that should be a fixed price - so what I expect to get from you is that fixed price that will include the contingency, your fee, cost of land, what other figures you work into the original $37 figure and then from that we will - the contract will literally say that it will include the cost of seller's financing to construct the project and the unexpended contingency will reduce it - what kind of limitations if any are we going to put on it on financing
Roy - instead of saying we've got $265,000 in contingency since we know we've already got to spend that much for the other - why don't we lower that contingency down to $100,000 - be realistic with structure and say we've got to keep it within this - I'm afraid if we see $265,000 in contingency out there, we'll say, we've got money in contingency and we ought to just go along - when we all know that's going to drive that final price $150,000 - why not just drop that to $100,000 now.
Don - if we can address right now or before we sign the contract, the question of the course we want on top - get that price resolved - get the price of engineering resolved - that takes out two unknowns right now - then we'd be in a position to do that.
Roy - I think that's a good idea.
Commissioner Stowe - I'm familiar with structural ..... and think we can built those in pretty well as long as we don't change things.
Don - let me ask everyone - is it realistic to try for Monday, or should be run this later next week? Because right now, our commitment is to no later than the 30th of July.
Roy - Why don't we shoot for Monday, Don but go - aren't cutting out of town or something?
Don - the Board will be available on some point during the week as they have Board of Equalization until the 2nd.
Verified - 31st, 1st and 2nd
Don - I would like to extent that time and the commitment right now if we could.
Roy - why don't we go to the 2nd Don
Don - that would give us time to work with the Bank, get the final drawings in which have to be reviewed by our engineers and these changes in the contract language are not that difficult to do - I haven't talked with Keith - he may have other changes -
Don suggested that all we're asking for at this point is to extend the commitment to purchase with the agreement of the seller who is here and can make that statement to the record to the close of business on the 2nd of August - we'll set a time later.
Roy - that's fine.
Don - is that all right with the seller to do extend that commitment time
Roy - yes.
Don - the Board by motion , will you extend your commitment to purchase as expressed in your letter of 22nd to 2nd of August?
Commissioner Stowe - so moved. Commissioner McCown - second. Motion carried.
Don - unless the Board or either Ed or Jesse of Roy, I think we've covered the issues and we need to work on this.
Jesse - I'll need a copy of those specs and design drawings and construction schedule - that's the last three things that we have to provide the financing people.
Don - Roy, on the County financing we will take out all reference to number of buildings or projects - we do have to leave the $8 million in.

Roy - that's I guess
Commissioner Stowe - our preliminary report is that's obtainable ....
Roy - Walt, can you share something with the bank that says it's "obtainable" or something I guess is my question.
Chairman Martin - that would be from Matlotz - he would have to give you a letter saying
Ed - we'll call around and see if we can get something.

JULY 30, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 1:00 P.M. on Monday, July 30, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Attorney Don DeFord, County Manager Ed Green, Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.

Added Agenda Item

- ***Impact of the Potential Murder Trail - District Attorney - Michael Stagner***

Mac Meyers, District Attorney mentioned that his office may experience a deficit in capital by having to hire more people and paying overtime - a proposal is being put together.
Don also added a discussion on:

- ***Personnel Issues- Executive Session***

Ed added:

- ***Brief Update on DOE Meeting***

DISCUSSION - CONTRACT ON COURTHOUSE PLAZA

Don DeFord and S & G Construction - Roy Stanek were present.
On July 23, 2001 the contract was discussed in open session with Roy Stanek regarding the base price plus cost of financing, unexpended contingency, devaluing engineering, cost of land, Roy Stanek's fee, the course on top floor, and check into the City issuing a temporary CO instead of a regular CO in order to make changes as needed for the specific offices.
Also, the extent of time was moved forward from July 30 to August 2nd to allow time to work with the Bank, get the final drawings which have to be reviewed by the County Engineers, and additional language drafted into the contract.
Don stated they met last week with Bill Guest and Tom Grant from Alpine Bank to discuss various possibilities for consummating purchase of this property and the type of contract that would be involved. As part of that discussion, we advised them we would be meeting with the Board today to give you various options and we discussed with all present whether or not we should continue these discussions or negotiations in Executive Session or not - it's fair to state that all present had no difficulty doing this in a public session if the Board approves.
The Board did not have any problem with the open meeting.
As part of those discussions, it's fair to say that the Bank wanted to be certain that the $750,000 we discussed would be a County contribution to the project - part of the equity in the facility. We discussed several options as to the way to treat that including treating it as true escrow in which it would be held by some type of a trustee to be returned to the County under certain circumstances or retained by the Developer for use in the project - we discussed various contracting scenarios - from the one on the table characterized as a straight land purchase agreement under which S & G Development would transfer the property on completion to going back to a design build which Roy or S & G would act as the architect and we would then contract separately with the contractor and architect. But most of the time the discussions came back to where was the Board on the $750,000 and Roy prepared the letter dated July 23 handed out to the Board where he set a couple of methods that he felt the Board could look at. This is why we are here today - to see where we are going to go with regard to structure and agreement for that property.
Also submitted was a letter of July 25, 2001 regarding the Building Permit - There is a method of accomplishing the building permit - built as per the permit. This needs to be addressed also - whether or not

Roy could pull that permit and then effectively transfer the property and permit with it - when Don first talked to Teresa Williams, she was not at all certain if it could be automatically transferred with the property - Roy has had later discussions and now she indicates a method for accomplishing that transfer - I spoke with her about it and she was in agreement with the methodology set out in this letter of July 25, 2001 from Roy. There is a way to transfer the building permit after it has been issued as long as we structure it properly and sign it the agreement. That agreement basically would be to simply built the building the way it was designed for the permit so this it not a big problem since it is the way we would do it anyway.
The letter of July 23, 2001 set out the options - Don stated that he had reviewed the options and No. 3 was his choice.
Roy said they are really close to getting final design - it is getting fine tuned but are at the point where they can submit final set of drawings and probably pull the development permits today.
Don inquired in terms of the drawings, do they anticipate finish adequate to get a CO or does the County have to contribute to that.
Roy - the only issue on the CO is - what we've talked about as far as the electrical and the mechanical contractors - since we anticipate the County doing tenant-improvement - one choice is to go and hang the ceiling lights and then tear them all down again which isn't practical - I do think he could get a temporary CO and the CO would be done after the tenant-improvements - it would be more cost effective.
Don's concern was not to have to apply for another building permit to do whatever staff wanted to change.
Commissioner McCown inquired as to putting modular furniture, why can't the ceilings be in the building.
Ed said they can't do systems furniture throughout - there are a few offices that are going to be enclosed. Usually you put those in the corners and are there for manager so they can have private discussions with employees, etc. So not every office can be a systems furniture office. Mildred has some vault type requirements or storage area requirements that have to be designed and integrated into that layout - those can't be in the systems furniture arrangement either.
Jesse Smith stated we could provide floor plan drawings within the next 60 days where any kind of permanent walls would need to be so they could be built into the construction itself and then you could put the ceilings in.
Commissioner McCown felt this was the most logical way to proceed with this. And under Option #3 for our $750,000 we would own the property, building permit, and the design documents.
Don agreed.
Commissioner McCown felt this is the only one that has any logic to it for the County. The others we would have no vested interest in anything that happens for our $750,000.
Don agreed.
Ed commented that the Board needed to decide which of the two options they wanted to apply on the other document and it relates to the procurement strategy because if you opt to go with the existing general contractor then we need to write a waiver that authorizes the Board to waive the procurement procedures and negotiation solely with the existing general contractor to the extent of business.
Don said that Ed was correct - the County's current purchasing code requires that all projects go to bid unless there is a waiver for "emergency or unusual circumstances" - technically it's written so that the administrator does that waiver but he didn't think that it anticipated a project of this size. The Board will need to be involved with that decision.
Jesse inquired if there was any way the Board could accept the bids that were already done?
Don - that still would not comply with the purchasing code on how we go to bid. We will still need a waiver of some kind.
Commissioner Stowe - is Structural still willing to move ahead on it? Even if we own it?
Roy - yeah, I don't perceive a problem on that - this has not been discussed.
Commissioner Stowe talked to Bruce and he was reluctant to get entangled in the County Government procedures.
Roy - Bruce's issue is - in a private sector works a little bit quicker than county government.
Commissioner Stowe recognized that he would need some latitude to move. If we enter into this as a negotiation thing, then just one of the generals, on the recommendation of Roy whether it be Structural or someone else - then do the wavier.
Commissioner McCown - and then our representatives would assume the management
Don said the County Engineering Department or someone the Board retains.
Commissioner McCown - but someone would accept that responsibility.

Don - they would be using the design documents that the county purchased, right.
Commissioner McCown - wasn't there a question about those design documents that sometime as being a Colorado engineer putting their stamp on those?
Don - those need to be signed off by a Colorado Architect or Engineer and Roy is prepared to do that.
Roy stated he will stamp his drawings.
Commissioner Stowe said the problem was if Roy was to manage it, he couldn't stamp his own drawings.
Don said this was really a two-contract arrangement where we would purchase the services of architect for this design and buy the design, one separate contract to buy the real estate.
Jesse said we have a Resolution for reimbursement in place on the financing.
Don - yes and he has not talked to Blake or Allan about this structure at all, but he didn't know why it wouldn't work.
Jesse so if we wanted to go ahead and start construction immediately to gain the weather factor and not have the extra heating costs, we could basically do it out of capital funds and then reimburse capital out of the long range financing.
Don agreed.
Commissioner Stowe - if we were to chose Roy as our construction manager, is there a way we could have an architect to stamp the drawings.
Roy said knowing all the guys here in town, he felt that this would be a slow process. Don and he talked about a modified 141 contract to assist the county - that's standard architect/owner agreement.
Don explained that would be where the architect is still involved in that project and if you want to use an independent manager for - it's a 151 which is an architect's agreement contemplated a construction/manager. We have these ready to go.
Commissioner Stowe felt like this made a lot of sense - Roy is very familiar with the prints and the design.
Roy added that he has been very involved with all the discussions with all of their subs - he knows what they are doing on the subs. He reiterated his willingness to help the county if that's what they chose to do.
Commissioner McCown - so we are going to be backing out to save approximately $200,000 under Option #3 and financing is going to eat that right back out. Bonding will be a portion of it at $37,000.
Roy said that was a performance and material bond - what the County will do under Option #3 is to go out and get your regular bonds for your $8,000,000.
Commissioner McCown inquired as to what this would do to the "not to exceed dollar amount" would you start negotiating the building price?
Roy said it should come down quite a bit.
Ed - we save the $200,000, the $169,000 and the value engineering as well.
Don said it depends upon what you want to do with a project manager - rely on the architect - saving there; use the county engineering staff - savings there; if you want to retain a separate manager - then no savings.
Commissioner Stowe - he would prefer to go with the architect and some oversight by our county engineer.
Commissioner McCown - under this scenario we are buying the architect's plans and they will be built to those specifications and if there's a problem with those plans, the architect is liable for those problems - whoever has their name on it. Out county engineering staff can supervise the work - the City is still going to be performing the inspections.
Ed said in about 2 - 3 month it might be a problem for the engineering staff - there are three major projects - jail, design of the Airport road and this county building.
Jeff Nelson said they will be real busy this winter.
Chairman Martin agreed with option no. 3 with Roy's stamp, buying his plans, having him through the two different contracts - the 141 and 151 to go ahead.
Commissioner Stowe - it's one thing to provide the prints, but a construction manager is a little more involved and would require Roy's time - if Roy were to go out and help the county assemble the bids, deal with the subs, not to the extent of the $59,000 but we need to discuss it. He would like to see someone besides the engineering department have responsible for project overseeing as Don pointed out an architect doing contemplating construction manager - we never get to that construction manager - it's going to cost us $59,000 but we may wind up paying Roy $20,000 - $30,000 in the process.
Commissioner McCown - didn't think its a good policy to have the architect do the construction management - or even close to that position - the construction manager should be looking out for the county's best interest as both the seller of the property - the architect - Roy shouldn't wear all three of those hats.
Commissioner Stowe - doesn't necessary disagree.

Commissioner McCown - doesn't have a problem with any one of the three for Roy to be in - but we know he's the seller, is going to become the architect and if he assumes the construction management position that's all three hats - that's not good business. There needs to be a 3rd party from the county or someone there representing the county's interest. Suggested to look at what is available and a price for a construction manager to come in.
Commissioner Stowe agreed to look out for someone and see about the cost. Our staff is loaded with work.
Don - even under the construction/manager arrangement, the architect is still involved.
Commissioner McCown said that's what bothers him - they are definitely involved and with Roy as both would make him easy to get a hold of.
Ed said the county did the CO for the detention center.
Commissioner Stowe - we are capable - it's just an extra load on our staff right now.
Commissioner McCown - in the next three months it will be hectic but as well, as soon as the jail is finished, that work load is going to slim down drastically for one of the two engineers.
Roy - said getting this thing started is the hardest part - once it is framed up and in the steel, it's a cake job. The first part is where you're going to have a lot of overlap - this project starting up will be demanding.
Commissioner McCown suggested that the Airport project could be put off until Spring - free up County Engineering staff.

Summary:
Don - look at Option 3 and structure it as a construction/management agreement with the architect - for him it's a 3-contract arrangement with the architect, construction manager and contractor. The architect transfers documents to us, has certain continuing obligations relative to the design, construction manager stays involved in overseeing the project and then the usual contractor arrangement.
Commissioner Stowe - doing the construction manager within the County Engineering Department.
Don said he will use the standard architect/contractor arrangement but modify the architect's agreement to provide more than just project representation to reflect that he is doing more than just project representing by our engineering staff - it will be more active project oversight.

Roy asked for clarification - are we doing two agreements - one is for the acquisition of the land itself - then a separate agreement for all the engineering, architect.
Don - yes and then a separate contract for the design and need an agreement with Roy to have an enforceable design provisions. There will be no $750,000 under that scenario as the County will own land and the design and just build it with our own financing - banks are not involved in this.
Roy asked if the County could advance out earnest money to be used for pulling permits?
Don - asked how much this would be.
Roy - the City hasn't given them a figure but estimated it to be $35,000.
Don said something less than $50,000 to be used as earnest money - that's 10% of the purchase price roughly on the land only but this can be used as part of the acquisition of the project and not go into escrow or trust.
The Board agreed with that amount as long as it was earnest money - if the entire deal falls through, Roy will need to reimburse the County on those fees.
Don confirmed that would be the way we would operate on those funds.

License Agreement
Don explained that Roy's attorney prepared this license agreement and what it does is allows the County to go onto the property, punch holes with some prior consultation with the landowner so we can do a Phase I Environmental Study - this is one of the things that has to be accomplished before we fall into the chain of title on that property. Dale already has a lease a tentative agreement with Walsh to start moving as soon as we can get this underway.
Motion
He requested that the Board authorize the Chair to sign the License and Indemnity
Agreement with S & G Development to allow the County to go on the property and start Phase I Environmental Study.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.
Existing Bids

Ed asked the Board if they wanted to continue with the existing general contractor and write a waiver or do they want to go out for bids.
Commissioner Stowe said he would like to review the existing bids and to use them to expedite the project.
Don said this can be used as justification as part of the waiver - he suggested holding this off for official action until the Commissioners' Meeting August 6, 2001.
Commissioner Stowe said in the meantime, we can get the test hole and Environment Study moving and then pull the building permits, etc.
Earnest Money
Don suggested the Board should hold off because the contract documents needed to be in place and would be part of the agenda August 6 as well.
FOUR MILE RANCH SIA AMENDED
Don DeFord, Mark Bean, Assistant County Engineer Jeff Nelson and Joselyn Wood from Leavenworth & Karp and Joe Hope from High Country Engineering were present.
Don stated there were items that need to be brought to the Board's attention.
Joselyn presented the following:

1. On the Agenda for today, the proposed request for Release of Security and Funding for Contractors in conjunction with that she prepared and submitted to Don and the County Engineer, a document similar to what have been previously looked at on this project.

   Don commented that he did not have the document Joselyn was referencing. He added that we would need an okay from the County Engineer on this.

   Joselyn met with Randy on two Fridays ago, he seemed to be fine with the improvements as constructed.

   Jeff was not aware of anything pertaining to this.

   Don commented that Randy did not indicate to him as of their last discussion that he was okay with them - he just didn't say - normally we have a written finding on that.

   This was scheduled for Monday, August 6, 2001.
2. *Request for a 5th Amendment to the SIA* - as a result of two circumstances that Joselyn wanted to bring to the Board's attention.

   -- Apparently the City and County are negotiating or discussing how and when to complete the Improvements at Intersection 116/117. The City Attorney Teresa Williams contacted us and asked if it wouldn't be prudent to hold off on paving the section on Midland Avenue getting it to where our obligation to pave beginning, up through the intersection and up a short distance of CR 174, until they resolve or complete the Roundabout Installation. So, Don has apparently had discussions with Teresa at the City and we weren't comfortable with not meeting our obligation under the SIA - so in fact if the County does not want us to pave as a favor and/or as saving resources, etc. we're happy not to but we would need this in writing.

Don - part of the amended SIA and I did talk with Teresa about this - what the City would like I'm told is leave area where they intended to construct the intersection un-improved - but that would still involve some paving from Sopris Avenue up to within about 75 feet of the Intersection - then leave the intersection and up another 75 - 100 feet up CR 117 in it's graveled or unimproved state and then pick up paving again at that point. That's the desire of the City at this point.
Commissioner Stowe - 75 feet from the center of the theoretical Roundabout.
Joselyn - theoretical Roundabout. We have a manhole location but I believe that the City is comfortable with saying from this manhole to the Intersection and then from the Intersection to this manhole - don't pave and those are on Joe's drawings and he has numbers on those manholes so I can site them exactly on the SIA.
Commissioner Stowe - as long as the City's willing to designate to what point they want you to pave and they'll assume the financial responsibility to pave the remainder and the Intersection, I don't know that we'd have a problem with it. But we would like that in writing too.
Commissioners McCown - we'd like to see - make sure that it's annexed into the City before that's done because the maintenance and the liability still remains with the County with those manholes sticking up.
Don - so you did know I got a draft - Amended IGA from the City's attorney's office last week - they would indemnify us for claims August 15 on - up to that point we would accept responsibility for the Intersection - I landed on that date in an agreement with Teresa because that was the original date when construction was anticipated to be completed - we would have been theoretically on the hook up to that point anyway. So they will accept liability after that date.

Joselyn - okay, and our contractor - our contract with DRT2 is till August 15 and he's on schedule for completion by August 15.
Don - that might be a deduction in the cost of the project but I think we're getting so close to completion that it makes sense to make adjustments at this point - there was also one other Design Change and we needed to make sure the Board was okay with - they have now put in a MSC Wall instead of the original rock wall anticipated in the designs - the Board hasn't officially said that was okay - the engineering department is fine with it , but ..
Joe Hope - there were several items that led to the need to change the wall from rock wall to a MSC wall - it's actually - we already have one on the west side and now we'll have one on the east side on the Hillside Preservation - we've met with Larry Thompson and had Larry on site and talked to him about it - he has no problems with it - talked to Robert McGregor's attorney about it and they have no issues as long as we still have a 2 - 1 above that wall bed and that's ultimately what led to the problem - we couldn't get the 2 -1 and our rock wall was getting too tall for comfort level so we switched back to the MSC - much to my client's chagrin - the other thing that has come up on that is engineering has asked that we not pave until the MSC is complete and that pave afterwards. That's delaying our schedule for paving a bit - we're anticipating having the MSC Wall done approximately the 15h of August - we were going to go ahead and pave our first level of asphalt and then finish up the last level - now what we're going to do is we mag chloride the road to keep the dust down - we're going to try and keep the road in good condition - let the MSC wall get constructed - once that's done we'll go back and probably pave hopefully the following week - Grand River Construction is doing our paving - obviously getting back into their schedule, it's not just a snap of your fingers - so we're ultimately asking that we don't complete our work until - for 2 additional weeks to complete the paving job.
Commissioner Stowe - Will this create a problem with the Cator property - it shouldn't should it?
Don - that purchase is complete.
Joe - it's just a matter of - we've been really working close with the staff on this and I think we've got a very good product.
Commissioner Stowe - well that's was Randy's desire to do the paving all at once rather than stage it - correct?
Joe - exactly what Randy, Jeff and Tom that we just hold off on the paving until we're in good shape - like I said we have mag chloride the road - with the MSC wall complete we'll get the rest of the boulder wall complete and then we will come in and pave everything all at once and we'll be done with it. That gives us time to pave the section, also the piece of no-man's land that occurs between the top of the roundabout and the end of our project - we're basically done with that design today - we're going to get back to the engineering firm, let it review it, but there's opportunity for that to happen all at the same time.
Chairman Martin - I was going to bring that up - that's a separate contract.
Joe - it is and we work real closely - we've actually got the construction plans for the Roundabout and that is being set to work with the Roundabout at this point - so when we pave that we'll be paving into where the Roundabout wants it out - so we'll be working around about the Roundabout and then we met with Jeff on Friday about that and went through Randy's scenarios and we're finalizing those plans today - we'll get it back to engineering for review along with the cost estimate.
Don - so there is alterations to the SIA - are you going to go ahead and do that then.
Joselyn - I've drafted it - there are blanks in it where the manhole numbers need to be filled in
so I need to finalize, once I get a little more information from Joe, and once we get some confirmation from the City
Chairman Martin - let's see if we can get that in writing Joselyn.
Joselyn - All right.
Chairman Martin - lets go ahead so we can all agree as to where it begins and where it ends - that they are asking you to hold off and that they're coordinating the paving efforts so it will be nice project for Joe and the Citizens.
Commissioner McCown - is this to be a consent item?
Don - good, let's just put it on the Consent Agenda -
Commissioner McCown - if the information is available at that time.

To be placed on the August 6, 2001 - Consent Agenda Items
Four Mile Ranch - Amended SIA Number 5 and Partial Release of Security

CONSIDERATION OF SALE OF COUNTY HELD PROPERTY - COUNTY ROAD AND BRIDGE SHOP - GLENWOOD SPRINGS LOCATION

Don DeFord explained this is related to the sale of property in TeKeKi - Aspen Crystal River Estates the county acquired through a tax deed. He also said he would need to discuss in an Executive Session the sale of the Road and Bridge Facility - both are very brief.

Aspen Crystal Rivers Estates and TeKeKi

Don said there is a request to sell property currently owned by the County that the County acquired through tax deed - for the record he enumerated these properties - they are Lot 1, Block 1 Aspen Crystal River Estates, Lot 2, Block 1 same subdivision, Lot 10, Block 5 same subdivision, Lot 55 Block 5 same subdivisions, Lot 59, Block 5 Aspen Crystal River Estates; Lot 6, Block 8 same subdivision, Lot 29, Block 5 same subdivision; and Unit 2, Lot 18 in TeKeKi. These are properties that Considine is asking that the County offer for sale - by Statute when a request is made and they made it as a Block Sale in this case, the Board needs to okay that and then refer that to the Assessor to get an appraisal by the Assessor's office - once that is done and the appraisal is accomplished, then they are offered for sale to the public - then they want this process to get underway so they can participate in acquiring these properties.

Chairman Martin - the sale is open to the public?

Don - yes it is and there is no guarantee as to who buys it.

Chairman Martin said this opens up another discussion in TeKeKi/ACRES exactly what just settled and it starts all over again.

Don said the County is the only party with whom they have not settled all issues at this point. In fact they are dismissing claims against all parties and they will dismiss claims against the County as well but without prejudice in the event the sale of these parcels is not completed but based on that settlement, they don't appear to be parties or interest who will participate in this sale other than the Considines.

Chairman Martin stated the County also has the acreage up there that is deeded as open space as well.

Don said that is correct and this does not include all acreage - it does in Aspen Crystal River Estates - it does not in TeKeKi there are a number of lots in open space and roads that still have to be considered up there.

Commissioner McCown inquired as to Considinie's interest in buying these properties?

Don said he wants to consolidate all the properties under his holdings so that he then can, according to his attorney's, can protect the entire area from development. Part of the settlement of the other claims, he has acquired all of the lots except for the County owned parcels.

Don explained the action necessary.

Motion

To authorize sale of these properties and direct the Assessor to appraise them for the anticipation of sale. Commissioner McCown so moved. Commissioner Stowe seconded.

Discussion

Chairman Martin - on that property up there as well as the open space, can we consolidate that as open space - is that within our right to do so and donate that to critical habitat for Elk Foundation, Division of Wildlife - do we have to sell it?

Don said the county does not have to sell it but they were acquired by tax deed and the county does not own them outright - now for a nonprofit or for a government entity you might, yes, you can transfer these under any other scenario you split the proceeds of sale with all the tax entities because they all hold an interest in these properties - these properties for the most part are not contiguous - they are scattered throughout both subdivisions.

Chairman Martin said one of the areas of 128 acres

Don - not on the Aspen Crystal River Estates - he has not checked the TeKeKi lots and doesn't know about that.

Chairman Martin said it was a large space that was donated to open space and we had discussions on that to go to the Division of Wildlife to manage that for critical habitat and just to sell it to someone and then it become a development of use by right, doesn't think this fits the purpose that was originally set out - at least not by him. They had promised to turn that into an open space and keep it open space - this was on a recommendation by both the Division of Wildlife and Elk Foundation. This is one of the properties that Considine wants to purchase. The open space becomes subject to the use up there and to the buyer - goes on the market.

Commissioner McCown questioned whether or not if the managing entity would want small lot size parcels of open space to manage within a private holding by another land owner.
Chairman Martin said it wasn't just a small lot, it was all of the lots - all the property owned by the County.
Commissioner McCown - we haven't talked about TeKeKi yet - most of this is Aspen Crystal River Estates that we're talking about today - that his motion pertained to.
Motion carried.

Jail Schedule

Ed said there is a meeting this week with the Vice President of Haselden to discuss the details.
Chairman Martin said there were a couple of outstanding ones that may cause concern both with the engineering staff and also the subcontractors.
Commissioner Stowe asked if we know if there are any other change orders.
Ed said there were none to his knowledge.

Executive Session - Personnel Issues - Sheriff's Office and the Road and Bridge Property - Preparing it for Sale - Investigative Service on the Barksdale Claims

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

Directions

Chairman Martin - one being to Ms. Dalghren in reference to mediation.
Commissioner McCown suggested that Ms. Dalghren proceed in mediation and would like the County Attorney to contact Miller - Investigator in the Barksdale allegations; and asked Carolyn in the mediation to have that presented in writing to all parties to see if they are willing to participate in the mediation - administration as well as the Sheriff - all parties involved.
Carolyn Dalghren - a letter from the parties authorizing the Chair to sign.

Road and Bridge Property Building with the Building on the Railroad Property

Don said he would go forward and direct appraiser that we will not be moving the building prior to the transfer of the property - the building and fence.

DEPARTMENT OF ENERGY MEETING AND AGREEMENTS

- Ed Green submitted information regarding the DOE meeting.
  - Funding - Capped at $2.1 million.
    - Includes all RO Systems, both west and east of interchange
    - Includes cost in project management plan
  - No year funds
    - Dollars already available and earmarked
    - DOE to obligate full amount on contract
    - DOE Desires an 18 month construction schedule
  - Advance payments no problem
    - Anticipate advance payments through life of contract
  - 1st advantage of 60K for Project Management Plan through existing State Cooperative Agreement with the next couple of weeks.
    - Selby to arrange through DOLA
- All Contractual Language Issues Worked out
- RO Systems to Remain Responsible of DOE
  - Both East (Temporary or Rogue) and West of Interchange
  - DOE to monitor both sides
  - DOE to collect and dispose of membranes
- Tri-Party Signing of Agreement on September 28
  - Project Management Plan and IC's must be completed by September 28
  - BOCC approves IC's, Approves PMP, and Signs Agreement

Ed said in September the agreement would be completed and prepared for signing by Board of County Commissioners and the Department of Energy.

District Attorney - - Budget -- Stagner Case - High Profile

Chairman Martin mentioned the murder trail that may or may not go ahead - the District Attorney and the Sheriff have projected the cost may go up simply because of the increase in deputies, experts, overtime, and may need assistance from outside of the area.
Don said on last Thursday, the Sheriff's nor his office were given any notice of any hearing at all - there was just a call from the Judge saying get him up here - and he wanted the County Attorney present at the same time - they did as requested but to do that he used two deputies to bring Stagner up and three deputies to provide security because they had to clear out part of the hallway - they had juvenile proceedings going on at the same time.
Commissioner McCown recognized that there is no recourse but it is prime examples of how the judiciary has no consideration for any budgetary or personnel issues that happen in the county.
Don said the Public Defenders' Office - the issues we're having right now is requiring a lot of staff time from the Sheriff because every time the Public Defenders shows up they insist on seeing and video taping their client which means they either have to take them back to the cell (which they have refused to do) or bring him out to the waiting area and keep him secure there while they take pictures of him, try to talk to him, etc. in the normal visiting area - so this demands a high level of security - it's not a secure room. Don added that he talked to the District Attorney as well as Chairman Martin - Mac thinks this year he probably has some leeway in his budget because it probably won't go to Preliminary Hearing until November but there will be a lot of transport of Stagner back and forth to Pueblo, there are going to be professional evaluations required and estimates next year's budget will have to have significant items included in it for this trial.
Chairman Martin added that the District Attorney is going to request 2 -3 more people for his budget and our obligation is now up to 67%, Rio Blanco went down somewhat, Pitkin County went up, and he will make this request along with the needed funds for this prosecution.
Don said this is as long as the district attorney remains the prosecutor - if he gets disqualified then they'll have to bring someone else in to do it.
Commissioner McCown - or a change in venue.
Don said this is possible too.
Oil and Gas - CCI - Report
Chairman Martin said he attended - CML and CCI are reviewing the cases that came through Weld County and also LaPlata County where we have a partial victory on both sides - but not a defined victory for either one on local review and process of oil and gas from drilling - it's still citing the same case that has been decided upon - that is that local governments have a right to special process and review for the request of drilling - if - they have rules and regulations and standards in place if not they have the right to put then in place, but they have to be fair to the industry as well as to the land use and not single out any industry. This fuels the debate - CMl and CCI will ask how Garfield County stands on that on a process of permitting or review and we need to have an answer. Presently, we have no review however, we could if we chose to.
Don - one is the Town of Frederick and one is the LaPlata Special Use Permit - in both jurisdictions to drill.
Commissioner McCown asked if it was anticipated that this right to drill would circumvent that if the order is approved.
Don - it won't entirely circumvent it, they'll have to test the ordinances versus the regulation to see what is in direct conflict and what isn't - probably there will be elements of those ordinances that will have to go and others will stay because the counties have always had the ability to regulate - it's just a question of what and how far. Every case has to be treated as it appears.
Commissioner McCown inquired if a special use permit for a gas well can be a special price than a special use permit for anything else?
Don if you establish the standards for having a different price - like Frederick, they had a special inspection price that was included in it - but just as a special use permit - no - it has to be the same fee application. You can add additional factors if it costs the County more to do it.
Chairman Martin - what it amounts to is a group of counties and municipalities that are willing to proceed with challenging the rule changes and are doing so by filing against the rule changes. There is another group to file if the rule changes are upheld - that's probably what CCI will be involved in - taking away local control of local governments and their objection is that we are afforded that privilege of special review and if the state takes it away, they are diminishing the power of the county. He said he did not commit the county to file or to put funds towards the effort. LaPlata's intervention cost some $53,000 and ours was $300,000.

Commissioner McCown clarified that we had a case to prove and LaPlata was going simply on changing orders.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until 8:00 A.M. Tuesday for Board of Equalization; carried.

JULY 30, 2001

DISCUSSION - CONTRACT ON COURTHOUSE PLAZA
Don DeFord and S & G Construction - Roy Stanek were present.
On July 23, 2001 the contract was discussed in open session with Roy Stanek regarding the base price plus cost of financing, unexpended contingency, devaluing engineering, cost of land, Roy Stanek's fee, the course on top floor, and check into the City issuing a temporary CO instead of a regular CO in order to make changes as needed for the specific offices.
Also, the extent of time was moved forward from July 30 to August 2nd to allow time to work with the Bank, get the final drawings which have to be reviewed by the County Engineers, and additional language drafted into the contract.
Don stated they met last week with Bill Guest and Tom Grant from Alpine Bank to discuss various possibilities for consummating purchase of this property and the type of contract that would be involved. As part of that discussion, we advised them we would be meeting with the Board today to give you various options and we discussed with all present whether or not we should continue these discussions or negotiations in Executive Session or not - it's fair to state that all present had no difficulty doing this in a public session if the Board approves.

The Board did not have any problem with the open meeting.

As part of those discussions, it's fair to say that the Bank wanted to be certain that the $750,000 we discussed would be a County contribution to the project - part of the equity in the facility. We discussed several options as to the way to treat that including treating it as true escrow in which it would be held by some type of a trustee to be returned to the County under certain circumstances or retained by the Developer for use in the project - we discussed various contracting scenarios - from the one on the table characterized as a straight land purchase agreement under which S & G Development would transfer the property on completion to going back to a design build which Roy or S & G would act as the architect and we would then contract separately with the contractor and architect. But most of the time the discussions came back to where was the Board on the $750,000 and Roy prepared the letter dated July 23 handed out to the Board where he set a couple of methods that he felt the Board could look at. This is why we are here today - to see where we are going to go with regard to structure and agreement for that property.
Also submitted was a letter of July 25, 2001 regarding the Building Permit - There is a method of accomplishing the building permit - built as per the permit. This needs to be addressed also - whether or not Roy could pull that permit and then effectively transfer the property and permit with it - when Don first talked to Teresa Williams, she was not at all certain if it could be automatically transferred with the property - Roy has had later discussions and now she indicates a method for accomplishing that transfer - I spoke with her about it and she was in agreement with the methodology set out in this letter of July 25, 2001 from Roy. There is a way to transfer the building permit after it has been issued as long as we structure it properly and sign it the agreement. That agreement basically would be to simply built the building the way it was designed for the permit so this it not a big problem since it is the way we would do it anyway.

The letter of July 23, 2001 set out the options - Don stated that he had reviewed the options and No. 3 was his choice.
Roy said they are really close to getting final design - it is getting fine tuned but are at the point where they can submit final set of drawings and probably pull the development permits today.

Don inquired in terms of the drawings, do they anticipate finish adequate to get a CO or does the County have to contribute to that.
Roy - the only issue on the CO is - what we've talked about as far as the electrical and the mechanical contractors - since we anticipate the County doing tenant-improvement - one choice is to go and hang the ceiling lights and then tear them all down again which isn't practical - I do think he could get a temporary CO and the CO would be done after the tenant-improvements - it would be more cost effective.
Don's concern was not to have to apply for another building permit to do whatever staff wanted to change.
Commissioner McCown inquired as to putting modular furniture, why can't the ceilings be in the building.
Ed said they can't do systems furniture throughout - there are a few offices that are going to be enclosed. Usually you put those in the corners and are there for manager so they can have private discussions with employees, etc. So not every office can be a systems furniture office. Mildred has some vault type requirements or storage area requirements that have to be designed and integrated into that layout - those can't be in the systems furniture arrangement either.
Jesse Smith stated we could provide floor plan drawings within the next 60 days where any kind of permanent walls would need to be so they could be built into the construction itself and then you could put the ceilings in.
Commissioner McCown felt this was the most logical way to proceed with this. And under Option #3 for our $750,000 we would own the property, building permit, and the design documents.
Don agreed.
Commissioner McCown felt this is the only one that has any logic to it for the County. The others we would have no vested interest in anything that happens for our $750,000.
Don agreed.
Ed commented that the Board needed to decide which of the two options they wanted to apply on the other document and it relates to the procurement strategy because if you opt to go with the existing general contractor then we need to write a waiver that authorizes the Board to waive the procurement procedures and negotiation solely with the existing general contractor to the extent of business.
Don said that Ed was correct - the County's current purchasing code requires that all projects go to bid unless there is a waiver for "emergency or unusual circumstances" - technically it's written so that the administrator does that waiver but he didn't think that it anticipated a project of this size. The Board will need to be involved with that decision.
Jesse inquired if there was any way the Board could accept the bids that were already done?
Don - that still would not comply with the purchasing code on how we go to bid. We will still need a waiver of some kind.
Commissioner Stowe - is Structural still willing to move ahead on it? Even if we own it?
Roy - yeah, I don't perceive a problem on that - this has not been discussed.
Commissioner Stowe talked to Bruce and he was reluctant to get entangled in the County Government procedures.
Roy - Bruce's issue is - in a private sector works a little bit quicker than county government.
Commissioner Stowe recognized that he would need some latitude to move. If we enter into this as a negotiation thing, then just one of the generals, on the recommendation of Roy whether it be Structural or someone else - then do the wavier.
Commissioner McCown - and then our representatives would assume the management
Don said the County Engineering Department or someone the Board retains.
Commissioner McCown - but someone would accept that responsibility.
Don - they would be using the design documents that the county purchased, right.
Commissioner McCown - wasn't there a question about those design documents that sometime as being a Colorado engineer putting their stamp on those?
Don - those need to be signed off by a Colorado Architect or Engineer and Roy is prepared to do that.
Roy stated he will stamp his drawings.
Commissioner Stowe said the problem was if Roy was to manage it, he couldn't stamp his own drawings.
Don said this was really a two-contract arrangement where we would purchase the services of architect for this design and buy the design, one separate contract to buy the real estate.
Jesse said we have a Resolution for reimbursement in place on the financing.
Don - yes and he has not talked to Blake or Allan about this structure at all, but he didn't know why it wouldn't work.

Jesse so if we wanted to go ahead and start construction immediately to gain the weather factor and not have the extra heating costs, we could basically do it out of capital funds and then reimburse capital out of the long range financing.
Don agreed.
Commissioner Stowe - if we were to chose Roy as our construction manager, is there a way we could have an architect to stamp the drawings.
Roy said knowing all the guys here in town, he felt that this would be a slow process. Don and he talked about a modified 141 contract to assist the county - that's standard architect/owner agreement.
Don explained that would be where the architect is still involved in that project and if you want to use an independent manager for - it's a 151 which is an architect's agreement contemplated a construction/manager. We have these ready to go.
Commissioner Stowe felt like this made a lot of sense - Roy is very familiar with the prints and the design.
Roy added that he has been very involved with all the discussions with all of their subs - he knows what they are doing on the subs. He reiterated his willingness to help the county if that's what they chose to do.
Commissioner McCown - so we are going to be backing out to save approximately $200,000 under Option #3 and financing is going to eat that right back out. Bonding will be a portion of it at $37,000.
Roy said that was a performance and material bond - what the County will do under Option #3 is to go out and get your regular bonds for your $8,000,000.
Commissioner McCown inquired as to what this would do to the "not to exceed dollar amount" would you start negotiating the building price?
Roy said it should come down quite a bit.
Ed - we save the $200,000, the $169,000 and the value engineering as well.
Don said it depends upon what you want to do with a project manager - rely on the architect - saving there; use the county engineering staff - savings there; if you want to retain a separate manager - then no savings.
Commissioner Stowe - he would prefer to go with the architect and some oversight by our county engineer.
Commissioner McCown - under this scenario we are buying the architect's plans and they will be built to those specifications and if there's a problem with those plans, the architect is liable for those problems - whoever has their name on it. Out county engineering staff can supervise the work - the City is still going to be performing the inspections.
Ed said in about 2 - 3 month it might be a problem for the engineering staff - there are three major projects - jail, design of the Airport road and this county building.
Jeff Nelson said they will be real busy this winter.
Chairman Martin agreed with option no. 3 with Roy's stamp, buying his plans, having him through the two different contracts - the 141 and 151 to go ahead.
Commissioner Stowe - it's one thing to provide the prints, but a construction manager is a little more involved and would require Roy's time - if Roy were to go out and help the county assemble the bids, deal with the subs, not to the extent of the $59,000 but we need to discuss it. He would like to see someone besides the engineering department have responsible for project overseeing as Don pointed out an architect doing contemplating construction manager - we never get to that construction manager - it's going to cost us $59,000 but we may wind up paying Roy $20,000 - $30,000 in the process.
Commissioner McCown - didn't think its a good policy to have the architect do the construction management - or even close to that position - the construction manager should be looking out for the county's best interest as both the seller of the property - the architect - Roy shouldn't wear all three of those hats.
Commissioner Stowe - doesn't necessary disagree.
Commissioner McCown - doesn't have a problem with any one of the three for Roy to be in - but we know he's the seller, is going to become the architect and if he assumes the construction management position that's all three hats - that's not good business. There needs to be a 3rd party from the county or someone there representing the county's interest. Suggested to look at what is available and a price for a construction manager to come in.
Commissioner Stowe agreed to look out for someone and see about the cost. Our staff is loaded with work.
Don - even under the construction/manager arrangement, the architect is still involved.
Commissioner McCown said that's what bothers him - they are definitely involved and with Roy as both would make him easy to get a hold of.
Ed said the county did the CO for the detention center.
Commissioner Stowe - we are capable - it's just an extra load on our staff right now.

Commissioner McCown - in the next three months it will be hectic but as well, as soon as the jail is finished, that work load is going to slim down drastically for one of the two engineers.
Roy - said getting this thing started is the hardest part - once it is framed up and in the steel, it's a cake job. The first part is where you're going to have a lot of overlap - this project starting up will be demanding.
Commissioner McCown suggested that the Airport project could be put off until Spring - free up County Engineering staff.

Summary:
Don - look at Option 3 and structure it as a construction/management agreement with the architect - for him it's a 3-contract arrangement with the architect, construction manager and contractor. The architect transfers documents to us, has certain continuing obligations relative to the design, construction manager stays involved in overseeing the project and then the usual contractor arrangement.
Commissioner Stowe - doing the construction manager within the County Engineering Department.
Don said he will use the standard architect/contractor arrangement but modify the architect's agreement to provide more than just project representation to reflect that he is doing more than just project representing by our engineering staff - it will be more active project oversight.

Roy asked for clarification - are we doing two agreements - one is for the acquisition of the land itself - then a separate agreement for all the engineering, architect.
Don - yes and then a separate contract for the design and need an agreement with Roy to have an enforceable design provisions. There will be no $750,000 under that scenario as the County will own land and the design and just build it with our own financing - banks are not involved in this.
Roy asked if the County could advance out earnest money to be used for pulling permits?
Don - asked how much this would be.
Roy - the City hasn't given them a figure but estimated it to be $35,000.
Don said something less than $50,000 to be used as earnest money - that's 10% of the purchase price roughly on the land only but this can be used as part of the acquisition of the project and not go into escrow or trust.
The Board agreed with that amount as long as it was earnest money - if the entire deal falls through, Roy will need to reimburse the County on those fees.
Don confirmed that would be the way we would operate on those funds.

License Agreement
Don explained that Roy's attorney prepared this license agreement and what it does is allows the County to go onto the property, punch holes with some prior consultation with the landowner so we can do a Phase I Environmental Study - this is one of the things that has to be accomplished before we fall into the chain of title on that property. Dale already has a lease a tentative agreement with Walsh to start moving as soon as we can get this underway.
Motion
He requested that the Board authorize the Chair to sign the License and Indemnity
Agreement with S & G Development to allow the County to go on the property and start Phase I Environmental Study.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

Existing Bids
Ed asked the Board if they wanted to continue with the existing general contractor and write a waiver or do they want to go out for bids.
Commissioner Stowe said he would like to review the existing bids and to use them to expedite the project.
Don said this can be used as justification as part of the waiver - he suggested holding this off for official action until the Commissioners' Meeting August 6, 2001.

Commissioner Stowe said in the meantime, we can get the test hole and Environment Study moving and then pull the building permits, etc.

Earnest Money

Don suggested the Board should hold off because the contract documents needed to be in place and would be part of the agenda August 6 as well.

AUGUST 6, 2001

Courthouse Plaza - Workshop
Jim Leuthueser, Ed Green, Jesse Smith, Randy Withee, Roy Stanek - Partner in S & G Development, Inc., Bruce Shugart - Structural Associates Company; and Shane Evans - Structural Associates Company were present for a discussion on Courthouse Plaza.

Commissioner Stowe - wanted to get everyone together and hopefully it will be productive - you guys are anxious to get started on this project - we are too, but we've got a few T's that need crossed and I's that need dotted - one of the things - I'll go through a gamut of things Bruce, then I'll turn it over to you guys for you to address:

1. the bonding that is going to take 6- 8 weeks for that to come through with the audit and everything - wanted to make sure you are comfortable in pursuing that and the project and everything? - I know you don't normally have to bond on projects
2. Look at potential other schedules if that even makes sense - if we wait until the bond was in place and not even begin construction for 6 - 8 weeks - what will that do to our price? If that's going to make it go too high with winter construction, should we wait and consider doing it in March? realizing cost of construction goes up almost annually regardless of what you do.
3. The other scenario that we think about, was maybe getting started with some of our ground work and some of the construction initially with you guys - and the County contracting with maybe the earth mover or your foundation work people, and then turning those contracts over to you in 6 - 8 weeks; in the meantime you guys would provide the supervision on the site, project coordination and all of that - so that basically it's your project but we don't officially we don't turn it over to you until you performance and payment bond is in place - ideally, we'd like to stay out of this as much as possible - but unfortunately because of the financing arrangements - we have to get a little more involved than we'd like to
4. The other thing, I guess we're waiting on right now - the soils test on the property - hazardous waste etc. and nothing can start until we make sure that we're clear - could take up to 3 weeks.
5. With all that in the gamut, when do you guys prepare to gear up?
6. What do we need to make happen to have you gear up? and/or is this something that's going to fall through the cracks?

I don't want to just keep people dangling - that's why we're here today.

Bruce - we really appreciate that - couple of quick things - the *reason for the bonding duration* is that - we work with Monihan, Lampman and Hayes for 20 years - so their first opportunity is the end of August - duration of 6 - 8 weeks. - a meeting is set up with the bonding company on Thursday - question is are we interested? - Yes we are - absolutely - we've done some City work - a lot of years ago, some City of Rifle work - lot of years ago; we've had bonds - a lot of years ago - getting then isn't going to be an issue - we don't plan on having a full blown audit which could actually take substantial time - they have a reduced audit amount - they do our books on a quarterly basis all the time - do our annuals - this shouldn't be an issue - so yes, the answer is we definitely want to pursue it - that seems to be the best way in light of what we need for financing.
Potential other schedules - I think we can address that - there are reasons not to go there - we'll share what we think could be downfalls - obviously up to the Commissioners to make the decision. But the possibility of
#3 - some initial contracts with the County - we would have an issue and the only issue that you and I talked briefly about - Walt - to make sure that we stay in supervision of this in fact the responsibility lies with us - so, if that's the case, we have no issue with how it gets started - we hands-on right - don't have managers that you never see us again - so the idea is we want to be hands on right from the beginning - we do regardless of who the contracts with if it's assignable - and we know we're doing a project like we would do any of our other projects - we can do a work around from our end. But I do think we should discuss

some of the potentials - what schedule delay or rescheduling could do and at least inform you so that you guys can make an informed decision which ever way you want to go.

Roy - we talked about the *environmental phase I* - Walt, we started up on that - and one suggestion I made to your staff last week when we were visiting - was maybe we should use the down time to do that this will cause to a couple of things:

1. Doing your tenant improvement finalized - you guys have some sort of consultant that's working with Mildred and other elected officials on that space - maybe what we can do in this interim time - use that to coordinate with our drawings so that when we get into real construction we have a better grip as to what's going on as far as electrical, mechanical, etc.
2. The other thing is - as I've mentioned in the past - the City seems to think that the current transformer is appropriate for the size building that we're talking about - not knowing what your needs are - again, maybe if we do find out through getting your tenant improvement worked out quicker, if we need to get a bigger transformer - we can get that ordered - because that does take a period of time to get done, okay? So I think although we have a bit of shift in time, it's not a major deal, OK. Now Jesse I know is working on the bonds, etc. and I think we talked about trying to get some sort of a commitment letter - once we know you guys are going to get some money, I think we can move forward - as long as we get a commitment from you guys that you want to do this - so, I don't think we have a problem with that - I do think - I've talked with the City a couple of things we got hammered out - we did get this traffic and site management control plan and traffic control plan - signed off by City, by Structural and by Roy as developer last week - the one thing the City is anxious about doing is getting this thing going - I don't know if you've read in the paper or heard - they're now going to delay 8th street until Spring - that's to accommodate them getting over there and starting up on their City Hall - but the long and short is once they start on 8th Street - the City will not allow them to close Pitkin - they can't - the problem is they get into some fire service and bus service to the schools. They're willing right now to let us close that street as long as we don't close the street and the alley at the same time - I think if we wait until Spring - then we're probably in trouble on that deal. We are approved, that's signed off and done.
3. The other big issue is *Major Permit* signed by City Attorney Teresa Williams and by their development director Andrew McGregor for the project - so that's done - the thing you need to be cautious on is that Courthouse Plaza was originally approved back in 1/7/99 - under their development plan - when you read the fine print you've got 3 years which would take us until Jan. 7, 2002 - if we don't start by January 7 of 02, then you run the risk of going back through the whole drill again. To me, I think I'd take a bird in hand - and whether we start in January or September and October - I'd much rather be digging dirt in September/October. The risk we have is this - the building permit - all their waiting on is a set of drawings from me - I couldn't give them all those - Shane got a set, Randy got a set, and the building department got my other set - so all we have to do is transfer notes from their plan to our plan so we have a a building permit set and we'll have our building permit set - we can have it this afternoon if we want. So, we're ready on the building permits and all that stuff. Don, before he got out of town on Friday, gave me a copy of your Gould Subcontract between Gould and you guys on the Detention Center - I looked through it this weekend, did not discuss it with Bruce and Shane but I said this is an option and again, the idea came about after talking with the bonding company - where again, we could make not only Gould but any of the major subcontractors - the other guy that I'd look at is probably Meyers so we can start up on the shop drawings and that stuff of the steel erection - so what Don kind of talked about doing is having this contract actually go from these subcontractors to S&G Development who would ultimately assign then to County on the purchase date - just like the other agreements we're talking about doing. To me, I think we can use this little bit of a down turn - our timing to our advantage. It doesn't dramatically affect us - but I do think if we waited out until the dead of winter or later, it probably makes things worst.

Burce - typically what you find is on an annual basis, we've been recognizing about a 12% gain in construction costs - does that mean what we're going to see - no, right now our lumber prices are the lowest they've been in 6 months - just got a chart out on those - it's a good time to buy - if you look at timing -

1) one of the questions you asked Walt was what could we do to help this out - the sequence of events is - in the event that we use Meyers - that we would hire - someone would hire Meyers and get

them started as Roy alluded to - they get the shop work started - that is a 2-3 week period - that would take us to the time of final approval - engineer, architect, etc. then order - the steel would be here when we're ready and we could actually reduce the excavation time and actually have our steel ready versus sometimes you're ahead on the excavation and it's a little bit slower until the steel arrives and you move forward - it's really - I would probably caution this at - if you elect to go forward now, timing is still of the essence because so much could be done to actually shorten the actual disturbance next door and still bring it in the same period of time - I think we could shoot and come in with the same result and not lose - let's say if we lose 30 days today, that wouldn't necessarily reflect 30 days in the Spring - I don't know what it would be until we talk to our subs, but that would be important;

2) Secondly is - some subcontracts are literally tens of thousands of dollars difference in costing - we lose what we called the first qualified subcontractor, automatically, we see a gain - and so that is always a realistic thing whenever you take a different construction period because the first sub may say, now I'm booked - I can't start during this period - you go to sub 2 - and automatically you have a built in gain - so you want to be caution - I would probably say that if we move like we're were trying to start Wednesday morning and really got the things lined up - that we would - we could produce all the schedules, produce all the subcontracts - we could get people on board - get all the shops approved - and we could hit the ground running - get all the infrastructure ready for the covered sidewalks and literally have it here and done versus trying to do when we're trying to move heavy equipment and everything else out of the way - so I think there's obviously some real benefits - that could go either way.

Commissioner Stowe - with us starting and structuring it like that - I guess it seems to me we wouldn't be paying Constructual Associates for the first month or two, Bruce - are you guys comfortable with that? - you'd be doing project supervision but your first billing or drawing request wouldn't come in until your performance and payment bond were on board.
Bruce - sure
Commissioner Stowe - I really hate to say that - I just don't know how we could make that work with the contract in place.
Bruce - I don't think we could bill that - we might look for a letter of intent based on certain criteria being met - then we're both covered but I don't think the County could put itself in a position and say, okay, we're going to pay you regardless
Walt - right
Bruce - that the whole reason we're doing it so you can't be in that position - we have a letter of intent - if we can't perform then it's pretty straight forward.
Walt - okay
Bruce - so that would be okay.
Commissioner McCown - and on the Contracts - the example you had there was Gould - simply because Gould was the low bidder with Haselden and our contract would be with whoever your dirt company is.
Bruce - right.
Larry - and we would just assume that until you guys got on board and it would be immediately transferred back to you.
Bruce - yeah, I think the reference was that - and we haven't seen, as Roy pointed out, the contract - I think the reference was that this one for the dirt work that Gould did in fact have, is an example of what could function in an interim.
Roy - right
Bruce - and so we'd like to take a peek at that.
Larry - until we get phase I of the study - nothing could be done.
Bruce - agreed
Commissioner McCown - I don't think it's even feasible to dig in the dirt.
Roy - no, I agree with that Larry; I don't think any of us want to start doing anything until we know we have a clean phase I - what I'm thinking is - Don's out of town this week, next week he's back for a couple days - then he's gone again - I would think for Don to just physically get the paper work done in the next couple of weeks could be a big challenge too - so I think between Don getting the paperwork done and an environmental Phase I getting done and if we can get some schematic drawings on how you're going to do your tenant improvement work - I think if we could that wrapped up within the next 3 weeks - that plus maybe a commitment on the bond - we'd have a successful 3 weeks.

Commissioner McCown - I know Ed was talking last week about a meeting being scheduled on that - Mildred, with all of the occupants of the building trying to get the design that they want so that we can incorporate this at the time of construction rather than take a partial CO and then come back and start at ground zero and go again.
Mildred Alsdorf - I haven't talked to Ed or Jesse anymore on it.
Commissioner McCown - I think it was coming up either this week or next week ..
Jesse Smith - no, Ed and I met with Dale and told Dale that he really, in the next 3 weeks, needed to get drawings up and running on the fixed walls - and that's really what you're talking about is only the fixed walls - and then we can get that - the minute we've got those fixed walls in place, then we can shoot it off to Herman Miller and they'll do all the modular layout so that we then know exactly where the utility runs need to be - where the conduit needs in the floors or the ceiling to tie into the modular units - but number one is the fixed walls and Dale was going to try and have that part of it done within the next 2 - 3 weeks.
Mildred - I know he talked to me at one time - Dale did about - what I thought I'd have to have for offices - cause I have to have some fixed offices because of confidentially and security - and I haven't seen anything since - it would be good for me even if I had a floor plan that would say how much ...
Jesse - apparently you saw something that Jefferson County had done?
Mildred - she showed me what she had done in Jefferson County through Reed Miller but that was just real quickly.
Jesse - I think was Dale was wanted to do was to try to determine with each of the elected officials, what fixed walls they would need and then lays those out on drawing so we can get it all to Herman Miller to see what they can come up with some ideas on the modular, then come back and start - so that you have something to actually look at and work from to start refine it and hone it in - it's hard to take a blank sheet of paper and fill it in - it's usually easier to take something that's already there and change it.

Commissioner McCown - can you make sure Dale makes this happens, in that time limit?
Jesse - un huh.

Commissioner Stowe - the other thing I heard you mention was the Meyers Steel or whoever on the steel - how soon would we have to be getting a drawing to them for their - the sooner the better but that necessitates a requirement - a contract or at least a letter of intent for them to do that sort of engineering stuff - is that something we would need do within the next 2 - 3 weeks - or?
Roy - I would think again, Walt, maybe that's something we can push back until we know we've got the Environmental Phase I.
Commissioner Stowe - that would be my preference at least to make sure we've got a clean site.
Bruce - I don't know enough about what they can give you on the Phase I - some of our past experience on Phase I - we're doing a project now that we had some input on - if they can give you a reading instead of the formal letter - in that they can say we think - we don't see any issues with in and it's going to take 2 weeks to do this letter, etc. - if, at that point, you felt comfortable doing a letter of intent - so that at least - we're not going to give them a call anyway to have them drop everything and start, but at least we'd have it in place, and then I would say, that we would probably get a) your letter from the Environmental Phase I and we would probably be ready to open the books at the same time - what we've done is save 2 - 3 weeks.
Commissioner Stowe - okay
Bruce - so that would be ideal.
Jesse - Don was talking last Friday that he did not see that there was any way we could close on the land earlier than the 15th or 20th of September - that would be the very earliest and he thought that might be questionable. Did he indicate anything to you Jim - more than that?
Jim Leuthueser - I haven't heard a thing.
Jesse - and so, the question would be then, if say we got the fixed wall and modular furniture drawings in place, you've got the steel people started, are you thinking of breaking ground before we close on the land?
Commissioner Stowe - I think that's what I'm hearing here today is we would sign a letter of intent as soon as we got the reasonable assurance on the Phase I and that you guys basically - based on that letter of intent, even before a contract, would start putting your subs or earth movers in place and that - we may have then subcontract with the earth mover or two or three of the major subs until our contract's actually in place with S&G or Structural whoever we're contracting with, but basically construction would be starting in 3 weeks is what I'm hearing - I think that's what I'm hearing.

Roy - what we would do Jesse, is even it a closing got delayed, we'd still be under contract to sell them onto you guys - and I think what my understanding in talking to Don and maybe I interpreted it incorrectly - is I know what we've got right now - there's a lot of lawyers in the mix all of a sudden - there's our attorney's got to review the document - he's was out of town last week, back this week; Don's out of town this week, back next week - you're talking with your bond attorneys at Sherman & Howard making sure everything's done there - so my understanding is - we'd get it under contract even though we might not physically close on it until mid-September or maybe the end of September - we'd still be under contract to you guys - so at that point and time we'd still be doing our stuff knowing we intend to close, but it would just work in that manner I guess.
Jesse - the last word Don indicated to me of - he did finally reach Alan Matlotz - and indicated that the financing probably will not in place until around the 12th or 13th of October.
Commissioner Stowe - knowing that it's coming, we could use general funds money until then if necessary?
Jesse - cause you've already signed a reimbursement agreement - a Resolution - so we can reimburse general fund - or capital fund.
Bruce - if September - starting construction in September or the last week of August, first billing would be produced by the 10th of October, payable by the 20th of October.
Jesse - financing should be in place.
Roy - cause I think you guys are buying the land and then the fees from general -
Jesse - from capital - then reimburse capital
Roy - capital, then reimbursed - so we shouldn't have a problem.
Commissioner Stowe - looks like there's a little bit of risk for everybody - kind of a shared risk Jesse - the question mark is if something happened in trying to close the land - couldn't close it or - that's the risk that we're looking at
Bruce - so then you see the risk in basically in Phase I Environmental and in closing the land - those are really the two factors
Commissioner Stowe - from our standpoint, we would have to pull back from the deal
Bruce - uh huh
Commissioner McCown - that's the only two that I can think of
Roy - well, we're not going to start any real work until we know we've got the Phase I.
Commissioner McCown - exactly
Roy - and I don't assume we're going to start up any work until we hopefully know you guys are going to get money - which would be both issues covered.
Commissioner McCown - you're saying - when can we get a commitment?
Jesse - I didn't talk to Alan, so I'm not sure
Commissioner McCown - even though the funding wouldn't be in place until
Jesse - I'd have to get hold of him - he was on vacation last week and this week - I know we put calls into him - he finally returned a call to Don - Don talked to him - we can try and get hold of him and find out
Roy - today's business
Commissioner McCown - we're all operating on letters of commitment - what's the cash - where's the beef
Jesse - I know Jordan and the attorneys have everything that they've requested to move forward
Chairman Martin - they have the schedule
Jesse - I got the schedule Friday from Roy so I've sent the schedule off to the attorneys - that was the final piece was the construction drawing is and the schedule
Commissioner McCown - I don't want to take a chance losing that major development permit because now the word's out that we're intending to buy it - it would be a son-of-a-gun to get back - I'll guarantee you.
Commissioner Stowe - given our past history with our City Fathers
Roy - I can see that brick coming on
Commissioner McCown - well we know the color we need now anyway - only took about 6 months to figure that one out
Commissioner Stowe - we can’t make a commitment obviously at this point other than our assurances - or at least my assurance that I think this is a reasonable way to go across as long as you guys can maintain the price that you quoted us - if we don't see that skyrocketing - I see that and the environmental study and of course the final funding would be our 3 obstacles from the County's standpoint barring one of those 3 things falling through I think I would be moving forward toward any contracts we're going to need to do - those 3 we don't have any control over - when you guys control, the other 2 - others control, so... if that

gives you any level of security or direction - I don't know how the other Commissioners feel, so you'll listen to them know.
Commissioner McCown - that was our intention all along is - I don't think there's a question on our intent to purchase the building and it's just when you're using taxpayer funds - you have to proceed a little differently than if you're a private investor and we've got to protect interests as well - I don't have a real problem proceeding how we are now - but letters of intent are just that - can't cash them - so I don't know if that makes you guys comfortable with that too.
Chairman Martin - your confidence is leaving you Roy - I just see it happening here - I have no problem as long as we understand what our risks are and they've all been explained - we have a couple of different schedules and events that need to come in place and it will be a successful project.
Commissioner Stowe - would we be ready to begin a contractor with like Meyer Steel and possibly the earth mover - at least Meyer Steel sounds like - can we get an assurance letter from those, on the environmental impact? - not a letter but verbal -
Commissioner McCown - I would like a written letter in a brief form and then let it produce the report.
Commissioner Stowe - but we can go ahead - cause we've got a little exposure there but at least it keeps your construction schedule going from what I understand.
Commissioner McCown - I don't like the idea of waiting till January to start - winter construction is very expensive.
Commissioner Stowe - we relay all of this to Don and he gets to put in whatever verbiage he wants
Chairman Martin - can you make sure we get all our information to Roy from Dale so that those permits - drawings put together.
Commissioner McCown - I would imagine - I'm not familiar with the Gould Contractor - but I imagine its our standard County boiler plate - only the names will be changed to protect the innocent - that would be a very similar contract to what we did with Gould on the jail - just transfer to a different location - and a different contractor if that's ....
Jim Leuthueser - Realistically, that's been the boiler plate and there is good reason - that's probably where it will be coming from.
Commissioner Stowe - it's kind of what we're doing and will be asking you to sign too for our contract with you ultimately.
Roy - that's what Don was alluding to - is a contract with - you guys produce it and then it will be assignable to the County but it's basically right now between Gould and/or Meyers to S&G until you guys takes acquisition of the property and then it's assignable ultimately to Structural.
Commissioner Stowe - to Structural - right
Bruce - and we are working on ways to - with the meeting this week with bonding agent in Jerry Hays in working on ways of shortening our time frame too -I don't want to say we're going to accomplish it but we are working on ways - so this may become a moot point - and we may get there faster than we think.
Chairman Martin - well, let's hope we do.
Commissioner McCown - but I agree, the - even with the 3-week delay, it doesn't have to be wasted time - as long as you guys are clear that it is our intent to move forward and given the two exceptions, I think that Jesse used - purchase of the land falling through and a bad EA.
Bruce - and the 3rd to get our final numbers to you for your approval - with those 3 things, with that, Shane and I in particular are crystal clear and I move forward as if we're on track - but I do want to caution to you - we should use the time as if it's right there upon us cause it'll be most effective.
Commissioner Stowe - we'll look to you guys to do that and probably working with Randy to a degree our County Engineer to coordinate the stuff.
Jesse - if we were to move forward on this schedule, when do you need that lot across the street?
Roy - I think we should do, Jesse - now that we're all here talking about this - maybe what we should do is have a pre-construction schedule where we break down the line items - kind of like we broke down the construction for you -
Jesse - chart them
Roy - yeah, maybe what we need to do is okay, now that we kind of know the perimeter and time we're working in, maybe we should put together a pre-construction schedule and talk with Dale and you guys and make sure we know what's coming on
Jesse - we need coordinate that with Haselden on getting them off the land they're on now.
Chairman Martin - they'll be off
Randy - they're moving the trailer -

Roy - they'll be off - you guys got me that letter last week - Haselden provided a letter
Jesse - I understand there are a couple of small trailers that are going to have to stay somewhere
Randy - they're going to move to our portion - parking next to the building - joint use
Jesse - so that leaves that lot totally free and clear for staging
Randy - right
Jesse - but we do need to get those cars out of there.
Roy - yeah, Dale has to give them notice or something
Jesse - a weeks notice that that they
Commissioner McCown - HOV parking?
Jesse - yes
Commissioner McCown - 6 of them that are vacant today?
Roy - Randy do you have a schedule on Gould's going to come back and address this site?
Randy - I need to get with Haselden - we're talking more like October time
Roy - October - what I'm trying to think is if we can sequence them with us - so if you could do that
Randy - I think Gould also - I think is going to do the City Hall excavation too - I'm not sure.
Chairman Martin - they have the demolition - I haven't seen it - have they opened their bids yet?
Commissioner McCown - is Gould your contractor?
Roy - at this point and time.
Jesse - isn't Gould bring in a crusher in to crush this rock pile out here?
Randy - I need to get with Haselden - I don't know if they're going to bother with that
Commissioner McCown - haul it away I think
Jesse - last I heard a crusher was coming in, but
Randy - that can change on a daily basis

Roy - okay, I think we've got our tasks
Commissioner Stowe - if you guys are comfortable, I'm conformable - that's the main thing
Roy - we'll start putting together our pre- construction schedule and meet with the appropriate bodies
Commissioner McCown - we'll keep everybody's feet on design of the design of the floor space - for the permanent walls and then get that etched in stone so that we can send it off to our modular people - that will give your utility folks an idea of what goes in.
Jesse - yeah, cause you need to size the utilities as well as know where to lay the conduit
Bruce - Larry, what might help there is if prior to the first meeting - like Mildred had mentioned, there's certain things that are requirement of - security or privacy - and you could outline what are requirements and then possibly come in with desires - cause one of the things that we might be able to do, is if you look for a desired tactic, something that Shane and I and Roy have done for a lot of years - is basically, we can accomplish this same thing by - and we can look at alternate ways to accomplish the same thing to see if we can help value engineer some of this - there are some things for instance on windows - if you want glass in a wall, we might say you can in and pay a lot of money for glass, or you take a patio door replacement glass - that's $80 versus if something was an inch different, it might be twice that price - so here's what I need for a function and here's what I would like - and the sizes can vary - if we know that we have lenience - we can come back with some of those engineering ideas. Then you can either take it or leave it - or make it your judgment on your own, so if every department came and said here's what I want - and here's what I need - that would help to sort those two things out up front.
Mildred - I just want Jean to go in there and do it and have it all ready
Bruce - don't feel like that
Roy - do you guys want copies of this stuff
Commissioner Stowe - you just hang onto it, Roy - Mr. DeFord may need a copy if you have copies for him and make sure
Roy - he can have these right now
Commissioner McCown - are we to a point where a weekly meeting needs to happen?
Roy - yes -
Commissioner McCown - I guess I would like Randy and you guys schedule that after we're through here today, but I think we're getting to a point where everything is coordinated and running on the same track - we need to know what each other is doing.
Bruce - I agree

Commissioner McCown - you guys meet and work out a date - coordinate with Randy - sounds like we're getting close enough that we need - and Dale - he needs to be involved.

Courthouse Plaza - Workshop
Jim Leuthueser, Ed Green, Jesse Smith, Randy Withee, Roy Stanek - Partner in S & G Development, Inc., Bruce Shugart - Structural Associates Company; and Shane Evans - Structural Associates Company were present for a discussion on Courthouse Plaza.

Commissioner Stowe - wanted to get everyone together and hopefully it will be productive - you guys are anxious to get started on this project - we are too, but we've got a few T's that need crossed and I's that need dotted - one of the things - I'll go through a gamut of things Bruce, then I'll turn it over to you guys for you to address:

1. the bonding that is going to take 6- 8 weeks for that to come through with the audit and everything - wanted to make sure you are comfortable in pursuing that and the project and everything? - I know you don't normally have to bond on projects
2. Look at potential other schedules if that even makes sense - if we wait until the bond was in place and not even begin construction for 6 - 8 weeks - what will that do to our price? If that's going to make it go too high with winter construction, should we wait and consider doing it in March? realizing cost of construction goes up almost annually regardless of what you do.
3. The other scenario that we think about, was maybe getting started with some of our ground work and some of the construction initially with you guys - and the County contracting with maybe the earth mover or your foundation work people, and then turning those contracts over to you in 6 - 8 weeks; in the meantime you guys would provide the supervision on the site, project coordination and all of that - so that basically it's your project but we don't officially we don't turn it over to you until you performance and payment bond is in place - ideally, we'd like to stay out of this as much as possible - but unfortunately because of the financing arrangements - we have to get a little more involved than we'd like to
4. The other thing, I guess we're waiting on right now - the soils test on the property - hazardous waste etc. and nothing can start until we make sure that we're clear - could take up to 3 weeks.
5. With all that in the gamut, when do you guys prepare to gear up?
6. What do we need to make happen to have you gear up? and/or is this something that's going to fall through the cracks?

I don't want to just keep people dangling - that's why we're here today.

Bruce - we really appreciate that - couple of quick things - the *reason for the bonding duration* is that - we work with Monihan, Lampman and Hayes for 20 years - so their first opportunity is the end of August - duration of 6 - 8 weeks. - a meeting is set up with the bonding company on Thursday - question is are we interested? - Yes we are - absolutely - we've done some City work - a lot of years ago, some City of Rifle work - lot of years ago; we've had bonds - a lot of years ago - getting then isn't going to be an issue - we don't plan on having a full blown audit which could actually take substantial time - they have a reduced audit amount - they do our books on a quarterly basis all the time - do our annuals - this shouldn't be an issue - so yes, the answer is we definitely want to pursue it - that seems to be the best way in light of what we need for financing.
Potential other schedules - I think we can address that - there are reasons not to go there - we'll share what we think could be downfalls - obviously up to the Commissioners to make the decision. But the possibility of
#3 - some initial contracts with the County - we would have an issue and the only issue that you and I talked briefly about - Walt - to make sure that we stay in supervision of this in fact the responsibility lies with us - so, if that's the case, we have no issue with how it gets started - we hands-on right - don't have managers that you never see us again - so the idea is we want to be hands on right from the beginning - we do regardless of who the contracts with if it's assignable - and we know we're doing a project like we would do any of our other projects - we can do a work around from our end. But I do think we should discuss some of the potentials - what schedule delay or rescheduling could do and at least inform you so that you guys can make an informed decision which ever way you want to go.

Roy - we talked about the *environmental phase I* - Walt, we started up on that - and one suggestion I made to your staff last week when we were visiting - was maybe we should use the down time to do that this will cause to a couple of things:

1. Doing your tenant improvement finalized - you guys have some sort of consultant that's working with Mildred and other elected officials on that space - maybe what we can do in this interim time - use that to coordinate with our drawings so that when we get into real construction we have a better grip as to what's going on as far as electrical, mechanical, etc.
2. The other thing is - as I've mentioned in the past - the City seems to think that the current transformer is appropriate for the size building that we're talking about - not knowing what your needs are - again, maybe if we do find out through getting your tenant improvement worked out quicker, if we need to get a bigger transformer - we can get that ordered - because that does take a period of time to get done, okay? So I think although we have a bit of shift in time, it's not a major deal, OK. Now Jesse I know is working on the bonds, etc. and I think we talked about trying to get some sort of a commitment letter - once we know you guys are going to get some money, I think we can move forward - as long as we get a commitment from you guys that you want to do this - so, I don't think we have a problem with that - I do think - I've talked with the City a couple of things we got hammered out - we did get this traffic and site management control plan and traffic control plan - signed off by City, by Structural and by Roy as developer last week - the one thing the City is anxious about doing is getting this thing going - I don't know if you've read in the paper or heard - they're now going to delay 8th street until Spring - that's to accommodate them getting over there and starting up on their City Hall - but the long and short is once they start on 8th Street - the City will not allow them to close Pitkin - they can't - the problem is they get into some fire service and bus service to the schools. They're willing right now to let us close that street as long as we don't close the street and the alley at the same time - I think if we wait until Spring - then we're probably in trouble on that deal. We are approved, that's signed off and done.
3. The other big issue is *Major Permit* signed by City Attorney Teresa Williams and by their development director Andrew McGregor for the project - so that's done - the thing you need to be cautious on is that Courthouse Plaza was originally approved back in 1/7/99 - under their development plan - when you read the fine print you've got 3 years which would take us until Jan. 7, 2002 - if we don't start by January 7 of 02, then you run the risk of going back through the whole drill again. To me, I think I'd take a bird in hand - and whether we start in January or September and October - I'd much rather be digging dirt in September/October. The risk we have is this - the building permit - all their waiting on is a set of drawings from me - I couldn't give them all those - Shane got a set, Randy got a set, and the building department got my other set - so all we have to do is transfer notes from their plan to our plan so we have a a building permit set and we'll have our building permit set - we can have it this afternoon if we want. So, we're ready on the building permits and all that stuff. Don, before he got out of town on Friday, gave me a copy of your Gould Subcontract between Gould and you guys on the Detention Center - I looked through it this weekend, did not discuss it with Bruce and Shane but I said this is an option and again, the idea came about after talking with the bonding company - where again, we could make not only Gould but any of the major subcontractors - the other guy that I'd look at is probably Meyers so we can start up on the shop drawings and that stuff of the steel erection - so what Don kind of talked about doing is having this contract actually go from these subcontractors to S&G Development who would ultimately assign then to County on the purchase date - just like the other agreements we're talking about doing. To me, I think we can use this little bit of a down turn - our timing to our advantage. It doesn't dramatically affect us - but I do think if we waited out until the dead of winter or later, it probably makes things worst.

Bruce - typically what you find is on an annual basis, we've been recognizing about a 12% gain in construction costs - does that mean what we're going to see - no, right now our lumber prices are the lowest they've been in 6 months - just got a chart out on those - it's a good time to buy - if you look at timing -

1) one of the questions you asked Walt was what could we do to help this out - the sequence of events is - in the event that we use Meyers - that we would hire - someone would hire Meyers and get them started as Roy alluded to - they get the shop work started - that is a 2-3 week period - that would take us to the time of final approval - engineer, architect, etc. then order - the steel would be here when we're ready and we could actually reduce the excavation time and actually have our steel ready versus

sometimes you're ahead on the excavation and it's a little bit slower until the steel arrives and you move forward - it's really - I would probably caution this at - if you elect to go forward now, timing is still of the essence because so much could be done to actually shorten the actual disturbance next door and still bring it in the same period of time - I think we could shoot and come in with the same result and not lose - let's say if we lose 30 days today, that wouldn't necessarily reflect 30 days in the Spring - I don't know what it would be until we talk to our subs, but that would be important;

2) Secondly is - some subcontracts are literally tens of thousands of dollars difference in costing - we lose what we called the first qualified subcontractor, automatically, we see a gain - and so that is always a realistic thing whenever you take a different construction period because the first sub may say, now I'm booked - I can't start during this period - you go to sub 2 - and automatically you have a built in gain - so you want to be caution - I would probably say that if we move like we're were trying to start Wednesday morning and really got the things lined up - that we would - we could produce all the schedules, produce all the subcontracts - we could get people on board - get all the shops approved - and we could hit the ground running - get all the infrastructure ready for the covered sidewalks and literally have it here and done versus trying to do when we're trying to move heavy equipment and everything else out of the way - so I think there's obviously some real benefits - that could go either way.

Commissioner Stowe - with us starting and structuring it like that - I guess it seems to me we wouldn't be paying Constructual Associates for the first month or two, Bruce - are you guys comfortable with that? - you'd be doing project supervision but your first billing or drawing request wouldn't come in until your performance and payment bond were on board.
Bruce - sure
Commissioner Stowe - I really hate to say that - I just don't know how we could make that work with the contract in place.
Bruce - I don't think we could bill that - we might look for a letter of intent based on certain criteria being met - then we're both covered but I don't think the County could put itself in a position and say, okay, we're going to pay you regardless
Walt - right
Bruce - that the whole reason we're doing it so you can't be in that position - we have a letter of intent - if we can't perform then it's pretty straight forward.
Walt - okay
Bruce - so that would be okay.
Commissioner McCown - and on the Contracts - the example you had there was Gould - simply because Gould was the low bidder with Haselden and our contract would be with whoever your dirt company is.
Bruce - right.
Larry - and we would just assume that until you guys got on board and it would be immediately transferred back to you.
Bruce - yeah, I think the reference was that - and we haven't seen, as Roy pointed out, the contract - I think the reference was that this one for the dirt work that Gould did in fact have, is an example of what could function in an interim.
Roy - right
Bruce - and so we'd like to take a peek at that.
Larry - until we get phase I of the study - nothing could be done.
Bruce - agreed
Commissioner McCown - I don't think it's even feasible to dig in the dirt.
Roy - no, I agree with that Larry; I don't think any of us want to start doing anything until we know we have a clean phase I - what I'm thinking is - Don's out of town this week, next week he's back for a couple days - then he's gone again - I would think for Don to just physically get the paper work done in the next couple of weeks could be a big challenge too - so I think between Don getting the paperwork done and an environmental Phase I getting done and if we can get some schematic drawings on how you're going to do your tenant improvement work - I think if we could that wrapped up within the next 3 weeks - that plus maybe a commitment on the bond - we'd have a successful 3 weeks.
Commissioner McCown - I know Ed was talking last week about a meeting being scheduled on that - Mildred, with all of the occupants of the building trying to get the design that they want so that we can

incorporate this at the time of construction rather than take a partial CO and then come back and start at ground zero and go again.
Mildred Alsdorf - I haven't talked to Ed or Jesse anymore on it.
Commissioner McCown - I think it was coming up either this week or next week ..
Jesse Smith - no, Ed and I met with Dale and told Dale that he really, in the next 3 weeks, needed to get drawings up and running on the fixed walls - and that's really what you're talking about is only the fixed walls - and then we can get that - the minute we've got those fixed walls in place, then we can shoot it off to Herman Miller and they'll do all the modular layout so that we then know exactly where the utility runs need to be - where the conduit needs in the floors or the ceiling to tie into the modular units - but number one is the fixed walls and Dale was going to try and have that part of it done within the next 2 - 3 weeks.
Mildred - I know he talked to me at one time - Dale did about - what I thought I'd have to have for offices - cause I have to have some fixed offices because of confidentially and security - and I haven't seen anything since - it would be good for me even if I had a floor plan that would say how much ...
Jesse - apparently you saw something that Jefferson County had done?
Mildred - she showed me what she had done in Jefferson County through Reed Miller but that was just real quickly.
Jesse - I think was Dale was wanted to do was to try to determine with each of the elected officials, what fixed walls they would need and then lays those out on drawing so we can get it all to Herman Miller to see what they can come up with some ideas on the modular, then come back and start - so that you have something to actually look at and work from to start refine it and hone it in - it's hard to take a blank sheet of paper and fill it in - it's usually easier to take something that's already there and change it.

Commissioner McCown - can you make sure Dale makes this happens, in that time limit?
Jesse - yes he would.
Commissioner Stowe - the other thing I heard you mention was the Meyers Steel or whoever on the steel - how soon would we have to be getting a drawing to them for their - the sooner the better but that necessitates a requirement - a contract or at least a letter of intent for them to do that sort of engineering stuff - is that something we would need do within the next 2 - 3 weeks - or?
Roy - I would think again, Walt, maybe that's something we can push back until we know we've got the Environmental Phase I.
Commissioner Stowe - that would be my preference at least to make sure we've got a clean site.
Bruce - I don't know enough about what they can give you on the Phase I - some of our past experience on Phase I - we're doing a project now that we had some input on - if they can give you a reading instead of the formal letter - in that they can say we think - we don't see any issues with in and it's going to take 2 weeks to do this letter, etc. - if, at that point, you felt comfortable doing a letter of intent - so that at least - we're not going to give them a call anyway to have them drop everything and start, but at least we'd have it in place, and then I would say, that we would probably get a) your letter from the Environmental Phase I and we would probably be ready to open the books at the same time - what we've done is save 2 - 3 weeks.
Commissioner Stowe - okay
Bruce - so that would be ideal.
Jesse - Don was talking last Friday that he did not see that there was any way we could close on the land earlier than the 15th or 20th of September - that would be the very earliest and he thought that might be questionable. Did he indicate anything to you Jim - more than that?
Jim Leuthueser - I haven't heard a thing.
Jesse - and so, the question would be then, if say we got the fixed wall and modular furniture drawings in place, you've got the steel people started, are you thinking of breaking ground before we close on the land?
Commissioner Stowe - I think that's what I'm hearing here today is we would sign a letter of intent as soon as we got the reasonable assurance on the Phase I and that you guys basically - based on that letter of intent, even before a contract, would start putting your subs or earth movers in place and that - we may have then subcontract with the earth mover or two or three of the major subs until our contract's actually in place with S&G or Structural whoever we're contracting with, but basically construction would be starting in 3 weeks is what I'm hearing - I think that's what I'm hearing.
Roy - what we would do Jesse, is even it a closing got delayed, we'd still be under contract to sell them onto you guys - and I think what my understanding in talking to Don and maybe I interpreted it incorrectly - is I know what we've got right now - there's a lot of lawyers in the mix all of a sudden - there's our attorney's got to review the document - he's was out of town last week, back this week; Don's out of town

this week, back next week - you're talking with your bond attorneys at Sherman & Howard making sure everything's done there - so my understanding is - we'd get it under contract even though we might not physically close on it until mid-September or maybe the end of September - we'd still be under contract to you guys - so at that point and time we'd still be doing our stuff knowing we intend to close, but it would just work in that manner I guess.
Jesse - the last word Don indicated to me of - he did finally reach Alan Matlotz - and indicated that the financing probably will not in place until around the 12th or 13th of October.
Commissioner Stowe - knowing that it's coming, we could use general funds money until then if necessary?
Jesse - cause you've already signed a reimbursement agreement - a Resolution - so we can reimburse general fund - or capital fund.
Bruce - if September - starting construction in September or the last week of August, first billing would be produced by the 10th of October, payable by the 20th of October.
Jesse - financing should be in place.
Roy - cause I think you guys are buying the land and then the fees from general -
Jesse - from capital - then reimburse capital
Roy - capital, then reimbursed - so we shouldn't have a problem.
Commissioner Stowe - looks like there's a little bit of risk for everybody - kind of a shared risk Jesse - the question mark is if something happened in trying to close the land - couldn't close it or - that's the risk that we're looking at
Bruce - so then you see the risk in basically in Phase I Environmental and in closing the land - those are really the two factors
Commissioner Stowe - from our standpoint, we would have to pull back from the deal.
Commissioner McCown - that's the only two that I can think of
Roy - well, we're not going to start any real work until we know we've got the Phase I.
Commissioner McCown - exactly
Roy - and I don't assume we're going to start up any work until we hopefully know you guys are going to get money - which would be both issues covered.
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Chairman Martin - your confidence is leaving you Roy - I just see it happening here - I have no problem as long as we understand what our risks are and they've all been explained - we have a couple of different schedules and events that need to come in place and it will be a successful project.
Commissioner Stowe - would we be ready to begin a contractor with like Meyer Steel and possibly the earth mover - at least Meyer Steel sounds like - can we get an assurance letter from those, on the environmental impact? - not a letter but verbal -
Commissioner McCown - I would like a written letter in a brief form and then let it produce the report.
Commissioner Stowe - but we can go ahead - cause we've got a little exposure there but at least it keeps your construction schedule going from what I understand.
Commissioner McCown - I don't like the idea of waiting till January to start - winter construction is very expensive.
Commissioner Stowe - we relay all of this to Don and he gets to put in whatever verbiage he wants
Chairman Martin - can you make sure we get all our information to Roy from Dale so that those permits - drawings put together.
Commissioner McCown - I would imagine - I'm not familiar with the Gould Contractor - but I imagine its our standard County boiler plate - only the names will be changed to protect the innocent - that would be a very similar contract to what we did with Gould on the jail - just transfer to a different location - and a different contractor if that's ....
Jim Leuthueser - Realistically, that's been the boiler plate and there is good reason - that's probably where it will be coming from.
Commissioner Stowe - it's kind of what we're doing and will be asking you to sign too for our contract with you ultimately.
Roy - that's what Don was alluding to - is a contract with - you guys produce it and then it will be assignable to the County but it's basically right now between Gould and/or Meyers to S&G until you guys takes acquisition of the property and then it's assignable ultimately to Structural.
Commissioner Stowe - to Structural - right
Bruce - and we are working on ways to - with the meeting this week with bonding agent in Jerry Hays in working on ways of shortening our time frame too -I don't want to say we're going to accomplish it but we are working on ways - so this may become a moot point - and we may get there faster than we think.
Chairman Martin - well, let's hope we do.
Commissioner McCown - but I agree, the - even with the 3-week delay, it doesn't have to be wasted time - as long as you guys are clear that it is our intent to move forward and given the two exceptions, I think that Jesse used - purchase of the land falling through and a bad EA.
Bruce - and the 3rd to get our final numbers to you for your approval - with those 3 things, with that, Shane and I in particular are crystal clear and I move forward as if we're on track - but I do want to caution to you - we should use the time as if it's right there upon us cause it'll be most effective.
Commissioner Stowe - we'll look to you guys to do that and probably working with Randy to a degree our County Engineer to coordinate the stuff.
Jesse - if we were to move forward on this schedule, when do you need that lot across the street?
Roy - I think we should do, Jesse - now that we're all here talking about this - maybe what we should do is have a pre-construction schedule where we break down the line items - kind of like we broke down the construction for you -
Jesse - chart them
Roy - yeah, maybe what we need to do is okay, now that we kind of know the perimeter and time we're working in, maybe we should put together a pre-construction schedule and talk with Dale and you guys and make sure we know what's coming on
Jesse - we need coordinate that with Haselden on getting them off the land they're on now.
Chairman Martin - they'll be off
Randy - they're moving the trailer -
Roy - they'll be off - you guys got me that letter last week - Haselden provided a letter
Jesse - I understand there are a couple of small trailers that are going to have to stay somewhere
Randy - they're going to move to our portion - parking next to the building - joint use
Jesse - so that leaves that lot totally free and clear for staging
Randy - right

Jesse - but we do need to get those cars out of there.
Roy - yeah, Dale has to give them notice or something
Jesse - a weeks notice that that they
Commissioner McCown - HOV parking?
Jesse - yes
Commissioner McCown - 6 of them that are vacant today?
Roy - Randy do you have a schedule on Gould's going to come back and address this site?
Randy - I need to get with Haselden - we're talking more like October time
Roy - October - what I'm trying to think is if we can sequence them with us - so if you could do that
Randy - I think Gould also - I think is going to do the City Hall excavation too - I'm not sure.
Chairman Martin - they have the demolition - I haven't seen it - have they opened their bids yet?
Commissioner McCown - is Gould your contractor?
Roy - at this point and time.
Jesse - isn't Gould bring in a crusher in to crush this rock pile out here?
Randy - I need to get with Haselden - I don't know if they're going to bother with that
Commissioner McCown - haul it away I think
Jesse - last I heard a crusher was coming in, but
Randy - that can change on a daily basis

Roy - okay, I think we've got our tasks
Commissioner Stowe - if you guys are comfortable, I'm conformable - that's the main thing
Roy - we'll start putting together our pre- construction schedule and meet with the appropriate bodies
Commissioner McCown - we'll keep everybody's feet on design of the design of the floor space - for the permanent walls and then get that etched in stone so that we can send it off to our modular people - that will give your utility folks an idea of what goes in.
Jesse - yeah, cause you need to size the utilities as well as know where to lay the conduit
Bruce - Larry, what might help there is if prior to the first meeting - like Mildred had mentioned, there's certain things that are requirement of - security or privacy - and you could outline what are requirements and then possibly come in with desires - cause one of the things that we might be able to do, is if you look for a desired tactic, something that Shane and I and Roy have done for a lot of years - is basically, we can accomplish this same thing by - and we can look at alternate ways to accomplish the same thing to see if we can help value engineer some of this - there are some things for instance on windows - if you want glass in a wall, we might say you can in and pay a lot of money for glass, or you take a patio door replacement glass - that's $80 versus if something was an inch different, it might be twice that price - so here's what I need for a function and here's what I would like - and the sizes can vary - if we know that we have lenience - we can come back with some of those engineering ideas. Then you can either take it or leave it - or make it your judgment on your own, so if every department came and said here's what I want - and here's what I need - that would help to sort those two things out up front.
Mildred - I just want Jean to go in there and do it and have it all ready
Bruce - don't feel like that
Roy - do you guys want copies of this stuff
Commissioner Stowe - you just hang onto it, Roy - Mr. DeFord may need a copy if you have copies for him and make sure
Roy - he can have these right now
Commissioner McCown - are we to a point where a weekly meeting needs to happen?
Roy - yes -
Commissioner McCown - I guess I would like Randy and you guys schedule that after we're through here today, but I think we're getting to a point where everything is coordinated and running on the same track - we need to know what each other is doing.
Bruce - I agree
Commissioner McCown - you guys meet and work out a date - coordinate with Randy - sounds like we're getting close enough that we need - and Dale - he needs to be involved.

JULY 31, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 11:00 A.M. on Monday, July 30, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Attorney Don DeFord, County Manager Ed Green, Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 11:00 A.M.

Announcements

- ***Request by Library Board - Meeting Wednesday 9:30 A.M.***

Chairman Martin said they had a request by Jaci Sphuler to meet with the Board on Wednesday. A time was set for 9:30 a.m.

- Open House August 23, 2001 - 9:30 A.M.

  Mildred mentioned she was considering having an open house for the new Clerk's Office in Rifle after the Employees Breakfast.

  Commissioner McCown mentioned having signage on the Henry Building - he suggested Mildred to get in touch with Bob King in Rifle.

- ***Appointment of Assessor***

Discussion was held with respect to the appointment of Assessor due to the retirement of Steve Rippy. The board mentioned they had several letters of recommendation to appoint Shannon Hurst including one from Steve Rippy who supported her being named County Assessor as well.

A motion was made by Commissioner McCown to place the name of Shannon Hurst, Deputy County Assessor as the new County Assessor effective August 1 until January 2003 and to authorize the Chair to sign the Resolution. Commissioner Stowe seconded. Motion carried.

Mildred Alsdorf was asked to administer the Oath of Office to Shannon Hurst on Wednesday, August 1, 2001 at 10:45 A.M.

Commissioner McCown thanked Shannon and her staff for the hard work in keeping the protests to have 17 appeals - it is a credit to all of the folks in the Assessor's office and said he is looking forward to the same for next year as well.

Commissioner Stowe commented that last year there was nothing - this year 17 - and over the last 5 years - the protests have been extremely low compared to the other years.

Bond

Don advised Mildred that the Bond for Shannon was to be not less than $6,000.

Shannon thanked the Commissioners for the opportunity afforded to her and thanked the staff for being supportive.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess from the Board of County Commissioners until Wednesday morning for Board of Equalization Hearing; motion carried.

Attest: Chairman of the Board

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AUGUST 1, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 1:30 P.M. on Wednesday, August 1, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Attorney Don DeFord, County Manager Ed Green, Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:30 P.M.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to resume as the Board of County Commissioners. Motion carried.

FOUR MILE RANCH - FOUR MILE ROAD - DEBRI FLOOD
Tom Russell, Marvin Stevens, Jeff Nelson, Lori Massender and her husband were present.
A monsoon thunderstorm mobilized dirt in the road construction project along Four Mile Road Tuesday that sent mud, rocks and debris into yards along CR 116 and CR 117.
Discussion was held.
Tom Russell handed out a document that discussed erosion control during construction of the Four Mile Ranch - CR 117 Improvements. In discussing who would be responsible for the mud and damage, as assessment was made that erosion control should have been installed prior to this happening. Tom said some of the culvert was being installed, but it wasn't completed. The erosion devices would have minimized some of the damage. The water missed the culvert and went onto the driveway of the Massenders. The contractor did what he could as soon as possible with such a mass amount of water coming down.
Ty Truelove and David Rippy, co-owners of DRT2 joined the discussion.
David said they did have erosion control but this was a 50 year flood event and didn't feel that this should be pointed to them. It started at Bershanyi's and came on down. Everyone participated in doing what they could. The blame was placed on DRT2 and they didn't feel this was fair.
Tom Russell visited the site and didn't notice any erosion control in place.
Ty said there were some straw and hay bales going into the lower section below where the 18" culvert was located - the old erosion control was put in by the former contractor.
Commissioner McCown - alluded to condition No. 6 - "erosion control will be inspected prior to construction."
Tom stated that the discussion regarding erosion control did take place with the contractor on erosion control.
The Board felt that the responsibility was still with DRT2.
David Rippy said they will do what the Engineer tells them to do.
Tom said the County Engineer will inspect and Tom will also.
Lori Massender - DRT2 did respond very quickly.
Jeff Nelson - working on long term strategy erosion control with High County Engineering. Construction is to piggyback this project.
David Rippy said the City is doing the roundabout and working jointly with the County to complete this before winter.
Lori Massender mentioned they have to back out of the driveway which is into a lot of traffic - they plan to built an addition to their home and perhaps they should create another drive from CR 116. At present the driveway drops and comes into the yard. He is open to some suggestions.
Chairman Martin encouraged her to speak with Tom Russell for suggestions.

Heather McGregor requested sand bags on the Christner's property in case there is another flood to keep the water and mud out of her yard.
Chairman Martin - agreed that something needed to be done and between DRT2, the City of Glenwood Springs and the County they will work together to find a solution. He directed Lori Massander to go through the developers via David Rippy of DRT2.
The Massender's said some compensation is needed but it is minimal. They were really lucky and thanked the guys for coming on scene as quickly as possible.
The Commissioners thanked David Rippy for his prompt assistance.
Additional discussion was held with David Rippy regarding the location of the wall - the wall is not consistent to the location - 2' closer than what the design shows.
Jeff Nelson said that apparently Randy Withee approved it before he left on vacation
Commissioner McCown - wanted someone out there inspecting the job regularly and making sure that construction meets with the Board's approval.
Tom Russell pointed out that in Condition No. 9 of the Board's Resolution for approval of the Four Mile Development that "changes will be submitted in writing, reviewed and approved." This is frustrating to Tom - they can't change things.
Jeff Nelson said it called for a 2 to 1 ditch slope - now it's at 5 - 1.
Don DeFord reminded everyone that the contract to build is pursuant to plans and certification - it is up to the Board as to whether or not the present situation with the wall is okay.
Commissioner McCown hesitated to do anything at this point - if Randy has approved it and the Board intervenes and tell the contractor something different.
Tom Russell said that the point person was Randy as of two-weeks ago. Yesterday the wall was not in place and Randy requires changes in writing. Location of the wall was not pointed out in that conversation. Jeff had conversations with the contractor as well and he tried calling Randy.
Commissioner McCown said the next step is to contact Joselyn Wood - Leavenworth & Tester and inform her of what is going on.
Don - yes if you want to built it to your specifications. What is going up is not what was designed.
Tom - the problem is they will only have 2-feet versus the 4-foot area designed to provide a place to move the snow.
The Board agreed that an extra 2-feet will be nice for snow storage, however, the goal was to see the road paved before winter.
Chairman Martin - specifically thought the County should proceed with the 2-feet less than planned and allow it to be paved. Joe Hope of High Country Engineering has to certify the work that it was according to plan build specification - he won't be able to sign that it was.
Don - if the Board lets it go along - it will make it more difficult - the Board needs to decide how much is that 2-feet worth?
Annexing issues would not be affected - the City will have to accept what is in place and advise Joselyn Wood; it is ultimately the County's responsibility and liability - understands there are three projects underway, however, impromptu decision in absence of the whole crew should not be made - the information must be disseminated - the County needs to tighten things up and will notify Joselyn Wood of what is happening - it is not being done as to specifications.

Red Canyon Road - Mud Slide - Road
Tom Russell advised the Board that Red Canyon Road was hit with a mud slide during the same rain storm - Road and Bridged closed Red Canyon Road - met with Guy Meyer who has contacted Colorado Engineers - they will be sending a rock fall specialists to evaluate - Tom recommended to have it stay closed.
Motion
Commissioner McCown made a motion and Commissioner Stowe seconded to close Red Canyon Road, CR 115 for 90 days due to the rock fall situation and to publish notification in the newspaper.
The Board directed Tom Russell to notify them of the evaluation by the Colorado Engineers with respect to additional possibilities of rocks falling onto Red Canyon.
Motion carried.
LIBRARY DIRECTOR AND LIBRARY BOARD - DISCUSSION
Jaci Sphuler and Chuck Dixon - President of the Library Board were present.

Jaci expressed the concerns that she and the Library Board were having with this year's budget projections. She indicated the problems were with increased growth and circulation, increase in health insurance, and staff levels too low - burn out among staff - resulting in turnover. She said they need more money for the library - would like to get the full one-quarter percent.
Discussion was held with respect to how much the full one-quarter percent would mean in terms of dollars and if Jaci felt the Library would become self-sufficient if the Board was at some time to give them the full quarter percent - would it be enough for books, buildings, - would that be a long range fix?
Jaci - said she hope that given the use of that capital - above the 5.5% revenue - the Library could be able to roll funds into a capital expenditure account. They would have to work with Jesse to determine if these funds would meet their goals.
Commissioner Stowe added that if the Board did allocated the full one-quarter percent and if they were to have a major event - and try to come back to the Board for additional funds - the Board would be reluctant to bail them out - therefore he would hope they build a long term plan to carry on that responsibility.
Commissioner McCown agreed with Commissioner Stowe - should there be the additional - 1/4 cent, a possible $160,000 more in funds - and if this was absorbed in books and staff - but the roof is leaking and they need the BOCC to be receptive - this could be a problem.
Jaci - wouldn’t expect them to be - they need to do business and would develop a long range plan. The unexpected bat removal of 150 bats cost $2700.
Discussion continued as to some future possibilities and options.
Commissioner McCown - with six libraries in the County which require the Towns action to close them - suggested Jaci discuss library needs jointly with the schools.
Jaci said she would rather have the school incorporate with the library; and if they were to combine the Silt and New Castle libraries would be an issue - the State library has asked them to look at services as opposed to buildings.
Chuck Dixon- said the library wants to do all the things the Board wants them to do - they need a commitment from the Board - need some clarification as to who is going to be owners, control of maintenance - need to clarify the entire situation.
Commissioner Stowe suggested that he would like to have the Library have enough funds - let the Board take over the buildings - do a 20 year plan to see if the funds will mesh - take a look at the long term and let them know what the outcomes shows.
Commissioner McCown said he was leaning personally to give them the full one-quarter percent and let them operate - those funds however where this is derived is on an economy driven basis.
Commissioner Stowe added that he would ask them to do soul searching and come back and tell us - some assurance that this will solve the problem over a long range plan of 20 years where they won’t have to worry about staff - set up some things with the Library Foundation and Friends of the Library for donations, etc.
Commissioner McCown reiterated that he was very serious in suggesting Jaci go to the school district and discuss some options - both are currently spending on two facilities - can we incorporate this amount of floor space - may be the world of the future.
Jaci and Chuck said they would work with Jesse, go back to the Board and let the Board know their findings.

Employee of the Month Breakfast
Reports of attendance were very low and after a discussion, the Board suggested that the Employee of the Month do a survey of what the employees were wanting, make it a "come or be docked pay event" or else the event wasn't accomplishing what it was intended to do and plan something in September.

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

Attest: Chairman of the Board

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AUGUST 6, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 6, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Darrell Bond was present with regard to a split involving a four acre parcel that he wanted to divide into two parcels. There is already two houses on the four acres.
Chairman Martin summarized - the request is to grandfather the acres in - there was a rule change that has messed up his plans.
Mark Bean - the staff's position - Darrell's sketch plan was approved in 1997; in the interim time there was a vacation of the County's right-of-way - the Board adopted the new regulations and his plan to split his property fell out of time line. He suggested to the Board that is they wanted to grant him to proceed with his original preliminary plan submittal, they could do so under extenuating circumstances.
Motion
Commissioner McCown made a motion and Commissioner Stowe seconded to allow Darrell Bond to proceed with the preliminary plan submittal due to extenuating circumstances; motion carried.
COUNTY MANAGER UPDATE: ED GREEN

Ed Green gave his update that included the following:

Employee of the Month - Randy Withee - County Engineer

Randy was recognized for his hard work and dedication - among other praises, Ed said his coworker says "Randy has always put the County first in all of his projects - he is also willing to go the extra mile or extra hour."

Randy was hired to be in charge of overseeing the jail - Ed said he is the reason we have a successful Detention Center - staff singled him out for recognition.

2001 County Objectives Update

Ed presented the objectives with a June 1st update - and explained those that were completed and the progress on the others. The Detention Center is on track at this juncture - the jail CO is expected by the end of September. Three objectives are complete and the others are on track. Goal No. 14 has changed - the plans are to consummate contracts for Courthouse Plaza and they are still working on relocating Public Health & Healthy Beginnings.

a. Sheriff: Computer Update

Tom Dalessandri, Tim Arnett, Les Beckman, Ray Smith and Jane Lopez representatives from Gateway were present.

The Board has asked them to come back once Tom refined the budget and Tim was to meet with Gateway.

Tom stated they have $8,000 in savings over the previous bids thanks to Tim working with Gateway so now this is $16,000 less than projected.

An overall budget request for the computers was at $54,000 - now it's $37,500 - considerable savings with Gateway. $7,000 worth of Desktop Publishing assistance in the regular budget. Tom said he was at $19,000 - this also covers the move.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase and installation - $32,700 - to come out of contingency when it is needed. Motion carried.

b. Airport - Kenny Maenpa

i. *FAA Grant Agreement* - Snow Removal Equipment - Ken stated he has $150,000 grant agreement for the purchase of the snow removal equipment. Carolyn Dalghren has reviewed it and he is requesting that the Board approve the contract.

Commissioner Stowe moved to approve the contract; Commissioner McCown seconded; motion carried.

ii. *Fuel Sales Update* - compared with last year's fuel sales - this year is holding 24,000 gallons total fuel sales - a tend of an increase of almost 10%.

iii. *Ramp Seal coat Update*

Ken stated they are in the process of completing their slurry seal project - it will extend the runway for another 5 - 6 years.

iv. Balloon Launch - 2nd Annual Balloon Launch and Open House at the Airport on September 15 - 16, 2001 starting at 7 a.m. - hoping to have 20 launched this year. The launch will be from 7:00 to 9:00 A.M. There will be a lot of attractions for kids and a nonprofit booth with eight different stations to attract kids - then a barbecue in the afternoon.

c. Road and Bridge - Road Closure - County Road 115/Red Canyon Road This action was taken by the Board at the August 1, 2001 Board of Equalization hearings under the Board of County Commissioners - Road and Bridge has issued a temporary closure due to the mud slide and rocks in the roadway - also for fear of additional rock fall that was caused by the rain storm had loosened a lot of rocks - barricades were put up - a rock fall specialist is coming on site in 2 weeks to do an inspection. Notification of the closure - Dale submitted a News Release - this is for a temporary closure for 90 days.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close CR 115/Red Canyon Road for a not to exceed 90 days; motion carried.

d. Road and Bridge - Temporary Road Closure - County Road 154 at Rose Ranch

Tom said he was approached the Board for a temporary road closure during construction on CR 154 at Rose Ranch and would like to have it closed until September 21, 2001 due to work being done by C-DOT on Hwy. 82 and improvements to CR 154.

Motion

Commissioner McCown made a motion to grant the request for closure of CR 154 for construction improvements until September 21, 2001. Commissioner Stowe seconded.

Discussion was held regarding the damage to Hwy. 82 when a huge rock fell bouncing across the northbound lane onto the southbound lane hit and continued onto the old Hwy. 82, fell into brush and finally into the river.

Motion carried.

e. Callicotte Road County Road 103

Ed said a request was forwarded to him from a real estate firm for vacation of a portion of right of way on private property - Callicotte Road - CR 103.

Fred Pattison of 906 Cooper Avenue #4 Glenwood Springs was present and submitted a map showing the location - he said he would prefer his property that's affected be given back to him.

Don stated this needs to be set for a public hearing and will require notification of property owners.

f. Extend Taughenbaugh Road - CR 320

Ed presented - Gold Star Reality has offered to sell the .09 acres to allow the County to extend Taughenbaugh Road - the County will bear the cost of the deed work.

Commissioner McCown was in favor of moving forward.

Ed will proceed and talk to Don to consummate the deal - this straightens the intersection - there are several acres that need to be obtained - this is just a start of putting the pieces together.

COUNTY ATTORNEY UPDATE: CAROLYN DALGHREN

Carolyn stated that Don DeFord was on vacation - nothing to report.
COMMISSIONER REPORTS

Commissioner McCown - County Fair Week - he'll be a judge for the 4H livestock, parade Sat. am. - judging the cookie jar on Friday.
Commissioner Stowe - Upper Valley Governments; Wednesday through Sunday attending the Kiwanis Convention in Washington, DC Ed Green will be filling in for him at the cookie jar at 12:30 P.M. Friday.
Chairman Martin - Tuesday - McInnis in Grand Junction speaking on redistricting to keep the western portion of Colorado in the same district. Thursday at Strawberry Park 6 P.M. until 8:00 P.M. National Night Out; CCI - Public Lands 12 to 1:30 P.M. Thursday. - Cookie Jar, County Fair on Friday; Oil and Gas on Wednesday; Republican Meeting - Red Stone Stables, Saturday August 18. Open lands, taxation, Human Services - CCI - August 17- 9:00 A.M. Denver; August 24 - 9:00 A.M. C-DOT and Carbondale proposal on Hwy. 133 and how it affects Garfield County.

Ed Green - New Castle - Wednesday Growth Grant to submit to DOLA and August 15th - 9:00 A.M. - District Road Graders Competition - Fairgrounds.

Resolution Urging the Continuance of the Western Slope as a Single Congressional District
Commissioner Stowe made a motion to authorize the Chair to sign said Resolution. Commissioner McCown seconded. Motion carried.
CONSENT AGENDA

i. Approve Bills
ii. Amended SIA #5 Four Mile Ranch - Joselyn Wood - not able to get into writing - it’s forthcoming - rescheduled - Continued until August 13, 2001.
iii. Partial Release of Security Four Mile Ranch. This was rescheduled for August 13, 2001.
iv. Sign Resolution of approval concerning the Diamanti Special Use Permit
v. Sign Resolution of approval concerning the Klein Zone District Map Amendment
vi. Approval of Extension for technical compliance review - Lake Springs Ranch, PUD, Preliminary Plan

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - f with d & e already done and eliminate b as it was rescheduled. Motion carried.
County Road 103 - Petition to Vacate
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set the date for a Public Hearing on the petition to vacate a portion of CR 103 - Callicotte Road for September 4, 2001 11:00 A.M. Motion carried.
REGULAR AGENDA

PROPOSED JUNK and WEED ORDINANCE - COLORADO STATUTES - SECTION 30-15-401
Steve Hackett and Mark Bean were present and submitted a draft Ordinance for the Board's - a Blight Ordinance under Section 30-15-401 of the regulations.
The draft ordinance defines junk as "parts of machinery or motor vehicles, inoperable vehicles whether on private property or county public right of way, unused stoves or appliances stored in open, boxes, barrels, remnants of wood, metal, plastic, rubber, including discarded tires, construction materials not intended for immediate use on the property, dilapidated signs, fences or retaining walls, or any other material or other castoff material of any kind, whether or not the same could be put to any reasonable use." It also includes any dilapidated buildings that are unused by the owner or that are uninhabited because of deterioration or decay. Under the terms of the ordinance, the county would send a violation notice to the landowner.
Steve told the Board that the county has a law on the books that prohibits illegal salvage yards and would apply to the properties he illustrated, however such enforcement actions have not held up in court.
Steve submitted photos of some of the complaints - he said he has had more than 20 so far.

Mark Bean stated that he believes the Ordinance would be upheld in court - it has been tested before and they used Adams County's Ordinance as an example.
Steve also stressed to the Board how junk creates an impact on the adjacent property owners. He requested support from the Board in order to deal with the complaints.
Steve submitted photos depicting eight properties that would be subject immediately to this proposed ordinance - These are just some examples to support the County implementing an Ordinance - this was written verbatim with the Colorado Revised Statutes to enact this kind of an Ordinance.
Mark said the Ordinance includes a 30-day compliance period; then the landowner would be subject to a $100 fine and 10 days in jail for every day of violation. The matter would also have to be considered in a public meeting before the Commissioners. The Board would set a date for a Public Meeting - the owner would be sent a letter of information - the Board would consider the issues and at that hearing, a determination would be made as to whether to move forward with legal action.
Steve stated that it is an ordinance that has been tested and stronger than the regulations on junk yards.
Commissioner Stowe - asked how the County would handle the property if they didn't comply - hire someone to clean it up?
Mark said if the owner does not comply with the an order to clean up the mess, the property would be subject to a tax lien and ultimately a tax sale by the county.
Jim Leuthueser stated that the proposed draft ordinance tracks the Statute verbatim - the Ordinance would requiring 1st and 2nd readings - then set a Public Hearing.
Commissioner McCown was concerned that this might turn into an increase in manpower to enforce the code and it could also be misused by a neighbor as an excuse to harass. He said when this becomes public, the Commissioners will be hearing from every neighbor who sees something on their neighbor's property they don't like.
Steve said that perhaps more complaints are likely to come in when the ordinance is first enacted, but he didn't anticipate any problems. He said when he makes a first visit to see what the violation is, many times it can be resolved without any further action. He justified his experience in handling squabbling neighbors who use code enforcement to further their cause, but these can frequently be short-circuited. This year already he has reports of 100 code violations; 95% complied and none of those have been before the Board this year. This ordinance gives him the tools and legal authority to proceed and no longer having to bluff. It shows the penalties, etc.
Mark Bean agreed with Steve that he doesn't feel this will requires additional staff - it is part of Steve's activities already. In worst cast scenarios, it will mean more work by Steve - but Steve is set in his procedures and does not feel this is a problem.
Mitch Huer referred to the Covenants in his subdivision - there is nothing they can do - there are three residents that have violations that this ordinance would cover. He stressed that his property value is down and encouraged the Board to consider the language proposed in the draft.
Discussion
The Board was in favor of moving forward on hearing the ordinance at 1st and 2nd reading and then hold a public hearing. They wanted to have the County Attorney review it before the readings were scheduled. Mark and Steve agreed that they need a month to allow staff to fine tune the draft.
Motion
Commissioner Stowe made a motion to move forward that including fine-tuning by the Building and Planning Department making sure the County Attorney has an opportunity to review the proposed language before setting this for 1st reading. Motion carried.

DISCUSSION ON COMMUNITY DISASTER - RENAE BROWN
Renae Brown, Division Director of Colorado West Mental Health discussed with the Board the fact that emergency plans need to have emphasis on human service demands. She said we are at the point where we're moving beyond just the environmental aspects of a disasters to sociological events with social ramifications. She asked that the Board and community leaders take a community perspective and develop a response for disasters such as "what could have been done better."
Renae suggested a task group to look at where the agencies are - involves municipalities, county, sheriff, police, etc. She suggested the emergency plans need to be reviewed and revamped - she's been talking to some of the municipalities - she is working with Guy, developing a list of resources so central command will have process and agencies possibly needed. Guy can help by each agency realizing how the disaster

plan would work. Picking up the pieces and assisting them to put their lives back together. Especially when it is mostly Spanish speaking population.
Ed - this has been an eye-opening - Guy is faced with trying to blend all these resources together when they don't have to work together.
Renae - other emergency response coordinators - Pitkin, Eagle and Mesa County.
Guy spend 7 years capability and capacities plan with all agencies - thought it was up and running - last couple years - ability with our department heads - county look countywide. To activate the activities, must be a request.
Chairman Martin - City of Rifle is requesting the same thing.
Renae - said this incident has been a motivation - hopes the County will re-invite the municipalities to get involved.
Ed - mentioned the County hosted two training's - Boulder in the Jon Benet Murder and Columbine School - didn't do anything as a catalyst to initiate change. There is an Emergency Disaster Exercise coming up in two weeks - the Board asked Renae to participate.
Renae said Colorado West Mental Health is currently working with the families - primary victims - witnesses to the shootings - everyone is different as to how they will respond. The Bilingual issues was a major piece.
The Board thanked Renae for being involved.
BUILDING & PLANNING ISSUES:

PUBLIC MEETINGS - REQUEST FOR EXEMPTION FROM THE RULES OF SUBDIVISION. LOCATION: 5597 COUNTY ROAD 211. APPLICANT: NORMAN AND VIRGINIA HUNT

Jim Leuthueser, Attorney John Savage, Norman and Virginia Hunt were present.
Jim verified the noticing requirements with John Savage, and advised the Board they were entitled to proceed.
Mark - This is a request for exemption from the Rules of Subdivision. This is a discretionary item for the Board. The plan is to divide the property (77 acres), roughly along all these easements, into five (5) single family residential lots ranging in size from eleven (11) to twenty-four (24) acres. Mark read into the record Section 8.52 of the Garfield County Subdivision Regulations. He said that after careful examination of the application, staff believes it is very clear that the property does not qualify for more than one split (as long as it occurs along the Silt Pump Canal right of way) by exemption. However, the Hunts requested to proceed with the application regardless of staff's position. They believe the property does indeed qualify for five exemption lots.
The Hunts purchased the property from Spauldings in 1977 at which time he conveyed 80 acres to Hunt.
Mark continued reviewing the relationship to the Comprehensive Plan, the Description of the Proposal, referrals, major issues and concerns, staff recommended findings and recommendation.
Recommendation:
Staff recommends Approval of the request for exemption, with the following conditions:

1. 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.
2. A Final Exemption Plat shall be submitted indicating a single property split into two lots. The split shall occur along the Silt Pump Canal right of way. The plat shall include the legal description of the property, dimension and area of the proposed lots, minimum 25 foot wide access to public fight-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;
3. That the applicant shall have 120 days (until 12/04/01) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with;
6. A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing.
7. Prior to approval of the exemption plat, the applicants shall submit evidence of the following:
    1. That a four 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 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 no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day

6. If the well is to be shared, a legal, well sharing declaration which discussed all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;

7. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

8. Permits will be obtained from the Road and Bridge Department for all new accesses onto any County Road.

9. That the following plat notes shall appear of the Final Exemption Plat;

"One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Any new buildings shall avoid areas of natural drainage. Natural drainage shall be preserved to the maximum extent possible."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

John Savage - It’s the Hunt’s position that it was two parcels and deeded it to themselves in 1996. He continued to review the Hunt’s position to support that in 1971 there were two parcels - 41 west and 80 east of CR 260 and that each portion to the east and west of the road can be split into four lots.

Mark Bean said it has been county practice - a county road (not deeded) or right-of-way is not considered a public road and does not constitute a split. When multiple pieces - they consider it to be one piece of property.

The property in question is in a single deed and has been addressed prior to 1977 when it was split off - the standard in approving or denying the exemption process.

John - there is a chain of title - it was broken up and later put together.

Mark - when they merged them back together in 1965 it was by one deed even though they are described as two separate parcels.

Commissioner McCown referenced Dry Hollow where there was a similar situation where certain parcels were put together into a large parcel and separated again.
Motion
Commissioner McCown made a motion to grant the request for exemption from the rules of subdivision with the recommendations of staff in view of the taking part and putting back the parcels and the severance of a prescriptive use road that all 5 parcels be granted in the exemption with the conditions applying, Commissioner Stowe seconded.
Discussion
Commissioner Stowe said he was concerned to setting a precedent - he was concerned with past practices.
Mark mentioned that Dry Hollow was a difference in that they were allowed to split off a parcel by the right of way only - that was the only thing they got the exemption on.
Commissioner McCown - the part and parcel and then they can come back for other splits - that does not count towards their split.
Mark said they had used up the other exemptions on other pieces of property - that was the only split they were qualified for at that time.
Commissioner McCown said his motion stands.
Chairman Martin reviewed the motion to allow 5 splits - 5 pieces through exemption - finding that the prescriptive right of way is more or less a roadway that your saying causes a physical separation.
Commissioner McCown - in the testimony and evidence as presented that the parcels are truly listed as two separate parcels in the transfer of title even though they are under one deed.
Motion carried.

PUBLIC HEARING: REQUEST FOR FLOODPLAIN SPECIAL USE PERMIT TO ALLOW FOR THE PLACEMENT OF A MANUFACTURED HOME IN A FLOODWAY. LOCATION: RIFLE VILLAGE SOUTH - SHOTGUN STREET. APPLICANT: RON VAN METER

Jim Leuthueser, Mark Bean, Ron Van Meter, Rick and Lynn Erisen of Rifle Premier Homes were present.
Jim reviewed the notification requirement and returned receipts of property owners within 200 feet of the applicant; and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark submitted the following exhibits: Exhibit A - Proof of Publication;
Exhibit B - Returned Receipts; Exhibit C - Application with Attachments; Exhibit D - Project Information and Staff Report; and Exhibit E - Garfield County Zoning Resolution of 1978 as amended.
Chairman Martin entered Exhibits A - E into the record.
Mark Bean - This is a request for a Floodplain Special Use Permit to allow for the placement of a Manufactured Home in a flood way on a parcel of land located in Rifle Village South Subdivision. He reviewed the relationship to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns, Suggested Findings, and Recommendation.
Recommendation:
Staff recommends Approval of the Special Use Permit based on the following conditions:
1. 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.
2. 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. The Board of county Commissioners could grant an extension.
3. The lowest floor of any habitable portion of any proposed structures is to be constructed one (1) foot above the maximum water surface elevation of the 100 year flood event. Prior to the 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.
4. That all construction will also be consistent with the recommendations of Geotechnical Engineering, Inc. That the engineer verifies that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.
5. That the applicant shall provide a letter of service from the Rifle Fire District.
6. A letter from a Colorado Engineer is required that states the foundation will withstand hydraulic impacts of flooding.

The previous owner's plans for the lot were canceled. Ron purchased the property and added a garage in his request for the special use permit.
Jim Leuthueser suggested two separate motions and two separate Resolutions.
Motions
Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a floodplain Special Use Permit for Ron Van Meter on Lot 8 Block 7 with all the conditions recommended by staff. Motion carried.
REQUEST FOR FLOODPLAIN SPECIAL USE PERMIT TO ALLOW FOR THE PLACEMENT OF A MANUFACTURED HOME AND GARAGE IN A FLOODWAY. LOCATION - RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: DOUG & LOU WHITE

Jim Leuthueser, Mark Bean, and Doug White were present.
Jim reviewed the noticing requirements and advised the Commissioners the were entitled to proceed.
Chairman Martin swore in the speakers.
Chairman Martin entered Exhibits A - E into the record.

Mark - This is a request for a floodplain special use permit to allow for the placement of a manufactured home and garage in a flood way located in Rifle Village South Subdivision. The applicant is requesting to place this modular in an established subdivision.

Mark reviewed the relationship to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns, Suggested Findings, and Recommendation.
Recommendation:
Staff recommends Approval of the Special Use Permit based on the following conditions:
1. 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.
2. 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. The Board of county Commissioners could grant an extension.
3. The lowest floor of any habitable portion of any proposed structures is to be constructed one (1) foot above the maximum water surface elevation of the 100 year flood event. Prior to the 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.
4. That all construction will also be consistent with the recommendations of Geotechnical Engineering, Inc. That the engineer verifies that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.
5. That the applicant shall provide a letter of service from the Rifle Fire District.
6. A letter from a Colorado Engineer is required that states the foundation will withstand hydraulic impacts of flooding.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Floodplain Special Use Permit to allow for placement of a Manufactured Home with garage for Doug and Lou White with all the recommendations made by staff. Motion carried.

SOCIAL SERVICES - Workshop - CCI - Denver - Allocation of Child Support
Chairman Martin submitted a request for a Commissioner to participate in a Workshop regarding Allocation of Child Support - Denver, CCI Headquarters.
Chairman Martin noted that a Proxy was not given to Margaret this year, therefore it would require a Commissioner to attend.
Commissioner Stowe - requested additional information before he would make a commitment.

Courthouse Plaza - Workshop

AUGUST 6, 2001

Courthouse Plaza - Workshop
Jim Leuthueser, Ed Green, Jesse Smith, Randy Withee, Roy Stanek - Partner in S & G Development, Inc., Bruce Shugart - Structural Associates Company; and Shane Evans - Structural Associates Company were present for a discussion on Courthouse Plaza.

Commissioner Stowe - wanted to get everyone together and hopefully it will be productive - you guys are anxious to get started on this project - we are too, but we've got a few T's that need crossed and I's that need dotted - one of the things - I'll go through a gamut of things Bruce, then I'll turn it over to you guys for you to address:

1. the bonding that is going to take 6- 8 weeks for that to come through with the audit and everything - wanted to make sure you are comfortable in pursuing that and the project and everything? - I know you don't normally have to bond on projects
2. Look at potential other schedules if that even makes sense - if we wait until the bond was in place and not even begin construction for 6 - 8 weeks - what will that do to our price? If that's going to make it go too high with winter construction, should we wait and consider doing it in March? realizing cost of construction goes up almost annually regardless of what you do.
3. The other scenario that we think about, was maybe getting started with some of our ground work and some of the construction initially with you guys - and the County contracting with maybe the earth mover or your foundation work people, and then turning those contracts over to you in 6 - 8 weeks; in the meantime you guys would provide the supervision on the site, project coordination and all of that - so that basically it's your project but we don't officially we don't turn it over to you until you performance and payment bond is in place - ideally, we'd like to stay out of this as much as possible - but unfortunately because of the financing arrangements - we have to get a little more involved than we'd like to
4. The other thing, I guess we're waiting on right now - the soils test on the property - hazardous waste etc. and nothing can start until we make sure that we're clear - could take up to 3 weeks.
5. With all that in the gamut, when do you guys prepare to gear up?
6. What do we need to make happen to have you gear up? and/or is this something that's going to fall through the cracks?

I don't want to just keep people dangling - that's why we're here today.

Bruce - we really appreciate that - couple of quick things - the *reason for the bonding duration* is that - we work with Monihan, Lampman and Hayes for 20 years - so their first opportunity is the end of August - duration of 6 - 8 weeks. - a meeting is set up with the bonding company on Thursday - question is are we interested? - Yes we are - absolutely - we've done some City work - a lot of years ago, some City of Rifle work - lot of years ago; we've had bonds - a lot of years ago - getting them isn't going to be an issue - we don't plan on having a full blown audit which could actually take substantial time - they have a reduced audit amount - they do our books on a quarterly basis all the time - do our annuals - this shouldn't be an issue - so yes, the answer is we definitely want to pursue it - that seems to be the best way in light of what we need for financing.
Potential other schedules - I think we can address that - there are reasons not to go there - we'll share what we think could be downfalls - obviously up to the Commissioners to make the decision. But the possibility of
#3 - some initial contracts with the County - we would have an issue and the only issue that you and I talked briefly about - Walt - to make sure that we stay in supervision of this in fact the responsibility lies with us - so, if that's the case, we have no issue with how it gets started - we hands-on right - don't have managers that you never see us again - so the idea is we want to be hands on right from the beginning - we do regardless of who the contracts with if it's assignable - and we know we're doing a project like we would do any of our other projects - we can do a work around from our end. But I do think we should discuss some of the potentials - what schedule delay or rescheduling could do and at least inform you so that you guys can make an informed decision which ever way you want to go.

Roy - we talked about the *environmental phase I* - Walt, we started up on that - and one suggestion I made to your staff last week when we were visiting - was maybe we should use the down time to do that this will cause to a couple of things:

1. Doing your tenant improvement finalized - you guys have some sort of consultant that's working with Mildred and other elected officials on that space - maybe what we can do in this interim time - use that to coordinate with our drawings so that when we get into real construction we have a better grip as to what's going on as far as electrical, mechanical, etc.
2. The other thing is - as I've mentioned in the past - the City seems to think that the current transformer is appropriate for the size building that we're talking about - not knowing what your needs are - again, maybe if we do find out through getting your tenant improvement worked out quicker, if we need to get a bigger transformer - we can get that ordered - because that does take a period of time to get done, okay? So I think although we have a bit of shift in time, it's not a major deal, OK. Now Jesse I know is working on the bonds, etc. and I think we talked about trying to get some sort of a commitment letter - once we know you guys are going to get some money, I think we can move forward - as long as we get a commitment from you guys that you want to do this - so, I don't think we have a problem with that - I do think - I've talked with the City a couple of things we got hammered out - we did get this traffic and site management control plan and traffic control plan - signed off by City, by Structural and by Roy as developer last week - the one thing the City is anxious about doing is getting this thing going - I don't know if you've read in the paper or heard - they're now going to delay 8th street until Spring - that's to accommodate them getting over there and starting up on their City Hall - but the long and short is once they start on 8th Street - the City will not allow them to close Pitkin - they can't - the problem is they get into some fire service and bus service to the schools. They're willing right now to let us close that street as long as we don't close the street and the alley at the same time - I think if we wait until Spring - then we're probably in trouble on that deal. We are approved, that's signed off and done.
3. The other big issue is *Major Permit* signed by City Attorney Teresa Williams and by their development director Andrew McGregor for the project - so that's done - the thing you need to be cautious on is that Courthouse Plaza was originally approved back in 1/7/99 - under their development plan - when you read the fine print you've got 3 years which would take us until Jan. 7, 2002 - if we don't start by January 7 of 02, then you run the risk of going back through the whole drill again. To me, I think I'd take a bird in hand - and whether we start in January or September and October - I'd much rather be digging dirt in September/October. The risk we have is this - the building permit - all their waiting on is a set of drawings from me - I couldn't give them all those - Shane got a set, Randy got a set, and the building department got my other set - so all we have to do is transfer notes from their plan to our plan so we have a building permit set - we can have it this afternoon if we want. So, we're ready on the building permits and all that stuff. Don, before he got out of town on Friday, gave me a copy of your Gould Subcontract between Gould and you guys on the Detention Center - I looked through it this weekend, did not discuss it with Bruce and Shane but I said this is an option and again, the idea came about after talking with the bonding company - where again, we could make not only Gould but any of the major subcontractors - the other guy that I'd look at is probably Meyers so we can start up on the shop drawings and that stuff of the steel erection - so what Don kind of talked about doing is having this contract actually go from these subcontractors to S&G Development who would ultimately assign then to County on the purchase date - just like the other agreements we're talking about doing. To me, I think we can use this little bit of a down turn - our timing to our advantage. It doesn't dramatically affect us - but I do think if we waited out until the dead of winter or later, it probably makes things worst.

Bruce - typically what you find is on an annual basis, we've been recognizing about a 12% gain in construction costs - does that mean what we're going to see - no, right now our lumber prices are the lowest they've been in 6 months - just got a chart out on those - it's a good time to buy - if you look at timing -

1) one of the questions you asked Walt was what could we do to help this out - the sequence of events is - in the event that we use Meyers - that we would hire - someone would hire Meyers and get them started as Roy alluded to - they get the shop work started - that is a 2-3 week period - that would take us to the time of final approval - engineer, architect, etc. then order - the steel would be here when we're ready and we could actually reduce the excavation time and actually have our steel ready versus

sometimes you're ahead on the excavation and it's a little bit slower until the steel arrives and you move forward - it's really - I would probably caution this at - if you elect to go forward now, timing is still of the essence because so much could be done to actually shorten the actual disturbance next door and still bring it in the same period of time - I think we could shoot and come in with the same result and not lose - let's say if we lose 30 days today, that wouldn't necessarily reflect 30 days in the Spring - I don't know what it would be until we talk to our subs, but that would be important;

2) Secondly is - some subcontracts are literally tens of thousands of dollars difference in costing - we lose what we called the first qualified subcontractor, automatically, we see a gain - and so that is always a realistic thing whenever you take a different construction period because the first sub may say, now I'm booked - I can't start during this period - you go to sub 2 - and automatically you have a built in gain - so you want to be caution - I would probably say that if we move like we're were trying to start Wednesday morning and really got the things lined up - that we would - we could produce all the schedules, produce all the subcontracts - we could get people on board - get all the shops approved - and we could hit the ground running - get all the infrastructure ready for the covered sidewalks and literally have it here and done versus trying to do when we're trying to move heavy equipment and everything else out of the way - so I think there's obviously some real benefits - that could go either way.

Commissioner Stowe - with us starting and structuring it like that - I guess it seems to me we wouldn't be paying Structural Associates for the first month or two, Bruce - are you guys comfortable with that? - you'd be doing project supervision but your first billing or drawing request wouldn't come in until your performance and payment bond were on board.
Bruce - sure
Commissioner Stowe - I really hate to say that - I just don't know how we could make that work with the contract in place.
Bruce - I don't think we could bill that - we might look for a letter of intent based on certain criteria being met - then we're both covered but I don't think the County could put itself in a position and say, okay, we're going to pay you regardless
Walt - right
Bruce - that the whole reason we're doing it so you can't be in that position - we have a letter of intent - if we can't perform then it's pretty straight forward.
Walt - okay
Bruce - so that would be okay.
Commissioner McCown - and on the Contracts - the example you had there was Gould - simply because Gould was the low bidder with Haselden and our contract would be with whoever your dirt company is.
Bruce - right.
Larry - and we would just assume that until you guys got on board and it would be immediately transferred back to you.
Bruce - yeah, I think the reference was that - and we haven't seen, as Roy pointed out, the contract - I think the reference was that this one for the dirt work that Gould did in fact have, is an example of what could function in an interim.
Roy - right
Bruce - and so we'd like to take a peek at that.
Larry - until we get phase I of the study - nothing could be done.
Bruce - agreed
Commissioner McCown - I don't think it's even feasible to dig in the dirt.
Roy - no, I agree with that Larry; I don't think any of us want to start doing anything until we know we have a clean phase I - what I'm thinking is - Don's out of town this week, next week he's back for a couple days - then he's gone again - I would think for Don to just physically get the paper work done in the next couple of weeks could be a big challenge too - so I think between Don getting the paperwork done and an environmental Phase I getting done and if we can get some schematic drawings on how you're going to do your tenant improvement work - I think if we could that wrapped up within the next 3 weeks - that plus maybe a commitment on the bond - we'd have a successful 3 weeks.
Commissioner McCown - I know Ed was talking last week about a meeting being scheduled on that - Mildred, with all of the occupants of the building trying to get the design that they want so that we can

incorporate this at the time of construction rather than take a partial CO and then come back and start at ground zero and go again.
Mildred Alsdorf - I haven't talked to Ed or Jesse anymore on it.
Commissioner McCown - I think it was coming up either this week or next week ..
Jesse Smith - no, Ed and I met with Dale and told Dale that he really, in the next 3 weeks, needed to get drawings up and running on the fixed walls - and that's really what you're talking about is only the fixed walls - and then we can get that - the minute we've got those fixed walls in place, then we can shoot it off to Herman Miller and they'll do all the modular layout so that we then know exactly where the utility runs need to be - where the conduit needs in the floors or the ceiling to tie into the modular units - but number one is the fixed walls and Dale was going to try and have that part of it done within the next 2 - 3 weeks.
Mildred - I know he talked to me at one time - Dale did about - what I thought I'd have to have for offices - cause I have to have some fixed offices because of confidentially and security - and I haven't seen anything since - it would be good for me even if I had a floor plan that would say how much ...
Jesse - apparently you saw something that Jefferson County had done?
Mildred - she showed me what she had done in Jefferson County through Reed Miller but that was just real quickly.
Jesse - I think was Dale was wanted to do was to try to determine with each of the elected officials, what fixed walls they would need and then lays those out on drawing so we can get it all to Herman Miller to see what they can come up with some ideas on the modular, then come back and start - so that you have something to actually look at and work from to start refine it and hone it in - it's hard to take a blank sheet of paper and fill it in - it's usually easier to take something that's already there and change it.

Commissioner McCown - can you make sure Dale makes this happens, in that time limit?
Jesse - yes he would.
Commissioner Stowe - the other thing I heard you mention was the Meyers Steel or whoever on the steel - how soon would we have to be getting a drawing to them for their - the sooner the better but that necessitates a requirement - a contract or at least a letter of intent for them to do that sort of engineering stuff - is that something we would need do within the next 2 - 3 weeks - or?
Roy - I would think again, Walt, maybe that's something we can push back until we know we've got the Environmental Phase I.
Commissioner Stowe - that would be my preference at least to make sure we've got a clean site.
Bruce - I don't know enough about what they can give you on the Phase I - some of our past experience on Phase I - we're doing a project now that we had some input on - if they can give you a reading instead of the formal letter - in that they can say we think - we don't see any issues with in and it's going to take 2 weeks to do this letter, etc. - if, at that point, you felt comfortable doing a letter of intent - so that at least - we're not going to give them a call anyway to have them drop everything and start, but at least we'd have it in place, and then I would say, that we would probably get a) your letter from the Environmental Phase I and we would probably be ready to open the books at the same time - what we've done is save 2 - 3 weeks.
Commissioner Stowe - okay
Bruce - so that would be ideal.
Jesse - Don was talking last Friday that he did not see that there was any way we could close on the land earlier than the 15th or 20th of September - that would be the very earliest and he thought that might be questionable. Did he indicate anything to you Jim - more than that?
Jim Leuthueser - I haven't heard a thing.
Jesse - and so, the question would be then, if say we got the fixed wall and modular furniture drawings in place, you've got the steel people started, are you thinking of breaking ground before we close on the land?
Commissioner Stowe - I think that's what I'm hearing here today is we would sign a letter of intent as soon as we got the reasonable assurance on the Phase I and that you guys basically - based on that letter of intent, even before a contract, would start putting your subs or earth movers in place and that - we may have then subcontract with the earth mover or two or three of the major subs until our contract's actually in place with S&G or Structural whoever we're contracting with, but basically construction would be starting in 3 weeks is what I'm hearing - I think that's what I'm hearing.
Roy - what we would do Jesse, is even if a closing got delayed, we'd still be under contract to sell them onto you guys - and I think what my understanding in talking to Don and maybe I interpreted it incorrectly - is I know what we've got right now - there's a lot of lawyers in the mix all of a sudden - there's our attorney's who needs to review the document - he's was out of town last week, back this week; Don's out of

town this week, back next week - you're talking with your bond attorneys at Sherman & Howard making sure everything's done there - so my understanding is - we'd get it under contract even though we might not physically close on it until mid-September or maybe the end of September - we'd still be under contract to you guys - so at that point and time we'd still be doing our stuff knowing we intend to close, but it would just work in that manner I guess.
Jesse - the last word Don indicated to me of - he did finally reach Alan Matlotz - and indicated that the financing probably will not in place until around the 12th or 13th of October.
Commissioner Stowe - knowing that it's coming, we could use general funds money until then if necessary?
Jesse - cause you've already signed a reimbursement agreement - a Resolution - so we can reimburse general fund - or capital fund.
Bruce - if September - starting construction in September or the last week of August, first billing would be produced by the 10th of October, payable by the 20th of October.
Jesse - financing should be in place.
Roy - cause I think you guys are buying the land and then the fees from general -
Jesse - from capital - then reimburse capital
Roy - capital, then reimbursed - so we shouldn't have a problem.
Commissioner Stowe - looks like there's a little bit of risk for everybody - kind of a shared risk Jesse - the question mark is if something happened in trying to close the land - couldn't close it or - that's the risk that we're looking at
Bruce - so then you see the risk in basically in Phase I Environmental and in closing the land - those are really the two factors
Commissioner Stowe - from our standpoint, we would have to pull back from the deal.
Commissioner McCown - that's the only two that I can think of
Roy - well, we're not going to start any real work until we know we've got the Phase I.
Commissioner McCown - exactly
Roy - and I don't assume we're going to start up any work until we hopefully know you guys are going to get money - which would be both issues covered.
Commissioner McCown - you're saying - when can we get a commitment?
Jesse - I didn't talk to Alan, so I'm not sure
Commissioner McCown - even though the funding wouldn't be in place until
Jesse - I'd have to get hold of him - he was on vacation last week and this week - I know we put calls into him - he finally returned a call to Don - Don talked to him - we can try and get hold of him and find out
Roy - today's business
Commissioner McCown - we're all operating on letters of commitment - what's the cash - where's the beef
Jesse - I know Jordan and the attorneys have everything that they've requested to move forward
Chairman Martin - they have the schedule
Jesse - I got the schedule Friday from Roy so I've sent the schedule off to the attorneys - that was the final piece was the construction drawing is and the schedule
Commissioner McCown - I don't want to take a chance losing that major development permit because now the word's out that we're intending to buy it - it would be a son-of-a-gun to get back - I'll guarantee you.
Commissioner Stowe - given our past history with our City Fathers
Roy - I can see that brick coming on
Commissioner McCown - well we know the color we need now anyway - only took about 6 months to figure that one out
Commissioner Stowe - we can’t make a commitment obviously at this point other than our assurances - or at least my assurance that I think this is a reasonable way to go across as long as you guys can maintain the price that you quoted us - if we don't see that skyrocketing - I see that and the environmental study and of course the final funding would be our 3 obstacles from the County's standpoint barring one of those 3 things falling through I think I would be moving forward toward any contracts we're going to need to do - those 3 we don't have any control over - when you guys control, the other 2 - others control, so... if that gives you any level of security or direction - I don't know how the other Commissioners feel, so you'll listen to them know.
Commissioner McCown - that was our intention all along is - I don't think there's a question on our intent to purchase the building and it's just when you're using taxpayer funds - you have to proceed a little differently than if you're a private investor and we've got to protect interests as well - I don't have a real

problem proceeding how we are now - but letters of intent are just that - can’t cash them - so I don't know if that makes you guys comfortable with that too.
Chairman Martin - your confidence is leaving you Roy - I just see it happening here - I have no problem as long as we understand what our risks are and they've all been explained - we have a couple of different schedules and events that need to come in place and it will be a successful project.
Commissioner Stowe - would we be ready to begin a contractor with like Meyer Steel and possibly the earth mover - at least Meyer Steel sounds like - can we get an assurance letter from those, on the environmental impact? - not a letter but verbal -
Commissioner McCown - I would like a written letter in a brief form and then let it produce the report.
Commissioner Stowe - but we can go ahead - cause we've got a little exposure there but at least it keeps your construction schedule going from what I understand.
Commissioner McCown - I don't like the idea of waiting till January to start - winter construction is very expensive.
Commissioner Stowe - we relay all of this to Don and he gets to put in whatever verbiage he wants
Chairman Martin - can you make sure we get all our information to Roy from Dale so that those permits - drawings put together.
Commissioner McCown - I would imagine - I'm not familiar with the Gould Contractor - but I imagine its our standard County boiler plate - only the names will be changed to protect the innocent - that would be a very similar contract to what we did with Gould on the jail - just transfer to a different location - and a different contractor if that's ....
Jim Leuthueser - Realistically, that's been the boiler plate and there is good reason - that's probably where it will be coming from.
Commissioner Stowe - it's kind of what we're doing and will be asking you to sign too for our contract with you ultimately.
Roy - that's what Don was alluding to - is a contract with - you guys produce it and then it will be assignable to the County but it's basically right now between Gould and/or Meyers to S&G until you guys takes acquisition of the property and then it's assignable ultimately to Structural.
Commissioner Stowe - to Structural - right
Bruce - and we are working on ways to - with the meeting this week with bonding agent in Jerry Hays in working on ways of shortening our time frame too -I don't want to say we're going to accomplish it but we are working on ways - so this may become a moot point - and we may get there faster than we think.
Chairman Martin - well, let's hope we do.
Commissioner McCown - but I agree, the - even with the 3-week delay, it doesn't have to be wasted time - as long as you guys are clear that it is our intent to move forward and given the two exceptions, I think that Jesse used - purchase of the land falling through and a bad EA.
Bruce - and the 3rd to get our final numbers to you for your approval - with those 3 things, with that, Shane and I in particular are crystal clear and I move forward as if we're on track - but I do want to caution you - we should use the time as if it's right there upon us cause it'll be most effective.
Commissioner Stowe - we'll look to you guys to do that and probably working with Randy, our County Engineer, to coordinate the stuff.
Jesse - if we were to move forward on this schedule, when do you need that lot across the street?
Roy - I think we should do, Jesse - now that we're all here talking about this - maybe what we should do is have a pre-construction schedule where we break down the line items - kind of like we broke down the construction for you -
Jesse - chart them
Roy - yeah, maybe what we need to do is okay, now that we kind of know the perimeter and time we're working in, maybe we should put together a pre-construction schedule and talk with Dale and you guys and make sure we know what's coming on
Jesse - we need coordinate that with Haselden on getting them off the land they're on now.
Chairman Martin - they'll be off
Randy - they're moving the trailer -
Roy - they'll be off - you guys got me that letter last week - Haselden provided a letter
Jesse - I understand there are a couple of small trailers that are going to have to stay somewhere
Randy - they're going to move to our portion - parking next to the building - joint use
Jesse - so that leaves that lot totally free and clear for staging
Randy - right

Jesse - but we do need to get those cars out of there.
Roy - yeah, Dale has to give them notice or something
Jesse - a weeks notice that that they
Commissioner McCown - HOV parking?
Jesse - yes
Commissioner McCown - 6 of them that are vacant today?
Roy - Randy do you have a schedule on Gould's going to come back and address this site?
Randy - I need to get with Haselden - we're talking more like October time
Roy - October - what I'm trying to think is if we can sequence them with us - so if you could do that
Randy - I think Gould also - I think is going to do the City Hall excavation too - I'm not sure.
Chairman Martin - they have the demolition - I haven't seen it - have they opened their bids yet?
Commissioner McCown - is Gould your contractor?
Roy - at this point and time.
Jesse - isn't Gould bring in a crusher in to crush this rock pile out here?
Randy - I need to get with Haselden - I don't know if they're going to bother with that
Commissioner McCown - haul it away I think
Jesse - last I heard a crusher was coming in, but
Randy - that can change on a daily basis

Roy - okay, I think we've got our tasks
Commissioner Stowe - if you guys are comfortable, I'm conformable - that's the main thing
Roy - we'll start putting together our pre- construction schedule and meet with the appropriate bodies
Commissioner McCown - we'll keep everybody's feet on design of the floor space - for the permanent walls and then get that etched in stone so that we can send it off to our modular people - that will give your utility folks an idea of what goes in.
Jesse - yeah, cause you need to size the utilities as well as know where to lay the conduit
Bruce - Larry, what might help there is if prior to the first meeting - like Mildred had mentioned, there's certain things that are requirement of - security or privacy - and you could outline what are requirements and then possibly come in with desires - cause one of the things that we might be able to do, is if you look for a desired tactic, something that Shane and I and Roy have done for a lot of years - is basically, we can accomplish this same thing by - and we can look at alternate ways to accomplish the same thing to see if we can help value engineer some of this - there are some things for instance on windows - if you want glass in a wall, we might say you can in and pay a lot of money for glass, or you take a patio door replacement glass - that's $80 versus if something was an inch different, it might be twice that price - so here's what I need for a function and here's what I would like - and the sizes can vary - if we know that we have lenience - we can come back with some of those engineering ideas. Then you can either take it or leave it - or make it your judgment on your own, so if every department came and said here's what I want - and here's what I need - that would help to sort those two things out up front.
Roy - do you guys want copies of this stuff
Commissioner Stowe - you just hang onto it, Roy - Mr. DeFord may need a copy if you have copies for him and make sure
Roy - he can have these right now
Commissioner McCown - are we to a point where a weekly meeting needs to happen?
Roy - yes -
Commissioner McCown - I guess I would like Randy and you guys schedule that after we're through here today, but I think we're getting to a point where everything is coordinated and running on the same track - we need to know what each other is doing.
Bruce - I agree
Commissioner McCown - you guys meet and work out a date - coordinate with Randy - sounds like we're getting close enough with what we need - and Dale - he needs to be involved.

Human Services Grant - Mountain Family Health Center
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Mountain Family Health Center Grant; carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

AUGUST 13, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 13, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE: ED GREEN

Ed Green gave his update that included the following:

- ***Library - Jaci Spuhler and Chuck Dickson***

The Library met last Tuesday to discuss the budget - they are looking at it again - it's difficult to balance due to health insurance rates - interested in working with Jesse in doing some long range planning with the additional increase in funding. They are very excited with the possibility of new funding. From a realistic standpoint it's not a lot of additional funding - need a greater participation for the general public who benefit from their services - grant possibilities - possibilities of staff changes - staffing is 70% of what they do.
The Board agreed they were doing a good job and wanted them to work closely with Jesse.

- ***Use of Airport & Fairgrounds by US Army 10th Special Forces Unit for Training***

Ed and Dale Hancock presented the Commissioners a request received for use of the Fairgrounds and Airport for a training of the Army's 10th Special Forces Unit out of Fort Collins for a training mission to take place between February 15 and March 20, 2002. This will be a great revenue source through facility leases and the sale of jet fuel. There will be C130's and multiples of Helicopters.
Commissioner Stowe suggested Ed contact Rifle for a reading on the extra noise involved.
Use of the Fairground Arena was not a problem with the Board - they didn't felt there would be that much disruption to the scheduled events at the Fairgrounds during the period requested.
Ed and Dale were directed to proceed and return with additional information.

- ***New Castle - Smart Growth*** - Mike Blair asked the County Board and administration to

come visit him - he's the planner for New Castle and they are involved in a Smart Growth Initiative and are going to apply for a Smart Growth Grant - basically restructure the downtown New Castle area and it may be that the Library would be involved in that restructuring as well - depends on how they feel that the land can be optimized in terms of use. They would like us to a signatory to that grant application - it involves no direct funding at this time but might involve the use of Rob Hykys on the GIS system, etc. for certain work products. Ed asked if the Board had any objections to this request.
The Commissioners agreed there wasn't a problem.

- ***Safety Audit - Update***

Ed stated this has been completed - he submitted a list describing the problem(s), action needed or materials needed, cost, responsible party, and a priority rating of A, B, or C. He added that this is an evaluation tool and a tentative budget item. He also submitted a Safety Audit Finding Pie Chart showing the percentages in terms of what is needed to rectify the various assessed problems.
Ed will continue working with department heads and other elected officials for an update.

Lease - Dan Young - Henry Building - 144 1/2 E. 3rd Street, #202, Rifle, Colorado

Ed submitted the lease for Dan Young and explained that the new lease rate was $261.00 per month commencing August 1, 2001.
Motion
Commissioner McCown moved to authorize the Chair to sign the subject lease as presented. Commissioner Stowe seconded. Motion carried.

Contract - Professional Services - Analytical Environmental Laboratories
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the contract for professional services as needed necessary by the County Engineer with Analytical Environmental Laboratories for the price quote dated July 9, 2001. Motion carried.
COUNTY ATTORNEY UPDATE: DON DeFord

Don DeFord gave his update.

- ***Second Amendment to IGA - Garfield County Emergency Communications Authority***

  Don reviewed the IGA and stated that the amendment intent is to confirm and clarify the definition of "dispatch services and emergency communication services" to include the handling and processing of arrest warrant information issued both by the courts in the State of Colorado and the other states of the United States. The Sheriff desires to have this in place.

  Motion

  Commissioner McCown made a motion to execute the second amendment to the IGA of Garfield County Emergency Communication Authority and to authorize the Chair to sign. Commissioner Stowe seconded.

  Commissioner McCown said the Sheriff's Department is very much in favor of this move.

  Motion carried.

- ***Reimbursement Resolution (Amended) - Capital Projects***

  Don explained that this provides for the County to expend funds and complete the structure and obtain a CO - the Resolution allowed reimbursement - this is an Amendment to that as it appears now that the County is looking only two capital projects - the Courthouse Plaza and Detention Center - he requested signatures on all copies - it indicated the withdraw of the Cattle Creek Road & Bridge Shop - this will be funded by the sale of the Glenwood Springs Road and Bridge property.

  Ed said it will be funded initially from capital funds and to be reimbursed by the sale of the Glenwood Springs Road and Bridge - Cattle Creek.

  Motion

  Commissioner McCown made a motion to authorize the Chair to sign the amended reimbursement resolution. Commissioner Stowe seconded. Motion carried.

- ***Consideration of Proposed Petition for Annexation of Certain Portions of Midland Avenue to City of Glenwood Springs***

  and

- ***Consideration of Pre-annexation Agreement for Portions of County Roads 116 - 117 - 128 - 130***

Don DeFord and City Manager Mike Copp were present.
Don submitted the Agreements of the City of Glenwood Springs and stated that he had an opportunity to review drafts of the Pre-Annexation Agreement for County Roads 128/117/156, the Petition for Annexation of those portions of the roadway and a draft of an intergovernmental agreement for joint funding of these items, County Road 116, and a bridge crossing to Highway 82 and stated his comments pertaining to these aforementioned items.
Don stated the City Attorney Teresa Williams and he have sent the pre-annexation agreement documents back and forth.
Don added that he recommends execution of this Agreement for Petition for Annexation of County Road 128, portions of County Road 116/117, as well as portions of County Road 156. He also noted that he has not had an opportunity to have the County Surveyor review and verify the legal descriptions attached to the document.
Discussion was held with respect to what the annexation agreement includes, some conditions involving the roundabout, the need for construction completion on Four Mile by the developer, and the future engineering study for the Hwy. 82 project.

Motion
Commissioner Stowe made a motion that we sign the Resolution for Annexation with the City of Glenwood Springs and move forward on this project.
Commissioner McCown - second.
Don DeFord - based upon the motion and the second for clarification only, does that motion include both authorization for the pre-annexation petition and the IGA?
Commissioner Stowe - yes.
Motion carried.

- ***Amended SIA #5 Four Mile Ranch***

Joselyn Wood - Leavenworth and Tester, Tom Russell and Randy Withee were present.
Joselyn said until she was privy to the Pre-Annexation Agreement, she wanted to wait and see if this would be the document that would be appropriate in the Board's mind to satisfy the requirements that the Board imposed on them to obtain from the City - their written assumption of the liabilities. She received the document this morning and did have an opportunity to review it and it looks like it does in fact place on the City the liability to complete the intersection improvements, so she did not revise the SIA to reference this document but this would be the most appropriate way to proceed is to amend this SIA for the fifth time to incorporate the agreement now between the City and the County with respect to that intersection - and to delete from the responsibility of the developer to pave the intersection. The other issues that need to be discussed - a letter from Tom Hartert as counsel for Glenwood Land Company and he had some concerns with to the construction easement that has been granted out there and Joselyn said she thinks the developer will be in compliance with the terms of that agreement - other than extensions granted - she only received the letter on Friday and did not have time to amend the SIA to incorporate this. For their comfort level, she said they could include a provision in the amended SIA to require the developer to comply fully with the terms of the easement.
Don said his office also received the letter Joselyn was referring to so it was not included in the Board's packet. The letter stated: 'in anticipation of the hearing today regarding the possible amendment of the Four Mile Ranch subdivision improvements agreement. Glenwood Land Company (GLC) granted a Temporary Construction and Permanent Easement dated June 9, 2000 to Four Mile. The stated basis of Four Mile's request for that Easement derived from Garfield County's requirement for certain off-site roadway improvements along CR 117 to be completed by the then developer of Four Mile Subdivision. GLC agreed to grant the Easement primarily based upon the position of engineering staff at both the County and the City of Glenwood Springs to effect that a wider area of firth of way would ultimately result in a safer traffic situation. The grant of easement rights was predicated on certain commitments made to GLC by Four Mile - commitments to: finish within one year; the affected land area would be brought to a 2:1 catch slope, the affected land would be re-vegetated and subject to a landscaping plan approved by GLC, and that Four Mile would obtain and comply with the requirements of a SUP from the City of Glenwood Springs. Also set forth was a provision of driveway access from CR 117 to GLC property; availability of a sewer stub to the same property; and certain private treated water system benefits - then GLC would be obliged to grant the permanent easement rights to Garfield County. Therefore, GLC request that the Commissioners require the developer to satisfy all of the original commitments contained as listed, specifically requiring a drainage study, erosion control plan and irrigation plan.

- ***Second (2nd) Request for Release of Security***

Joselyn submitted the 2nd request for release of security for an additional $251,507.25
Commissioner Stowe made a motion that we approve the second request for the release of security for the Four Mile Ranch Public Improvements in the amount of $251,507.25 and the Chair be authorized to sign said request. Commissioner McCown seconded. Motion carried.

- ***Consideration of Letter of Intent to Purchase Property for Taughenbaugh Boulevard Extension***

Ed Green submitted a letter drafted for the Board's signature to Linda Upton of Gold Star Realty accepting the $5,000 for .09 acre portion of the Peabody property, Lot C for the extension of Taughenbaugh Boulevard - this is along the edge of CR 322. The County will still need to purchase another wedge - this is the first step - it's part of the improvement projects with the City of Rifle.
Commissioner McCown made a motion to allow for the purchase of the .09 acre portion of the Peabody property, Lot C for a price of $5,000. Commissioner Stowe seconded.
Motion carried.

- ***Discussion Re: Sale of county Owned Property at Aspen Crystal River Estates and Te-Ke-Ki Subdivision***

Don DeFord submitted a memo dated August 3, 1001 regarding the sale of County owned property in both Aspen Crystal River Estates and TeKeKi Subdivisions verifying the Assessor certified the current actual and assessed valuation of the lots. He advised the Board that it was appropriate to publish a notice for sale and that the properties be offered to the highest bidder. Georgia Chamberlain will assist the Board in the sale of these properties as a result of her experience in this area. A date of October 9, 2001 at the Garfield County Courthouse is suggested and this is consistent with Georgia's schedule. Further Don suggested to the Board that they set a minimum price for these properties at the current actual value established by the Assessor. If the Board approves then a motion will be needed to authorize the sale of the properties pursuant to the discussion as set forth in his memorandum of August 3, 2001.

Chairman Martin clarified that this includes the open space in TeKeKi and Aspen Crystal River Estates.

Don said he would have to check to see as he didn't believe it covered open space in Aspen Crystal River Estates but does in TeKeKi - only one property. He assured the Board he would verify that before publication. In TeKeKi there is one (1) parcel and twelve (12) parcels in Aspen Crystal River Estates.

Chairman Martin stated that he didn't want to see that open space disappear into a development or something else that the County has as open space.

Don discussed this further - there are properties in TeKeKi, there are individual lots, there is open space, there are roads that have been dedicated to the public in TeKeKi - those have never been addressed by litigation. All the litigation to this point has been involving access to Aspen Crystal River Estates. The roads starting from the back-in were dedicated to the public and to the County at the point and time when they were constructed to meet County standards - this has never occurred, so effectively that dedication has never been completed. The open space however, is separate and apart from the lots and needed to have clarification with the Board in the event this parcel is the open space, what is your position? does the County want to maintain a separate parcel of open space in TeKeKi?

Chairman Martin said it was a parcel of 128 acres as he understands.

Commissioner McCown - said he understood that these lots or parcels that are being offered here are tax sale parcels that the County has inherited and it's creating a checker board effect to consolidation of the property by one owner. Wouldn't the open space, if it's sitting out in the middle also do the same thing? It would be inaccessible to the public - what purpose would it serve the County to retain that parcel of open space in the middle of another individual private property.

Chairman Martin clarified that it wasn't in the middle, it does border on one side with the View Corridor that has been maintained and included as open space and meets the County's criteria in that everyone in Area I of View Corridor in keeping it undeveloped. That was what the intent was not to clutter that hillside and the face of it.

Commissioner McCown - it was also garnered through a tax sale.

Chairman Martin - no, it was dedicated to the County.

Don said he was not certain of that, the roads came by dedication, the open space was dedicated as part of the subdivision itself as is all open space and was to be held by the homeowners. All of these properties were actually transferred by one tax deed - he has to check with the open space - doesn't recall if that was transferred by the same deed, but both of the lots in Aspen Crystal River Estates as well as many lots that were transferred by tax deed came through one document - he thinks the open space was included in that - whether this particular lot is that open space, is what he doesn't know.

Commissioner McCown - there is a question of whether or not the conditions of the subdivision ever really occurred as the road for instance not being brought up to standards, would the open space be, in fact, open space?

Don - yes, it would - the reason is that those lots even exist today as separate lots - they were filed and conveyed - while there is an effort to purchase all of those lots because it is a legal subdivision, even when they come into one ownership, they still would remain as separate lots until such time as there is a vacation of the subdivision plat. So the answer is yes, they still exist as open space for the benefit of those lots.

Commissioner McCown - by purchasing the lots they are not obtaining the rights to the subdivision, can the individual buying all of these lots request a vacation of the plat?

Don - yes, all the owners of the subdivision could request vacation of the plat. If it were owned by one individual, it would be easier. It would cease to exist as open space - all of the attributes of the subdivision would cease to exist and the County would no longer own anything.

Don clarified for the request of the sale of lots - is to ask from Aspen Crystal River Estates the authority to go forward and secondly as to the one lot in TeKeKi, if it is open space, the Board does not wish to proceed to sell that lot, is that correct? Shall we just hold onto this until he can bring it back with clearer identification of what that lot is.
The Board agreed.

Web Site Contract - Insurance Clause
Ed Green and Jim Leuthueser discussed the open matter of the insurance clause and the suggestion from Barb Gabber that the Board consider waiving that clause and she is willing to agree to indemnification of the Board in that appropriate language but feels that the insurance requirement isn't necessary because there is no on-site work - the work is done inside her home and there is no perceptive risk to third. parties.
Motion
Commissioner Stowe made a motion to waive the insurance requirements for Barb Gabber in her capacity as doing in-house work on a contract basis as the Web-master.
Commissioner McCown - second.
Don explained that the County does have a standard contract with Barb and the standard insurance is included. With the Board's motion and upon approval, they will take out the insurance requirements and still have a written contract.
Motion carried.
COMMISSIONER REPORT

Ed Green - filled in at the Cookie Jar for the Fair for Commissioner McCown.
Commissioner Stowe - Trip to Nebraska last week; Ruedi Water & Power Board 5 p.m. Wednesday; Motor Grader Rodeo Wednesday at the Fairgrounds; Friday - Rural Resort in Aspen.
Commissioner McCown - Northwest Oil & Gas - 10:00 a.m. Thursday at Rifle City Hall.
Chairman Martin - Participated in the Cookie Contest at Fair. CCI - Friday at 9:00 a.m. and numerous committee meetings throughout the day and back in Glenwood on August 18.
MAC Exercise - Friday.
SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS
CONSENT AGENDA
i. Approve Bills
ii. Release Letter for Leo Subdivision Improvements
iii. Renewal, Sunlight Mountain Resort Liquor License
iv. Sign Resolution of Approval & Plat for Turnbull Exemption
Jesse Smith reviewed the Bills and did not see any problem.
Jesse instructed Accounting to give the bills to the Commissioners on Friday so they can review them over the weekend.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the consent agenda items a - d; motion carried.
REGULAR AGENDA: PUBLIC HEARINGS

Abatement of Taxes Schedule 3350660/035, Unknown Owner
Cancellation of Tax Lien Sale #1997 - 130, Unknown Owner, Investor Gregory Forbes
Treasurer Georgia Chamberlain explained the situation - this property was listed for tax sale in 1997 that was assessed to an unknown owner and Gregory Forbes was the investor at that time - he applied for a Treasurer's Deed and in that application they got the title search back and in that title search it looked like this was probably being doubled assessed - this was included under the First Baptist Church and that it was an exempt piece of property. Georgia requested that the Board cancel the tax lien sale because it was land wrongfully sold upon which no tax was due at the time of the sale - so that actually voids the tax lien sale. Then, the County is responsible for paying back the interest to the investor as well as any other costs that he had in the sale - one of those costs in this case was the title search - it comes out to approximately $197.00 for the County's portion. The taxes are minimal but those will come from the different taxing authorities. Georgia followed the statutes on this and also she was somewhat unclear when she explained it to Shannon Hurst as far not realizing they couldn't abate the taxes in the same Resolution - it had to be a separate Resolution. The dilemma is that these taxes go back to 1996 - 1997 - 1998 and 1999 - it's not on the 2000

tax role, however they can only go back for two years to abate and then she will have to cancel taxes for 1996 and 1997.
Commissioner McCown - inquired if it would be in the County's best interest to do a title search on properties prior to offering in a tax sale. The Board's had meander land come before them and parcels that perhaps if a title search had been done before they were offered in a tax sale, might have been eliminated before they reached canceling a tax sale.
Shannon agreed this would probably be a good idea.
Georgia mentioned doing a title search on 'deed-unknown' prior to putting these properties on a tax role.
Shannon said that sometimes they are unknown is due to an incorrect legal description and they leave out a little tract and never correct it - that's what happened with this. So we couldn't do a title search until the legal description was corrected. But for a while they did contract out to Stewart Title to have them do title searches on the unknown owners and sometimes they would not even touch it because they knew there were problems - those meander lands have a lot of problems - they could try and do these title searches.
Commissioner McCown favored doing the title searches on the unknown owners.
Georgia said they try to review the properties before the tax sale.
Commissioner Stowe asked if the County could recover the money for the title search cost.
Georgia said she would need to check into this - she thought it would be a cost to the County for having it on the tax role.
Shannon said for a long time they were shown as a tax exempt property on the tax role - they were identified but taxes were not being collected. Then Don DeFord told them they need to be put on the tax role. She also favored doing a title search to get these straightened out.
Chairman Martin - that's going to be your policy?
Shannon Hurst - yes.
Motion
Commissioner McCown made a motion to approve the tax sale cancellation 1997-130 and that Gregory Forbes to be returned whatever interest is due to him on the tax sale and that we also abate tax schedule *3350660/035* which is the same parcel and that the Chair be authorized to sign said abatement.
Commissioner Stowe - second. Motion carried.
Request for PDO - County Manager - August 15 and 17 for 4 hours each day
A motion was made by Commissioner McCown to approve the request by the County Manager for time off. Commissioner Stowe seconded. Motion carried.
BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATION: 0255 COYETE TRAIL, RIFLE, COLORADO. APPLICANT: DONALD AND SUSAN BEECRAFT

Don DeFord, Mark Bean and Donald Beecraft were present.
Don reviewed the public notice and notification to property owners within 200 feet of the property, mineral owners of lessees of record - determined they were in order and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Project Information and Staff Comments and Exhibit D - Resolution No. 99-55.
Chairman Martin entered Exhibits A - D into the record.
Mark stated this is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district in the Grass Mesa Ranch Subdivision. The Beecrafts would like to build an accessory dwelling unit under 1,500 sq. ft. of aging relatives
He continued to review the relationship to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns, Suggested Findings and Recommendation.
Recommendation:
Staff recommends Approval, with the following conditions:
1. 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;
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements;

3. That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;
4. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 sq. ft.;
5. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased;
6. That it is the applicant's responsibility to comply with any applicable covenants or Homeowners' Association rules; The special use permit will not be issued until proof of written approval of the accessory dwelling unit by the Homeowners Association is submitted to the Planning Department;
7. That, prior to issuance of the special use permit, the water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria, nitrates, nitrites, and dissolved solids;
8. That, prior to the issuance of the special use permit, a copy of an approved access permit from the Road and Bridge department shall be submitted.

1.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow for an Accessory Dwelling Unit for Donald and Judy Beecraft with the eight (8) recommendations of staff; motion carried.

REQUEST FOR A SPECIAL USE PERMIT FOR PLANT EXPANSION. LOCATION: 0717 COUNTY ROAD 215, PARACHUTE, COLORADO. APPLICANT: AMERICAN SODA, LLC.

Kit Lyon, Don DeFord and Ed Cooley from American Soda were present.

Don reviewed the public notice and notification to property owners within 200 feet of the property, mineral owners or lessees of record - determined they were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit explained that this was a request for review of an amendment to a Special Use Permit to allow expansion of an existing facility for American Soda, LLC. located off of CR 215, about 3 miles northwest of the Town of Parachute. American Soda proposes to add process equipment to enhance recovery of soda ash from it's mine recycle water and MVR purge systems. The deca-hydrate addition will be added to the main process building located at the center of the site. Adding the new equipment will allow American Soda to convert residual soda ash product remaining in the mine water into a recoverable for of soda ask called "deca-hydrate". The deca-hydrate is then returned to the crystallizer and converted to finished soda ash product.

She continued to review the relationship to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns, Suggested Findings and Recommendation.

Recommendation:

Staff recommends Approval of the application for a special use permit with the following conditions:

9. That the existing resolution, #99-055, shall be replaced by a new resolution of approval containing all the original conditions found in 99-055, plus any new conditions of approval deemed by the Board of County Commissioners, as follows.
10. That all representations of the applicant in the application for the deca-hydrate addition, or at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners. Said representations include, but are not limited to:

    a. Neither commuter nor truck shall appreciably increase due to the deca-hydrate addition.

    b. The new addition shall be painted the same unobtrusive color as the existing building.

    c. No increased emissions of vapor, dust, smoke, glare, or vibration, or other emanations, shall occur as a result of the deca-hydrate addition so as to impact adjacent lands. Equipment generating noise shall be enclosed within buildings. The deca-hydrate addition shall not produce perceptible ground vibration at any point along the property boundary. Smoke

and particulate matter shall not be produced. Emitted heat shall not be measurable in off site air or water resources.

11. That the deca-hydrate addition approval shall be valid until 8/13/02. If the applicant fails to meet the conditions by 8/13/02, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

1. Discussion

The Board concluded that Condition No. 3 was not necessary.
Public Input - none
Motions
Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded; motion carried.

Commissioner McCown - made a motion to approve the amendment to allow the SUP to Resolution 99-05 along with the conditions proposed by staff, eliminating No. 3 - including 1 & 2. Commissioner Stowe seconded. Motion carried.

REQUEST FOR A SERVICE PLAN REVIEW FOR THE SPRING VALLEY METROPOLITAN DISTRICT 1 & 2. LOCATION: APPROXIMATELY 6 MILES SOUTHEAST OF GLENWOOD SPRINGS, OFF COUNTY ROAD 114 - 115.
Mark Bean, Don DeFord and Lee Leavenworth Attorney for Spring Valley Sanitation; Cam Kicklighter - Spring Valley Development; Boots Fergerson were present.
Don reviewed the noticing requirements with Lee Leavenworth, determined they were timely and in order and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Original Service Plan No. 1; Exhibit D - Amended Service Plan dated June 6, 2001; Exhibit E - Memo to the Board of County Commissioners dated April 25, 2001 from the Planning Commission; Exhibit F - Letter from Blake Jordan dated May 8, 200l; Exhibit G - Letter from Alan Matlotz dated May 18, 2001; Exhibit H - letter from Blake Jordan; Exhibit I - A Second Letter from Alan Matlotz dated June 11, 2001; and Exhibit J - Letter from Lee Leavenworth for Spring Valley Sanitation Certifying the Inclusion of Properties on behalf of Spring Valley consistent with the Agreements, dated Friday, August 10, 2001 - addressing negotiation of terms.
Chairman Martin entered Exhibits A - J into the record.
Mark provided the Board with an overview of the former meetings regarding the Service Plan Review for the Spring Valley Metropolitan District 1 & 2 saying if it was Board approved the amended Service Plan subjects to the applicant making any revisions suggested by Blake Jordan. The only changes were to add in the original mill levy limitation language - "after the date of the incurrence or issuance of such obligations" in order to provides for a limited mill levy and the word "between" in the method by which the adjustment is made.
Applicant Input was provided by Cam Kicklighter; Attorney Tom Smith; Boots Fergenson from Holland and Hart and Stan Burnstein to speak on financial issues.
Cam Kicklighter - Atlantic Corporation filed for Chapter 11 in early May - called it's loan - Wall Street Investment - a controlled position - when this occurred negotiation were held and it was not filed - this was agreed to with that negotiation and with other lenders and now it is in the reorganization phase with the Court. Approval is later this fall. He briefly updated the position of this funding.
Boots Fergerson added that this service plan has been reviewed with Glenwood Springs Fire Protection District - lies within this district - it's a 3-party agreement with the City of Glenwood Springs, Rural Fire Protection District and Spring Valley. In either event, the obligations are to fund the equipment and facilities used by the Glenwood District. The City will provide the manpower - down the road - obligation to fund different employees of the fire district - fund any associated costs. The next phase is a construction phase - anticipated and budgeted for equipment and staff when it evolves. City and Fire Protection District - very comfortable. Payment under the agreement was made earlier this year.
Mark Bean - as part of their PUD - require adequate fire protection to this district.
Boots Fergerson - with respect to the concept of defensible space, the management of vegetation along road sides is incorporated as required by the State requirements.

Cam Kicklighter - stated he was prepared to discuss and go over the changes from the 1st draft through the 2nd draft.
Boots Fergerson continued to explain that the obligations are done by an IGA - more comprehensive plan to assure the Homeowners Association are in charge of open space and roads - these two districts are responsible for water and will coordinate with Lee Leavenworth's Sanitation Districts. Bruce and Alan Matlotz submitted information on 5/8 and 5/18 regarding financial controls with a focus on financial responsibility for the homeowners. For the record they agree to the one last suggestion from the Planning Commission regarding the mill levy caps - additional mill levies and restricting limitation. Boots explained the way they have set this up it protects the homeowner not the developer - the developer takes the financial risk. He recommend three conditions of approval - the reason they are here now is to fulfill a condition of the SUP and with the submission of this a series of 3 conditions were suggested: the Blake Jordon conditions will be satisfied 1) change name from Landis and included in the Spring Valley Sanitation Districts - 2) Service plan incorporate all of the requested changes as outlined in the letter dated August 13, 2001 from Lee Leavenworth and 3) add an additional condition that was suggested while working with Don DeFord - one sentence to assure consistency and that is to make sure the IGA is responsible to the service plan. He continued saying that Don Landis had obtained approval for a Sanitation District but never went to court and therefore, it was never authorized to be formed.
Chairman Martin inquired as to Affordable Housing and what they can annex into what services, also what votes can they cast.
Boots Fergerson said they were keeping the Affordable Housing Units out of this mil levy - no obligation to reply any improvements - an agreement by the Association and District for water service and road service - not under a tax burden - one change was made - Affordable Housing owners - if they want to annex into the District and the Board shall approve any annexing - prior to that time - the Service District will assure Affordable Housing Units are provided services.
Cam Kicklighter clarified they will have their own Homeowner's Association - a member of the master Homeowners Association. He also mentioned that Affordable Housing units are at the beginning of the project.
Lee Leavenworth, counsel for the Sanitation District stated it has been fully funded and on schedule - plans are to open the end of this year. Some confusion getting the Board the Service Plan - responding to concerns and the various categories such as 1) name change; 2) no wholesale water district consistent; 3) dedicated to Spring Valley Sanitation and contain very definite design standards; 4) districts not be allowed materially to breach the agreement; and 5) fees not charged for those similar to their Sanitation District - no objection to their approval.
Stan Bernstein - financial issues - did not speak.

Motion
Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded; motion carried.
Commissioner McCown made a motion to approve the amended Service Plan for Spring Valley Metropolitan District [called that until a new name - Don clarified it was still Spring Valley at this point subject to them giving the Board an amended service plan, then when it comes back it will be a Resolution approval the Landis Creek or whatever] with the three (3) conditions recommended by the applicant: 1) being that the Blake Jordan language all inclusive be included in the amended plan; 2) all of the verbiage and corrections from Leavenworth regarding the Spring Valley Sanitation District and 3) whatever the mysterious legal detail to be worked out with our County Attorney which the Board was not privilege to - that be all inclusive and it would be redundant to recommend the ones by the Planning commission, it seems like those have all been answered through the discussion.
Commissioner Stowe - seconded.
Motion carried.
Chairman Martin commented that he thinks the best use is to leave it the way it is but he understands the economics; and hopes they live up to all those obligations.
PUBLIC MEETINGS:

REQUEST FOR CONSIDERATION OF RESOLUTION VACATING A ROAD EASEMENT IN THE WEST BANK RANCH SUBDIVISION
Steve Beattie and Don DeFord were present.

Chairman Martin - we have a Resolution in front of us.
Don DeFord - Mr. Chairman, pursuant to the provisions of Section 43-2-303(1)(b) CRS - you're required to give notice of consideration of a Resolution to vacate a road easement to owners adjacent to that roadway - based upon the records of the Assessor as verified within the last two weeks from that office, we provided noticed to Sterling Christine Page, Marlin Ltd. and Cantel's on the 31st of July. That notification is adequate and you may proceed. No challenges to the notices.
Don DeFord - you should have a copy of the proposed Resolution in your packet - this was drafted at the direction of the Commissioners after you consideration of a petition to vacate. There are a number of whereas clauses that refer generally to the relevant statutory provisions as well as the consideration of the petition. I would particularly draw your attention to page two of that document beginning the number paragraphs which are the direct subject of your Resolution - the 1st indicates notice was adequate and you have already proceeded in that manner and you need to accept as part of your consideration today the return receipts and the proof of mailing that I just referred to.
Mildred Alsdorf - the Exhibits would be Exhibit A - Proof of Publication and Exhibit B - the Returned Receipts.
Don DeFord- Number two (2) - refers to the meeting at which you considered the petition to vacate - pursuant to this Resolution, you incorporate a record of your consideration of that meeting into this meeting today - there was an extensive record presented at that meeting and as you know all three of you were at that meeting and heard all of the testimony, considered all of the exhibits, and you need to incorporate all of that record into your consideration since all of you actually received that evidence - and that's done under Number two (2). On Number three (3) - concerns this meeting today and it's another opportunity to receive evidence and exhibits - and once we go through this Resolution, you need to consider any further statements or testimony by individuals present. Number four (4) refers to the attachment which is the actual road easement that is the subject of the petition to vacate - that is the actual document that was attached to the petition. Number five (5) refers to the method of vacation and what happens to that property upon vacation - that is in this case it will actually vest in the adjoining property owners within the subdivision because the easement itself was within the Westbank Subdivision so as a matter of law it goes to the property owners that adjoin the easement to the extent they are in the Westbank Subdivision. And the date of this hearing there was no property left without access - both of the properties that are adjacent to this roadway in Westbank continue to have access to a public road - and on the date of notification, the property owned by Marlin Colorado - Prehm Ranch had access you know from County Road 163 and it does not alter the status of any existing easements that might lie within that - but of the road easement you are not vacating any private easements, you don't have the authority to do that - this simply vacates the public nature, if any, of that road easement. So that's a description of the Resolution - I believe it conforms with your directions and the petition to vacate - and if you adopt this Resolution you would adopt all of the findings in the whereas clauses and all of the conclusions set forth in the Resolution numbered paragraphs. I think you should invite comment from the public as part of this meeting to establish a record on these proceedings before you make any final decision in this matter.
Chairman Martin - we'll swear those folks in because we are taking public testimony, so all those that wish to go ahead and make any testimony in this matter, please raise you right - the attorneys are exempt. Do you promise to tell the truth, the whole truth, and nothing but the truth? All right, thank you. At this moment, to the Commissioners, any questions that need to be answered by Don DeFord?
Commissioner McCown and Commissioner Stowe - no, not at this time.
Chairman Martin - we'll go ahead and open it up then to the public comment. Then at that time, if you could come forward and identify yourself, I'd appreciate it. Who's first, attorneys? All right.
Public Comment
Steve Beattie, I'm an attorney for Westbank if you remember from the July 16th meeting. First of all we commend Mr. DeFord on the Resolution he's prepared - it appears appropriate and in good order. I felt it was appropriate for purposes of the record to note - I had not seen Mr. Neiley's letter of the proceeding Friday to July 16 and therefore hadn't had a chance to think it through - I would note for the record that the statute under which this Resolution has been prepared which is 43-2-303(2)(b) - says in part that if any roadway has been established as a County Road at any time, such roadway may not be vacated other than by the method set forth here. I did want to clarify that the roadway easement which Westbank's Petition seeks to vacate has in fact never been established as a County Road - the County Road is within the cul-de-sac which is shown on the exhibits and there's never been a County Road established in that roadway easement - and I believe the evidence was consistent with that - however, as I say, Westbank has no

objection to the Resolution and I think the County's approach to do a Resolution and further notice under these circumstances is a prudent and cautious approach but I did want that to be clear that there's never been a road in that roadway easement. Secondly, Westbank residents inquired, should they be here today to re-express their opinions to you - and we said no. We understood that the record would be incorporated - we didn't want to take your time further - their views have been expressed and I know that you recall them from the last meeting. But, the views remain the same if you have questions of the Board, Mr. Deroux and Mr. Wright are here and they are available to answer any questions. Finally I was a little unclear as to what Exhibit A to the Resolution would be - it describes the property to be vacated - the attachment to the petition was an excerpt of the plat for Westbank Filing No. 1 - that excerpt in and of itself may not be clearly explanatory as to precisely what is being vacated - there's no doubt from the hearing as to what is being vacated, but it would be perhaps my suggestion to the County Attorney that there be a word description of what is being vacated with the excerpt then attached and highlighted because it is a very very minor segment that is being vacated here.
Don DeFord - I will leave that up to the Board - the petition is part of the record of this hearing as it was in the other as well, but the attachment is the, as Mr. Beattie has referred to, it is the excerpt of the plat of the Westbank Ranch Subdivision together with the certification of dedication and the road easement is set forth - it is written and is portrayed on that document, but if the Board desires a further description, we will do that - I would suggest that a legal description as such is not needed other than as is before you but we could put in a generic description if the Board desires.
Steve Beattie - that's all the comments that I have, Mr. Chairman.
Chairman Martin - any questions of Mr. Beattie at this time.
Commissioner McCown and Commissioner Stowe - no, not at this time.
Chairman Martin - thank you Steve - any other citizens that would like to go ahead and make comment?
Rick Neiley - Mr. Chairman, I think I'll pass today.
Chairman Martin - All right. Any other citizen? All right. At this time, the question is, do we need a legal description included, if we go forward with this, or not?
Commissioner McCown - I have a question for Don, in the fifth (5th) whereas on the first page of the Resolution referring to that particular statute and subsection, is one b -- [(1)(b)] correct
Don DeFord - in this one it is, this refers to your power to vacate - two b [(2)(b)] is the methodology including the notification to vacate.
Commissioner McCown - I just noticed that two b [(2)(b) was referred to ..
Don DeFord - you'll see on page two number one - we refer to two (2) and that's the notification section.
Chairman Martin - my question still is, does the Board wish to go ahead and clarify the verbiage to the road easement or do they feel Exhibit A is self-explanatory?
Commissioner McCown - I think the testimony given by not only the Marlin Ltd. but the Westbank Homeowners Association, that there's no doubt in my mind what particular of property we're talking about - I don't know that a further written description would be necessary, at least ..
Don DeFord - I can do that if you wish, it's not a problem, I would simply indicate that road easement lying at the northerly extremity of Oak Lane in the Westbank Plat as portrayed on this Exhibit.
Chairman Martin - which is marked road easement and directed to that cul-de-sac. All right.
Commissioner Stowe - I don't feel it's necessary either.
Chairman Martin - you feel it's been identified enough?
Commissioner Stowe - I believe so.
Chairman Martin - all right, very good, that answers it. Any other questions? Mr. DeFord is there anything else for clarification that you would need?
Don DeFord - I have nothing else.
Motion
Commissioner McCown - I make a motion we approve the Resolution vacating a road easement in the Westbank Ranch Subdivision Filing No. 1 and that the Chair be authorized to sign said Resolution.
Commissioner Stowe - second.
Chairman Martin - all right - that's a motion and a second, any discussion?
Hearing none, all those in favor -
Stowe - aye
McCown - aye
Martin - aye
Chairman Martin - so we will go ahead with the Resolution.

Adjourn -

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

Attest: Chairman of the Board

_____ _____

AUGUST 20, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 20, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE: ED GREEN

Ed Green gave his update that included the following:

i. ***Update on Rental of Fairgrounds and Airport by the Army***

The Army's 10th Special Forces (Airborne) known as the Green Berets, stationed at Fort Carson in Colorado Springs, will hold a military training exercise in and around Rifle area between February 15 and March 20 next year. Ed presented the update - he and Dale met with the representatives regarding their needs that included sleeping needs and a place to house their headquarters - The Fairgrounds Riding Arena and South Hall would be used as well as the Airport. The exercise will involve airborne maneuvers that will be staged at the Airport. Fuel sales will be handled at the Road and Bridge Shop or else they will locate a tank on the grounds. They will be jumping at the airport. The City of Rifle, Selby Meyers was contacted and his concerns were the power lines in air operations, noise and congestion. The soccer schedule is a concern but efforts have been made to accommodate.

Dale will be negotiating the terms of the lease for all county facilities next week as well as purchase of aviation fuel. At the end of the exercise, the Army plans to hold an Appreciation Day and let kids explore the equipment.

Dale added that it was in the best interest of the County for safety purposes to have this considered as a military reservation during this portion of time to keep public from mixing with the Army. The training is specifically for the 10th Special Division to replace the troops in Kosovo, however they are inviting others in to participate in the training exercise - a 33 day event.

ii. ***County Health Pool Rate Increase***

Ed reported on the health pool board, of which he is a member - his best guess is that the county will absorb a 15% increase in rates and members will absorb an 8% reduction in benefits. This will cover the 23% total increase to keep the plan solvent. Some of the benefit reductions that the Board asked Segal Corporation to price out included: raise the co-pay from $25 - $35; Evaluate the EPO coverage; consider adjusting out of pocket maximums; and/or increase the deductible for PPO and add one for EPO.

iii. ***Courthouse Plaza - Construction Staging Parking***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve and authorize the Chair to sign the Construction Agreement and to use the Parking Lot at 8th and Pitkin for Courthouse Plaza construction staging parking; motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

Carolyn Dalghren gave the update.

i. Review - Fire Ban

Guy Meyer said the report on moisture content was between 12 - 15 Countywide. The forecast indicates moisture is on the way and recommended to allow the fire ban to expire.

Commissioner McCown moved to allow the Fire Ban to expire as of today, August 20, 2001. Commissioner Stowe seconded; motion carried.

- **Rural Resort - Update**

Commissioner Stowe reported that there was a meeting with all mayors of the Towns and Cities along with the County - a tentative date was set during the week of September 11th with the meeting beginning at 9:00 a.m. at the Courthouse Room 301 and a luncheon following.

- **Employee Picnic - 11:00 - 1:00 P.M. - Two Rivers Park - Thursday, September 13, 2001**
- **August 28, 2001 - Tuesday - 11:00 A.M. approve Courthouse Plaza Contracts**

COMMISSIONER REPORT

Commissioner McCown - MAC Exercise - 9:00 A.M. Friday.
Commissioner Stowe - Personnel - 8/29/01 - 9:00 A.M.
Chairman Martin - 9/11/01 - City/County Breakfast 7:00 A.M.; 8/24/01 - CSI Meeting; Library meeting 8/28; Mayors, Engineers, and Road and Bridge - Re: Transportation - Snowmass - 8/29/01 - municipalities will be there or will submit their priorities/needs. Update on New Castle and the flood - Guy Meyer and he reviewed the situation on-site - the clean up is going well - a long way to go - volunteers are helping - the New Castle Library endured some basement damage; a safety issue came up at the Rodeo Grounds calf-shoot - the present design tends to hooks the leg - need to revamp and put a new style - i.e. put tires or something similar on it to make is safer.

City Meeting - Annexation

Chairman Martin mentioned he attended the City Council Meeting last Thursday. The City made a motion on their 1st reading to approve. The bid was $420,000 - $210,000 each entity.
Roundabout - $210K - bid was $420K - drainage issues were discussed - if funds are short, possibly postpone until next year for the Roundabout and move forward on the drainage - a dip at the end of the CR 117 - at the entrance to the Roundabout. The price for the County's portion for the T-Intersection is $180,000 versus $210,000 for the Roundabout. SCHEDULED

WORK SESSIONS/DISCUSSIONS/DECISIONS

CONSENT AGENDA

i. Approve Bills
ii. Sign Resolution of Approval for Preliminary Plan of the Roaring Fork Preserve Subdivision
iii. Sign the Resolution of Approval of a Special Use Permit for Michael and Lenore Hammes
iv. Sign First Amended Prehm Ranch Exemption Plat
v. Refer Proposed Text Amendment to the Zoning & Subdivision Regulations by the Planning Commission.

Mark Bean submitted a memorandum that explained House Bill 01-1088 passing has necessitated review and revision of public notice requirements to the Zoning and Subdivision Regulations. He requested this be referred to the Planning Commission to be reviewed, comments, and recommendation at their next regular meeting on September 12, 2001.

vi. Sign a Partial Release of Subdivision Improvements for the Ukele Acres Subdivision
vii. Sign the Amended Final Plat, Lots 7, 8 and 9, Block 7 Unit One of the Elk Creek Development

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda; carried.
REGULAR AGENDA - BUILDING & PLANNING ISSUES:
GoCo Support Letter Request - Aspen Valley Land Trust
Randy Russell and Reid Haughey were present.
Reid Haughey of Aspen Valley Land Trust presented to the Board a packet of information and a proposal for an opportunity to purchase the R.M. Laurence Ranch located on the western edge of Missouri Heights. He said they were attempting to piece together a complicated deal to preserve it. His request before the Board was a letter of support in this undertaking.

He stated there will be some land development on the land due to the fact that monetarily the Trust would not be able to maintain the land as a Ranch. There is a $500,000 grant in the process of submittal to the Great Outdoors Colorado showing support from the County for the continued use of agricultural land. There are interested buyers for both of the parcels to be offered for sale.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to support a letter of support for Aspen Valley Land Trust and to authorize the Chair to sign the letter. Motion carried.
PUBLIC MEETINGS

REQUEST TO AMEND THE EXEMPTION PLAT FOR THE KENNEDY SUBDIVISION. LOCATION: APPROXIMATELY 1 MILE NORTHWEST OF THE TOWN OF CARBONDALE, BETWEEN STATE HIGHWAY 82 AND THE ROARING FORK RIVER. APPLICANT: MICHAEL P. & JULIE A. KENNEDY

Jim Leuthueser, Randy Russell, Mark Bean, and Attorney Larry Green were present.
Mark stated this is a request to amend the boundary lines of Lot A from 2.19 acres to 2.36 acres, and Lot B from 2.02 acres to 3.32 acres. He explained that the Kennedy Subdivision Exemption borders the easterly boundary of the Coryell Ranch Subdivision and Mr. and Mrs. Kennedy have agreed to convey this property. This parcel of land was not platted with the Coryell Ranch PUD and is in limbo stage at this time.
Recommendation:
Staff finds no reason to deny this request and therefore asks the Board of County Commissioners to approve this proposal.
Larry Green added that this was just a housekeeping item - they originally wanted to keep the land as a buffer, but this was part of a plat and necessitated to do a lot adjustment versus a boundary line adjustment. This expands the size of the acres.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request to amend the boundary lines of Lots A & B as presented and the Chair authorized to sign at the next meeting on September 4. Motion carried.
REQUEST TO AMEND THE BUILDING ENVELOPE OF LOT G5, ASPEN GLEN, FILING NUMBER 1. LOCATION: BALD EAGLE WAY WITHIN ASPEN GLEN PUD. APPLICANT: STEVEN C. HELD & MICHELLE LONG.

Jim Leuthueser, Mark Bean, and Larry Green, Attorney for the applicant were present.
Mark stated this is a request to amend the building envelope of Lot G5, Aspen Glen, Filing 1. The owners of the lot would like to increase the size of the building envelope slightly.
Larry Green has submitted in his letter that after the modification, the building envelope will comply in all respects with the setback and other zoning restrictions contained in the applicable zone district for the Aspen Glen PUD. The increase in size of the building envelope has been reviewed and approved by the Aspen Glen Golf Company and by the Aspen Glen Homeowners Association.
Recommendation:
Staff finds no reason to deny this request and therefore asks the Board of County Commissioners to approve this proposal.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request to amend the building envelope of Lot G5, Aspen Glen, Filing 1 and that the Chair be authorized to sign on the Consent Agenda on September 4. Motion carried.

REQUEST TO AMEND THE LOT LINES BETWEEN LOT NUMBERS 5 & 6, OAK MEADOWS SUBDIVISION, FILING 4, AREA 2. LOCATION: LOTS 5 & 6 BEAVER COURT WITHIN OAK MEADOWS RANCH FILING 4, AREA II.

Diane Delaney submitted a letter to exclude this from the agenda and withdraw the request.
REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF A SUBDIVISION. LOCATION: APPROXIMATELY 5 MILES EAST OF CARBONDALE, ALONG CR 115. APPLICANT: JAMES AND GINA GOULD.

Jim Leuthueser, Mark Bean and Max McDonnell were present.
Jim reviewed the noticing requirements to be posted, adjacent land owners as well as public land owners, mineral owners or lessees to be noticed, determined them to be in order, and advised the Board they were entitled to proceed.
Mark Bean stated this is a request for exemption from the definition of a subdivision for James Gould on a 521 acre parcel located approximately five miles east of Carbondale along CR 115. The property is an existing ranch of 1329 acres, with over 360 feet in elevation change. The owner and general manager would like to split out one, five-acre parcel of land from the parent tract to give as a gift for his ranch manager.
Mark continued to review the project information and staff comments going over the relationship to the Comprehensive Plan, major issues and concerns, and the recommendation by staff.
Recommendation:
Staff recommends **Approval** of this request for an Exemption from the Definition of Subdivision with the flowing conditions:

1. That 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.
2. 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.
3. 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.
4. That the exemption plat submitted include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
5. The applicant will be required to pay the $200 school site acquisition fee for the newly created lot, prior to the approval of the Exemption Plat.
6. To be considered a legal and adequate source of water the well will have to be tested to conform to the following criteria prior to final approval of the exemption plat;
   1) That a four 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 our pump test indicating the pumping rate in gallons per minute and information showing down draw and recharge.
   4) A written opinion of the person conducting the well test that this well should be adequate to supply 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 laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;
   7) A water sharing agreement will be filed with the exemption plat that defines the right of the property owners to water from the well.
7. The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permits, prior to final approval.
8. That the following plat notes shall be included on the exemption plat:
   get from boiler plate.
9. "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 (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."

"The property identified on this plat is not within any fire district boundaries."

1. Applicant:

Max said that Mark Bean covered the proposal - it will be on the western end of the property and access will be off of County Road 115.

Public Input:

Roger Wilson - submitted a letter saying they look down on this property and an elk herd and other wildlife migrates along the proposed property. They are requesting lighting be extended so that the source of the lighting be shaded and non-visible, also to consider the utility easement poles not be on the road itself along the high point where they would be that visible.

Judy Cooper for Mrs. Fischer and her brother Mr. Fischer.

Judy asked the Board to remember the original landowners and those newcomers who want to protect the natural landscape of the area in reference to lighting and utility poles and thanked the Board for considering these facts.

Applicant:

Max said he agrees with the comments made by Jeanne and Roger but you "take change by the hand, or it will grab you by the throat."

Jim Leuthueser determined that the applicant was in agreement with the request of his neighbors on the utility line placement and it shouldn't be a problem.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for an exemption from the definition of subdivision for James Gould, General Partner with the 8 recommendations made by staff; motion carried.

REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A SPLIT OF 86 ACRE TRACT INTO 3 TRACTS OF 2.6, 3.7 AND 80.3 ACRES EACH. LOCATION: ON THE WEST SIDE OF GLENWOOD SPRINGS, OFF OF CR 117. APPLICANT: LUCILLE FISCHER

Mark Bean, Jim Leuthueser, Lucille Fischer, and Cheryl Chandler were present.

Jim reviewed the notification requirements and determined that they were in order. He advised the Board they were entitled to proceed.

Mark Bean stated this is a request for an exemption from the definition of subdivision on an approximate 90 acre tract adjacent to the City of Glenwood Springs, west of the Cardiff Bridge area. There is an existing dwelling located on a knoll that is reached from an easement that intersects County Road 127. The applicant proposed to subdivide the tract, by exemption, into three (3) parcels with lot sizes of the new parcels of approximately 2.619 and 3.09 acres each, with a remaining parcel of 86.07 acres.

He continued to review the major issues and concerns, suggested findings and recommendation.

Mark mentioned any approval needs to be based on the applicant submitted demonstration of a one acre building site that is less than the 40% slope.

Recommendation:

Staff recommends **Approval** of the application, pursuant to the following conditions:

1. That 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.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access easement to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc. Building envelopes shall be shown on the plat, that identifies at least one acre of land less than 40% slope.

3. 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.
4. 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.
5. 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.
6. Prior to final approval, the applicant will provide copies of the following documents:
   a) The water quality be tested by an approved laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids;
   b) A water sharing agreement that will be filed with the exemption plat that defines the right of the property owners to water from the well.
7. That the following plat notes shall be included on the exemption plat:
   get from boiler plate.
   "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 control of noxious weeds."
   "One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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 further divisions by exemption from the rules of Subdivision will be allowed."

Applicant:
Lucille Fischer commented on the rock fall and sprinkler system. The rock fall mitigation was in the report due to a lack of knowledge as to where the lots would be and also that she preferred the sprinkling system.

Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request from an exemption from the definition of subdivision for Lucille Fischer with the recommendations from staff 1 - 7. Motion carried.
PUBLIC HEARINGS

REQUEST FOR A PLANNED UNIT DEVELOPMENT ZONE DISTRICT TEXT AND PLAN AMENDMENT TO THE GARFIELD COUNTY AIRPORT INDUSTRIAL PARK PUD. APPLICANT: GARFIELD COUNTY AIRPORT LAND PARTNERS, LTD.

Mark Bean and Jim Leuthueser were present.
Jim reviewed the public notice requirements, determined they were in order and timely and advised the Board they were entitled to continue.
Chairman Martin swore in the speakers.
Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Project Information and Staff Comments.
Exhibit D - Application and attachments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; and Exhibit F - Garfield County Comprehensive Plan.
Chairman Martin admitted Exhibits A - F into the record.

Mark Bean submitted the information saying the PUD is located within the two mile sphere of influence of the City of Rifle, but just outside of the annexation boundary noted on their Comprehensive Plan map. The City shows the airport and private property between CR 352 and the airport, as an area for future annexation. The PUD plan map specifically identifies the area proposed for PUD Plan amendment as being Airport Industrial Park (County). This was done in recognition of the County's ownership of the property. It is proposed to amend the Garfield County Airport Industrial Park PUD Zone District Test to add the Public Administration/Facilities (PA/A) zone and to amend the PUD Plan to designate the County owned property as PA/A Zone. The proposed zone district text will delineate the specific uses that the County can develop on the property. The proposed uses are all tied to the various functions that the County is responsible for providing to the public consistent with the County's vision of the future use of the property. The County is also proposing to change the plan designations from Commercial/General Service (C/AS), Industrial/General Service (I/GS), Residential/Single Family and School site to the new Public Administration/Facilities (PA/F) zone district.
Mark continued to review the major issues and concerns, recommended findings, and recommendation.
Recommendation:
Staff recommends that the Planning Commission recommended Approval of othe proposed PUD zone district text amendment to add the Public Administration/Facilities Zone District and to amend the PUD plan to add the PA/F zone as shown on the Garfield County Airport Industrial Park PUD Plan map.
Motions
A motion was made by Commissioner McCown to close the public hearing; Commissioner Stowe seconded; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the amendment to the Garfield County Airport Industrial Park PUD Text and Plan to add the Public Administration/Facilities (PA/F) zone and amend the plan to include a PA/F area as presented. Motion carried.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Sandy Getter - Representative for the two proposed Trails for Battlement Mesa - various groups are interested in seeking a safe trail between the two communities. She commented that plans need to be made now. Knowing that a widening of the intersection by the library, leading from North Battlement Parkway and going west toward the shopping complex is inevitable, the community wants to be assured that you will put a safe walking bicycle path into your plans. The second petition asks for the Board to designate an easement along the perimeter roads of the golf course so that future trails can be built, possibly with grant money. She asked the Board to advise her is they want to set up a public meeting for community input. Meanwhile Sandy said she will disseminate any replies, information, letters, that are sent to her, through the monthly publication - The Sun. She requested the Board take some form of action.
Chairman Martin stated that the Building and Planning and Road and Bridge Department need to be included in discussions. The Board will take it under consideration and advise Sandy of what is happening.

BOARD OF HEALTH - CONTRACTS REVIEW & SIGNATURES

WIC Contract Change Renewal Order
A motion was made to authorize the Chair to sign the WIC Contract Change Renewal Letter for an increase of $121,113.00 for October 1, 2001 through September 30, 2002 making the total financial obligation of the State of $241,529.00 to be spent as outlined in the budget included with the Contract and authorize the Chair to sign the contract. Commissioner McCown seconded; motion carried.

Contract - Healthy Beginnings
The grant for the term from October 1, 2001 through September 30, 2002 is increased by $155,250.00 for a new financial obligation of the State of $310,500.00 - of the increased dollars, $74,250.00 is to administer the prenatal services program and $49,000 is for diagnostic tests with an increase in the number of patients to be served by 165 patients.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the contracts and to authorize the Chair to sign; motion carried.
Commissioner Stowe moved to go into the Board of Health; Commissioner McCown seconded; motion carried.

Mary Meisner submitted a written report for the Board that informed them of the updates on the various programs - WIC, TB, Regional Needs Assessment, Tobacco Moneys Grant, Immunization Program and Emergency Preparedness regarding the flood in New Castle; and Miles for Smiles which will be here until August 28. Mary added that a grant is being looked into for a future stationary clinic. The seniors will be brought into this as well.

Acting Garfield County Public Health Officer
Dr. Robert Brokering, MD has accepted the offer to be the acting Public Health Officer when Mary is on vacation. A resolution will be prepared and presented for approval of the Board on the Consent Agenda for next meeting.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; motion carried.
HUMAN SERVICES COMMISSION

Margaret Long submitted the report prepared by Lisa Pavislick of the Agency Name, Requested for 2002 and the 2002 Allocation presented by the Human Services Commission.
Advocate Safehouse - $9,000; Asistencia para Latinos - $4,500; Aspen Foundation $1,000; CMC-Nutrition - $5,000; CMC - RFVP - $13,000; CMC - The Traveler - $23,000; Colorado West Counseling Services - $24,500; Colorado West Recovery - $25,000; Columbine Hone Health - $8,500.00; Columbine Homemakers - $5,000.00; Family Visitor - $20,000; Garfield Legal Services - $7,000; Girl Scouts - $1,000; Literacy Outreach - $10,000; Mountain Family Health Center - $10,000; Mountain Valley - $29,500; Planned Parenthood - $1,500; Roaring Fork Family Resource Center - $2,000; Salvation Army - $4,300; Sopris Therapy Services - $1,000; and Youth Zone - $12,000 for a total amount for grants of $216,800. 11,300 more to add to the sum for allocation. There were a consensus the agencies that had been funded at the sane level as 2001 - the 1,500 to planned parenthood to deal with some surgical procedures.; 4,300 to Salvation Army in recognition of the home shelter; Sopris Therapy - hippo therapy - more than just riding horses with therapy - $ Asistencia $4,000 - - Assistance Dogs of the Rockies were denied; Crystal Meadows and Defiance are capital expenditures; Roaring Fork Hospice was very unclear as to where they left off and hospital districts came in - they requested they get with Valley View Hospital Hospice Care. Kay - all in the Human Service Commission wish they had a lot more in grant funds available. Commissioner Stowe complimented the Committee saying they did a very good job of spreading the grants around.
Motion
Commissioner Stowe moved to accept the agencies as recommended with the stipulated amount of contributions. Commissioner McCown seconded. Motion carried.

BOARD OF SOCIAL SERVICES
Commissioner McCown made a motion to go into the Board of Social Services. Commissioner Stowe seconded; motion carried.
Lois Hybarger and Margaret Long were present.
Margaret Long submitted the monthly reports through June 2001 including recap of child support collections, referrals, type of placements for child welfare, out-of-home placement graph, Colorado Works/Gateway, child care expenditures and statistic report and caseload statistic report.
Discussion Items
Certification of Disbursements
Lois presented an 18 month report of certification of disbursements for $5,724,715.33 and requested the Chair be authorized to sign.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the document as presented by Lois Hybarger, Comptroller. Motion carried.
Rural Resort Region Consolidated Project - Child Care Survey Contract
Margaret stated the project chose to apply for federal moneys through the Colorado Department of Education last spring to complete a five county needs assessment. A request for proposals was completed with all bids complied by Tim Arnet. From the original six bids, Mills & Pardee, Inc. was chosen by a selection committee made up of representatives for all five counties. The process included: interviews, proposal review, other work completed and reference checks.

A contract was completed by the County Attorney's Office. The total moneys available for the contract are $60,000. Half of the moneys are from the Colorado Department of Education and the other half are Federal TANF moneys from Garfield, Eagle, and Pitkin Counties.
This survey is essential to assuring that we proceed in the right direction in our child care project. If we begin to advance to major projects such as helping communities develop child care centers, more information is needed on what parents need and can afford as well as understanding the needs of employers.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the contract as presented by Margaret Long for the Rural Resort Region Consolidated Project; motion carried.

- ***Utilization Review Functions - Single Entry Point Agency as a Contractor***

Margaret discussed the utilization review functions for nursing home admissions, HCBS, etc. She stated the issue at hand is that CRMC has chosen not to renew their contract with the State Department of Health Care Policy and Finance. The state would like some or all of the SEPS to contract with them to do this function. The reasons for the SEPS to handle this function is to assure consistency of review and also give the SEPS more local control. The reasons against handling this function are that the funds available appear to be marginal to cover the costs and it may increase our liability.
Linda Byers and Margaret are still undecided on the final recommendation but due to the deadline of submitting a proposal, a letter was faxed that does not make a commit but keeps the door open.
The lack of startup moneys is one of the problems, and asked the Board to consider that Social Services may be able to fund at least their share of the shortfall from TANF dollars that have been transferred to Title XX (Adult Protection Activities). This is a real issue in that the other 9 counties have never been asked to put in any money. Margaret added that she is only willing to consider this as a one time proposition if it meets the Board's approval as well as the other eight Board of County Commissioners. Margaret said she transferred some funds into the Single Entry Point budget from the TANF Title XX moneys.
Losing local control is not something the County has at the present time. This would be a missed opportunity to not bid for this. Applied criteria to decision making with those seniors who may need to be in nursing homes is at issue
This would develop better customer service.
CMC did not opt to bid for this again this year.
Legal issues will need to be referred to the County Attorney's Office.
The Commissioners were inclined to let it go. However, if the vote of the other 8 counties indicate they want Garfield County to assume the responsibility the Board was in agreement that they would have no other choice. This will be something Margaret will keep working on.

- ***Special Help to Two Agencies that Provide Services to the SEP***

Both Cooper Corner and Columbine Homemakers are having a difficult time making ends meet. In part this is because Columbine Home Health had to stop being the "umbrella" agency for these tow programs because out two hospitals pulled out of the home health business leaving Columbine literally holding the bag on providing services where it is very had to break even.
Both the above programs provide services which protect our very vulnerable disabled and elderly residents. Upon Jesse's approval Margaret has already provided Cooper Corner a one time only grant out of those remaining Title XX dollars that expire 10-01-2001. They are a sole source provider and the about was just under $5000 so we did not need to go out to bid. Margaret proposed to do the same for Columbine Home Health. Both are attempting o obtain funds from Aspen Valley Medical Association.
This will give both agencies a chance to adjust to operating on their own.

The Board agreed with Margaret's proposal for Cooper Corner and Columbine Home Health.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

Recess Until August 28, 2001 - 9:00 A.M. - Courthouse Plaza Contracts

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue this meeting until August 28, 2001; carried.

Attest: Chairman of the Board

_____ _____

AUGUST 28, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 10:00 A.M. on Tuesday, August 28, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Attorney Don DeFord, County Manager Ed Green, Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:00 A.M.

Discussion - Courthouse Plaza - Information - Contracts

Roy Stanek - S & G Development; Bruce Shugart and Shane Evans - Structural Associates Company were present for a discussion on Courthouse Plaza.

Don DeFord presented the contracts from the three entities for discussion, comment, changes and/or approval.

Don described in detail what the staff is asking the Board which is to authorize the Chair to sign an Architect Agreement with Roy Stanek of S & G Development; Construction Contract with Structural Associates and all closing documents necessary to obtain the property at 804 Pitkin Avenue - Glenwood Springs, CO scheduled for Wednesday, August 29, 2001 at 1:00 PM.

Contracts - Review

- ***Contract to Purchase Real Estate - S & G Development***

County Attorney Don DeFord; Roy Stanek - S & G Development; Bill Guest - Alpine Bank; Bruce Shugart and Shane Evans - Structural Associates Company were present for this discussion and consideration on the Courthouse Plaza Contracts, etc.

Don DeFord presented the contracts from the three entities for discussion, comment, changes and/or approval.

Don DeFord briefly described in detail what the staff are asking the Board to consider today in regard to Courthouse Plaza. There's a brief overview at the end of the proceedings today concerning Courthouse Plaza - we will be asking for you to give authority to the Chair of the Board execute a Purchase Agreement located at 804 Pitkin Avenue in Glenwood Springs - authority for the Chair to execute an Agreement for Architectural Services with Roy Stanek, LLC. - authority for the Chair to execute a Construction Contract with Structural Associates, and also authority for the Chair to execute all necessary closing documents to consummate the purchase of the subject property - that closing is currently anticipated to take place tomorrow at 1:00 PM. assuming the Board is in agreement that the County should go forward as we represented to you at this time.

Don DeFord - proceeded with all contracts that the Board needs to consider to properly bring this purchase to closure - start with documents:

- ***Contract to Buy and Sell Real Estate*** -

Don DeFord referenced the cover letter from the law firm of Lobathm, Green, and McCray. The record should also reflect that Mr. Stanek is present to answer questions as we go along on behalf of the seller - the architect - and generally the person who has knowledge about the project - Shane and Bruce are present from Structural Associates as the prospective contractors who would actually be responsible for construction of the facility, so if you have questions in that regard, they are available to answer those as well - and I'm sure they will want to participate when we get to their proposed contract.

Don DeFord - In regard to the purchase contract, we have discussed in general the terms of this agreement and I'll review those briefly as a general concept. The way this is structured the property at 804 Pitkin Avenue which is right across the street, and we refer to it as 'Courthouse Plaza ' would be purchased from S & G Development who will title prior to closing - we will purchase the property - we will pursuant to this

agreement be required to pay to S & G Development today $50,000 in earnest money and tomorrow you will see there will be an additional sum that will be need to actually bring the purchase of that property to closure. Through the purchase of that property and through this agreement, we also will incorporate in the agreement a contract with Stanek, LLC. to act as the architect on the project, responsible both for the design of the facility and generally oversight and management of the construction of that building as any architect would in a construction arrangement - also incorporated in this agreement are the plans and specifications for the building - there of course were original plans but those have undergone some changes to accommodate the County's needs and it's important that the facility and the plans we are purchasing are those that will actually be constructed. The entire process, both this contract as well as the construction contract and architect's agreement anticipates right now today that the County is essentially purchasing a shell building - the plans are for a shell, as they stand today, there's been a great deal of discussion about owner-finish on the buildings - those discussions are still under way - but, there are no final plans in my understanding, for the owner's finish - so, the plans that are incorporated in this agreement are for a building that will in essence on day of completion not yet be ready for occupancy - it's anticipated by everyone, I believe, that there will be required in addition to what you're looking at today, additional sums of money and additional plans needed to complete this structure for occupancy. This covers the general outline of the process that we're following and I would like to start by drawing your attention to paragraph 2g and you'll see in this agreement there are a few places where there are some blanks that relate to monetary amounts - in order to have a contract, these have to be completed and intend to introduce this discussion today and right now, so we can see where we are going with this. It is anticipated that this agreement must be signed by the close of business today.
Paragraph 2g and the next page paragraph 4 - you'll see that we will be paying $50,000 in earnest money today - that will be deducted from the final purchase price at closing - the purchase price for the property is anticipated to be $500,000 - the earnest money is $50,000 - there is still an open figure and that's why I drew your attention to paragraph 4g for amounts allocated to soft costs - after discussions with the seller and architect yesterday, his attorney has made the changes I requested in the document in the soft costs - *now are intended to include all costs unless we state otherwise today* and there are a few instances of that but these are normal and to be expected. What this soft cost would include: water and sewer tap fees, it would include use taxes or sales taxes, it includes any fees attributable to the design of this building, and the purchase of plans and as a side, you'll see that you are not only buying the property, but you'll see also in 'g' that you are buying an assignment of the construction contract and plans through this agreement. So, that price for the development of those plans also needs to be included. At that point, I'll stop and leave it to Jesse and Ed, the Board, and Roy to discuss where we are on this future and what my office and Mr. Pogrous need to include in this contract.
Ed Green - we just received Roy's updated figures and Jesse is looking at those right now.
Jesse Smith - I think we have an error in a figure.

- ***Cost of Permit Fees***

Roy Stanek - This morning I met with the Building Department, the Community Director and with the City Attorney Teresa Williams - Teresa Williams indicated to me that by end of day today she will have a waiver of the our Use Tax - have you had that discussion?
Don DeFord - I haven't talked to her yet.
Roy Stanek - in any case the Use Tax will be waived by end of day, today. She already has that in process - in addition we will have the final building permit issued today, no later than 5 PM - they're having a problem with one of their staff people - so in the worst case, if they can not do it by computer, because only this person knows how to run that program, they will do it manually. If there is an adjustment, one way or the other, we are expected to meet that obligation for that permit - but they will do a manual calculation in the worst case for us today - and they will issue a complete building permit for the project, not later than 5 PM today. But they do have a staff issue - so that's the update on the permit - I do not know that exact number at this instant and time. I will know it by 5 PM - so that's the only thing we backed out of this. We have put in the permitting fees that we have paid to the City - and I have an additional breakdown of that but basically those are included in your line item underneath the Land Acquisition Cost of that $11,614 figure and I'll get into more detail in that because there is a closing breakdown, but the City fees that we've paid so far, include: plan review fee, water and sewer tap fee, we paid a park land dedication fee so out of that $11,000 number $7,774.27 has already been paid to the City, so far of that $11,000. The remainder of that $11,000 figure is pre-construction services that we've already started which include: a $790 payment to Taylor Fence Company for the fencing that currently on the site - we have a charge pending from Alpine

Waste Services of $700 for the dumpster that's on the site; we have a charge pending from ABC Tree Care of $1350 which was the removal of two trees plus the trimming of the other big tree to allow for the cranes and everything else and finally a charge to Diemoz Construction Company for $1,000 - Floyd is selling us the protection that was over at 7th and Cooper for the Rex Building - we bought that from him as a cost savings measure, so we owe that to Floyd, okay. So that brings up your $11,614 figure, exactly.
What we did is, on the front page of this spread sheet, we've got *Actual Cost versus Anticipated* - months ago when we started down the process we had the original bid from
Structural Associates - $2,850,000 - then we knew we were going to *change shoring* and different things so we assumed it was gone down to that $2, 650,000 - in actuality where the cost is today, but it includes a number of upgrades; actual cost of the project today is $2,747,396 - now, in that $2,747,396 figure - what has been added to the project is value added; features that we think are good items for the County ultimately - *we went with a hydro tech roofing system which is an upgrade from a standard EDPM type of roof.* The next thing we did add is to do some sound deadening we added an *HVAC variable frequency drive to reduce the noise of the air handling system - underneath the air handling units, we've added a concrete mounting pad to further deaden the noise up there* - in addition we were able to *negotiate 2 - 27½ ton units versus 1 - 50 ton unit and we got that for $4358 - we upgraded the electric service already in anticipation of your tenant improvements so rather than put it in, tear it out, we took that from 1,000 amps system up to 16,000 amps* so that did cost more money but it's obviously what's going to be needed - the *pans are stucco reinforcing system is to protect the building - we increased it from a 2-foot level to an 8-foot level* so that hopeful vandals will not destroy the stucco on the building - the next issues is one of those 'got you' from the City of Glenwood - it's a structural steel fire proofing per their code that they've amended - which was in a *$49,000 increase to spray and fireproof all the structural steel* - even though we are sprinkling the building, even though we have a one-hour fire system and then we have the bonding costs for Structural's bonding which is the $36,819 figure - so those numbers there total or should total up to $117,177. The next two items in there are allowance items - what we've done is - we've put allowance costs in there at *$7700 for landscaping* in addition at this point and time for *vinyl flooring product in the rest rooms*, we anticipated $3000 - so the cost of the allowances is an additional $10,700 - if you add that to the $117K number, the total cost of upgrades, *value engineering and allowance is $127,877* and that $127K number is built into the $2.747K number. Though when you really look at it, the project is very much in compliance with where we started at $2.650K. Again items that we want to make sure you understand are not included; why we didn't include them is that we anticipate in talking with Tim, your purchasing agent, that we buy these things for a lot less through the County system than we can buy them for us and addition if we added them to your building, what happens is that the cost of your permitting goes up to with the City, so there were two reasons why we took these items out - and again the *items that are not included* are - there's *no allowance for carpet and/or entry floor tiles on any of the floors*, . We *anticipate hanging a suspended ceiling system* but again at this point and time, we didn't put it in because we don't know what the tenant improvement - doesn't make sense to put it and out. Same with *ceiling fixtures* - it sounds like Tim can get a great deal on ceiling fixtures - and then again I wanted to note - the final building permit cost is still being prepared.
Commissioner Stowe - when you said you'd included the suspended ceiling - are you bringing the framework in - is it just the tile that's not included or --
Roy Stanek - do any of you guys know on that? - What we're doing right now, Walt, I know for sure we're hanging all the safety lights and stuff ...
Bruce Shugart - no, *the suspended ceiling is not included, other than the bathroom areas and the public areas* that of course ...
Commissioner Stowe you said tile here but we're talking the tile, the framework and everything, isn't that correct?
Roy Stanek - the *system I would say - suspended ceiling system.*
Commissioner Stowe - the *structural steel* is that a - we have to *fire proof* that - is that for all commercial buildings or is it just because this is a government building?
Roy Stanek - no, on its face - no it's on all commercial, it's on all buildings that exceed 12,000 sq. ft. - what they did Walt was in the old days - what you used to be able to get is you had buy backs if you added sprinkling and didn't built out your lot to the full size - the City has amended it's code and basically wiped out the buy backs, , and they gave me a copy of their amended code that shows it's law now, so.
Commissioner Stowe - . My last question may be more to Shane or Bruce - the hydro tech roofing system - is that a 20-year system or is it still just a 15?

Bruce Shugart - it's got a continued warranty, as I recall Walt but it's warranty, as we understand it in our experience, is a real warranty from the standpoint of them standing behind it without questions - and we've had a fair amount of experience - material and labor it's well supported.
Commissioner Stowe - and you can get a 15-year on an EPDM for $11,000 less.
Bruce Shugart - no
Commissioner Stowe - it's not the same warranty, I know.
Bruce Shugart - that really seems to be the issue - the applicator can apply for either one of these systems - we have precedent actually on the systems - but there's a big difference in reality with performance and the 'teeth' if you will under the warranty itself.
Commissioner Stowe - I think we'd like to look at that - from my experience we looked at the same thing on the jail over here and upgraded to a *60 mil EPDM* at a significant cost savings over a similar hydro tech product - and in my experience it's been if the EPDM is put on correctly, we've got several roofs that have gone 15 year warranties all over the valley. And I never have to go back on them, including the shopping center out here by McDonalds - we re-roofed that whole thing 5-years ago and never had a callback one on it - so for $11,000 I would at least like to look at that.
Bruce Shugart - that's why we priced it both ways Walt and we're very comfortable doing that..
Commissioner Stowe - I'd still *want to see the manufacturer's warranty* but ....
Bruce Shugart - we'll sure let you look at that.
Commissioner Stowe - that's all I've got at this point.
Roy Stanek - any other issues on costs to that line item.
Ed Green - Jesse has looked at the figures and it's only a buck off.
Roy Stanek - , I can live with a buck off.
Ed Green - are you willing to go down that $1.00?
Roy Stanek - I'll give it to you right now. .
PROFESSIONAL FEES
Roy Stanek - When we originally discussed this we anticipated that the number to be $195K - we got a complete break down and this is really *for closing purposes* as well and we can get to that as we get through this - but we're anticipating right now our actual costs are less than $195K - we're at $187,392, and those are, so you can understand if you want that breakdown, I'll give it to you, but basically *it's for all of our architectural and related architectural work - civil engineering, structural engineering, sub-surfacing engineering, landscaping architects, blue printing and copying, cost estimates, telephone, fax, legal and professional fees* - like I said, I have the breakdowns and we can get into that in a minute if we need to, but that's where that is - so that's a cost savings item right now, - then as we go to the next page, what we did was - *original management fees* - we're expecting management fees for construction costs of $159,000 actually as that's gone through we've reduced that significantly - now the *things that we are missing* so you understand this - is *'to be decided numbers'* are: primarily issues that are required again by the City are *a special inspection* required by the Glenwood Springs Building Department, - it does protect all of us involved , but what they are saying is that they are not capable of giving an inspection of foundations and footers, grade beams and steel and then the steel erection system - so what they're doing is they want that contract and we've given that contract to Don - we have to as owner hire up an *independent 3rd party inspector* - what we're looking at doing is hiring *HP Geotech* who's going to be on-site in any case to look at the foundations and the footers and grade beams, so basically theirs is an overlap, . The other person is some *Rebecca somebody that does an analysis to make sure that Meyers erects for you guys* is in compliance with code, - so that's a cost plus number - they don't give us a hard number - it's kind of time and material type of thing, . They show up, they bill us for the time, it is what it is - we can't change that much - but that has to be done prior to an inspection by the City to sign off .
Don DeFord - let me interject here for just a second - the fees that you're talking about now - *the management fees starting with the $30,000 for Stanek LLC.* - aren't all of these whether determined or not, encompassed in the architectural contract?
Roy Stanek - pretty much, yeah Don -
Don DeFord - the only reason asked is there are not purchase price items here - there is a different contract that we'll discuss later.
Don DeFord - just go ahead and present them, I just wanted to make sure we understand that.
Roy Stanek - well, maybe we saved you guys a bunch more money then if we look at it that way. But, in any case, I just put them in as line items for you so we don't know those two numbers from HP Geotech and we don't know the special inspection numbers which again will be provided by HP Geotech and by this

woman on the structural steel - the other thing that we're currently getting is - as part of your requirement with me is the architect on this project - we are in the process of getting a quote from Van Guilder Agency out of Denver - I talked with their carrier or their agent today - he's anticipating bids back from three different carriers - hopefully by end of day, certainly by end of week - on *professional team liability insurance* - the team liability insurance will cover me, my consultant architect, our structural engineer, High County Engineering and HP Geotech. We will *not pick up the mechanical nor the electrical engineer* who is actually a separate contract through Structural's deal, but it picks up basically your entire design team other than mechanical and electrical. - so that's that, . Then again as we get down - any questions on that area at this point and time? . Next area is - *Land Cost,* is the remaining land costs, and the only thing I put in - is *Other Costs* and Again as elaborated before that $11,614 number is actual cost that we have paid to the City of Glenwood Springs - except for the Actual Building Permit. . and some of pre-construction costs that we've had - and again, if you want further elaboration on that $11,614 number, I'll give it to you again. But, any other questions? . So basically, what I'm seeing is based on this - where we're at with - we have a projected surplus, current projected surplus of about $102,793 to be exact. In addition, we carried down the *6% contingency* that we showed from above, so right now we have a combined projected surplus and 6% contingency of $270,397 which brings the total contingency to 9.84% which is slightly under the 10% where we wanted to be - but I think you got a lot better building going on here. And if we change the roof, maybe that's even better.
Commissioner Stowe - who's ultimately in control of the contingency and ...
Roy Stanek - you guys - it's your money.
Commissioner Stowe - so as long as we don't approve any extras and everybody's on target, we can use that money later?
Roy Stanek - that $10,000 issue we were talking about with Randy.
Don DeFord - go ahead.
Roy Stanek - The issue we did talk about is just like on the Detention Center you've given Randy authority to deal with up to $10,000, anything over $10,000 has to come to you guys for review. The item we discussed yesterday and we're not trying to push the envelope but are trying to make you guys understand the scheduling. . Right now what the deal is - is that we have jumped the City of Glenwood Springs on fabrication and erection of the steel from Meyers. Meyers was awarded our contract, assuming we have a contract, as well as the City of Glenwood - new City Hall. So Gib has accommodated us on his own risk - he's ordered the steel, he's blocked the steel for us - we are under a tight schedule - if we miss our shop drawing deadlines or if we miss anything else, we fall back - if we fall back, it's a significant fall back - so we want you to understand scheduling is more important on this job - not saying cost isn't but what we've asked is that Randy be authorized up to the $10,000 but where issues of scheduling and/or slight increases over the $10,000 - we're talking maybe - what was the number - up to $25,000 - we're asking that you guys give permission or authority to add in Jesse or somebody in addition to Randy so that we can go forward. I think the issue we have and the only issue is - we've got to get this thing out of the ground - once we get it out of the ground - we get the foundations done and we get that first floor hung, I think we're in great shape, but our concern is we play a double-edged sword - I know you guys want to stay involved and I'm not saying we want you out of it - but the issue is really the scheduling, so we need some tolerance or some way of dealing with it - maybe one of you guys might want to be on that group, but in any case we've got to have something in case the excavation - we are excavating over an existing old Garfield County Courthouse - that's what your Environment Phase I showed and in all candor guys, you know as well as we do, that until we dig to open that site, we don't know what we've got there. So if we have issues or problems it's going to be once we dig that site.
Commissioner Stowe - when do you anticipate digging?
Roy Stanek - Tuesday we start - assuming we have a contract. Again, all we're doing is just bringing it up to your understanding - we do have jump over the City - I don't want to lose the jump - if you guys want to run that risk - we'll run the risk - it's your choice.
Don DeFord - Roy's brought up an issue that we will have to visit today - I thought it was good to introduce it now - but we'll need to come back to that particularly as it relates to the construction contract - there's some terms that we have to complete relative to Randy's authority. I guess I'd like to bring everybody back to the discussion where we started - and that's what's the *PURCHASE PRICE* - we need a figure - at least my office and Mr. Pogrous need a figure if we're going to complete this contract today - on the soft costs - I think the $500,000 of course is locked in for the land costs - but right now the purchase price anticipates that soft cost - and so we need that figure.

Roy Stanek - well again where I'm at Don - right now, I know we've got the $11,614 number and the only other number we're going to get by 5 PM today is the building permit number - and that's going to come from the City of Glenwood Springs.
Don DeFord - in my anticipation Roy is that your fees are - the fee costs are already in this - the one that sets forth on the first page - I don't - I think we talked about $195k, but I guess it's at $187,392...
Roy Stanek - correct and I've got that broken down if you want to go through it -
Don DeFord - let me see if I've got this right, if I'm looking at the blank on my page 2 - it's 4g of the contract, the soft costs include: the $187,392
Roy Stanek - Correct
Don DeFord - the $11,614 that you have on page 2
Roy Stanek - Correct
Don DeFord - and whatever the cost of the building permits are.
Roy Stanek - correct
Don DeFord - and the water and sewer tap are already included in the $11,614
Roy Stanek - right
Don DeFord - so we have plus costs of $199,006 plus the cost of the building permit
Chairman Martin, Commissioner McCown and Commissioner Stowe - right
Don DeFord - , if we're including the cost of the building permit, actually putting those in this blank, we have to have those before we can complete the contract. We could go back to an arrangement where we take the $500,000 plus $199,006 and then just say plus costs of the building permit if the Board is willing to accept that as a somewhat open-ended figure.
Commissioner Stowe - and what you said Roy, even the building permit costs - if they don't have the computer printout on them, may be an ambiguous figure.
Roy Stanek - if it's done manually, it might be ambiguous.
Ed Green - do you have an idea of what those will be?
Roy Stanek - again, what happened this morning at is - we met with Teresa - she is getting the use tax waived which was a major issue - once that's approved, and she expected today - then she's giving that to the Building Department and they take it out - so right now the number that we have is a goof ball number - doesn't make sense.
Commissioner McCown - is it calculated on a square foot basis?
Roy Stanek - it's actually calculated on cost of construction - is what they do - is how they figure it - I got - I swear they spend more time trying to figure out what that cost was than the time it took to review our plans.
Ed Green - that's the use tax, right?
Roy Stanek - no, that the - may be the.....
Don DeFord - the building permit costs.
Roy Stanek - they've got all this stuff that builds into it.
Don DeFord - if we assume that the use tax is not going to be included, would the Board be all right then by taking the $500,000 plus $199,006 plus the cost of the building permit that does not include use fee and authorize the Chair to sign a contract that includes a total figure tied to those amounts?
Commissioner Stowe, Commissioner McCown and Chairman Martin - fine, I don't think we have a choice, I'm fine.
Commissioner Stowe - the $699,006, *plus cost of the building permit.*
Commissioner McCown - $699,006
Don DeFord - plus cost of the building permit - now by tomorrow - we can do the contract based on that - but for closing purposes, we do have to have a cost figure on the building permit - - that gets me by that blank - that puts me at *Paragraph 3b - Construction Contract* - there's a blank for the amount for that contract and so I need a final figure to place in that blank.
Roy Stanek - *Structual's* is that not the $3 million - no $2,747,396 number?
Don DeFord - I'm asking - is that the number?
Bruce Shugart - well subject to nothing else, the roofing issue - as Walt mentioned - we may want to save that $11,000 - is the only thing
Roy Stanek - well we could put that number in and then give you a change order back
Bruce Stugart - I'm just bringing that up - it could go either way
Roy Stanek
Don DeFord - The $2,747, 396 figure is based on the plans for the shell as they stand today
Roy Stanek - with the Hydo Tech Roof

Don DeFord - with the Hydo Tech Roof - we would have to execute a change order then to alter that figure once you've adopted it.
Chairman Martin - correct and that should be it
Commissioner Stowe - does your alternative bid on the EPDM system already include a manufacture warranty or not, Bruce?
Bruce Shugart - I'm sorry Walt.
Commissioner Stowe the alternative bid for the hydro tech to the EPDM does that include a manufacture's warranty?
Bruce Shugart - I believe that includes the 10 year warranty fee.
Commissioner Stowe - is that a 16 mil system or do you know?
Roy Stanek - that's what we specked because we took your specs for the roof.
Commissioner Stowe - unless you guys have a serious objection to it - I'd just as soon back that out at this point.
Chairman Martin - that's fine, you're the roof man.
Bruce Shugart - we defer to you.
Commissioner Stowe - in which case we'd be back to *$2,736,396* -
Cost of Construction - *$2,736,396.00*
Don DeFord - $2,736,396 - was that acceptable to all parties for *Cost of Construction?*
Chairman Martin - the answer is yes - I watched their heads going up and down.
Don DeFord - all right - on page 3 there is a blank remaining - the Purchase Price has been covered, *Cash at Closing - will be then $649,006 plus the cost of the building permit* - you take the $50,000 out - all right - I'd like to move now to my page 6 I think on yours is *Paragraph 7d - (1) and (2)* - this is an explanation, I need to give to the Board, it's not a fill in the blank exercise at this point - the original contract was written with a "no defect warranty" by the seller - through negotiations with the seller and their attorney, we've agreed to these *Disclaimers* which in essence disclaim any warranties as to the state of title or the state of the property other than as is set forth in this agreement and I wanted to explain that to the Board - it results in a special warranty deed coming to the County rather than a general warranty deed - and we have to rely on a number of things in order to reach an acceptable level on these disclaimers. We've done that through a title insurance policy and ownership and incumbrance report on this property, that was from my prospective relatively clean - initially the only encumbrance on the property that was I felt was significant was the existing deed of trust - first mortgage and that is cleared out at closing so that no longer exists - then there are some standard - I called downtown Glenwood - exceptions for mineral water, and minerals, and some old alley way easements that don't actually impinge on the property as you see it - I think we ended up only with 5 even of the relatively clean exceptions, so, from title prospective we are relying on that opinion for our title and I'm willing to go ahead at this point and recommend that *title is adequate* for the intended purpose. It does - there are some warranties thought that the seller is making - and you have to look at the *disclaimers in relation to Paragraph 20, page 10* - the two specific warranties that the seller has agreed to keep in place are 20d and 20e, right now, I'm not certain of this as of this minute, but at the time we were negotiating this contract, S & G Development were not the actual owners of the property - it was held by a different corporation - that will be changed prior to closing tomorrow afternoon so that they hold title prior to closing - I think that's an obvious representation that has to be made. And 20e is of some significance because they have agreed to warrant the building and the property - may be used for the purpose for which we intend to use it - that is a Governmental Business Office - now there are some limitations on that of course, because by saving governmental business you can't change it to some other type of use - you couldn't put a Road and Bridge Shop there for instance - based on their warranties anyway.
Roy Stanek you couldn't put a jail there
Don DeFord - I was trying to avoid that Roy but since you went right there - that's correct, you could not. So those are the *Warranties* and that's what you get. *Closing* - we are hoping to close on this property tomorrow - I think it's critical from everyone's prospective perhaps most of all Structural Associates that we at least have an agreement today - but we have mutually agreed that if we have to we'll push closing to the end of next week which would be September 7 - that's an outside possibility. For the Chair, we will need you available for closing - Mr. Martin. Take a look at Paragraph 13, we have another blank to complete - although this doesn't appear to be of any significance at this point, we still have to fill it in if they fail for some reason tomorrow or whenever the closing date is set to deliver possession of the property, we need to

put a *Penalty Figure* in here - I don't know what damages you believe would inure to the County if we fail to take possession on time.
Chairman Martin $2 million 747 thousand
Commissioner Stowe - we'll split the difference.
Don DeFord - I would point out this is a per day charge - what would we find realistically acceptable? $250 a day?
Roy Stanek - we're already in the process of taking the modular apart - modular should be off by Friday so even though you'll have possession, the modular will be moved off by Friday.
Don DeFord - if we close tomorrow, you're ready to open up the ground on Tuesday, right?
Bruce Shugart - that's our intended schedule at this point.
Don DeFord - I'll put *$250 a day charge.*
Roy Stanek - that starts on what day though?
Don DeFord - tomorrow - you have to deliver us possession tomorrow.
Roy Stanek - we give you possession but we can take our modular off by Friday without paying you the $250?
Commissioner Stowe - we won't charge you too much rent.
Don DeFord - I know, it's not *the modular's got to be gone when you deliver possession.*
Roy Stanek - , can we change the date slightly.
Don DeFord - do you want to change the date of possession?
Roy Stanek - what is the date of possession say in the latest ....
Don DeFord - I'll looking - just a second - the date of possession day is September 7th actually.
Roy Stanek - oh, by then they'll be done.
Don DeFord - so we do have to change that because they want to - September 4th is the date actually have to have possession.
Commissioner McCown - and then we'll go to $500 a day penalty because it's going to cost them more in the long run if they wait.
Don DeFord - so that concludes my review of the terms of this agreement - I'd point out though that we have to have in place the architect's agreement and the construction contract because they're incorporated and have to be assigned as part of this so we have to review those as well.
Jesse Smith - you have a blank on page 10.
Don DeFord - page 10 oh is that again the Contract Price? And that should be the $2,747,396 ok.
Let's go to the

- ***Architect's Agreement*** - this agreement is written in it's original form to be solely an agreement for management services - in a standard construction operation for a governmental entity and most significant commercial entities you would enter into a process for a construction contract and you would also enter into a contract with an architect or engineer to design the structure, guide you through the bidding process, if you fail in that, and then manage the project under an AIA Agreement during the course of construction. This document is designed in it's original form to leave out the design phase and the hiring of an architect to supervise the construction once plans are in place - I went through because we made some modifications to this to account for the fact that we're purchasing plans. But - the reason we did that is - in your standard form agreements, the type I just described include a design phase - there are extensive provisions about the manner in which the design is accomplished - in this case this design in already done - it's in place for this shell structure so that it's pointless to include several pages of description on how that process will be followed. One of the most important provisions from your prospective however, is the ones that *binds the architect to the design* - there's the standard agreement and then there's the addendum which Mr. Pogrios originally printed and then we made some revisions to include - it's all one contract so in it's original form it was drafted to say 'no responsibility for contract documents' - at our request Mr. Stanek and his attorney's have agreed to alter this so it now reads *responsibility for contract documents* - it recognizes in the first sentence that they have engaged the architect - us - to design this building which is included in the contract documents, that it complies with all applicable rules and regulations and that they are fit for the intended purpose - they have designed this to be a government office building - to the extent it does mean the intended purpose - you would in theory have a claim against the architect for which there will be insurance as well and Roy's already mentioned that they he is in the process of acquiring them. The second sentence specifically recognizes that the architect is responsible for any errors or omissions in the contract documents that include the final design and specifications of the shell structure and I repeat that several times - because at this point, the finished building needs to have the design completed and that has not been

done and it is not included in any of the costs that you have seen or will see today - anything for owner finish will be an additional cost - so that is where we bind the architect to the plans rather than the more lengthy description of the process that was followed to develop them. For the most part, I have reviewed this document this morning, they have made the changes that I requested yesterday - as I said I think most of you are familiar with the architectural in this process where they will redo changes order, review requests for payment, review shop drawings, make recommendations to the County about the performance of the project with the design, those are things that are set forth in this agreement.

- ***Basis of Compensation*** - Don said, we did have a description of this yesterday - in the addendum - all references I make are in the addendum - for Jesse and Ed as well, Roy set out a method of compensation - it still comes to *$30,000 total but basically to be paid periodically, by the month* - rather than on hourly basis - total cost is still the same. I find nothing untoward about that but I do want to make to make sure that is understood.

- ***Tenant finish*** - *Don DeFord* - I noted many times with the tenant finish to the extent that it's going to require any structural elements, probably will require architectural services - and I guess I should use this opportunity to point out too that to the extent that there will be additions to this building in the form of walls or system alterations - you will be required to get a building permit for those as well - so those are things that will still have to be addressed down the road.

Commissioner McCown - that goes back to the other conversation - the price is computed on construction costs and we're really saving a lot of money because we're buying a shell, but we are going to end up paying for it when we go to finish it.

Don DeFord - you're going to pay for the building you occupy.

Ed Green - and we've got what - roughly $550,000 budgeted for that part of the project inclusive of the furniture.

Commissioner Stowe - doesn't include the ceilings, petition walls, carpeting and floor tile.

Ed Green - plus the furniture - in the computer wiring, and telephone wiring and all that stuff.

- *Don DeFord* - Where the owner will have to pay for ***Additional Services*** and reimburse the architect for those - during the course of his services, the architect's going to need and has I think already retained some additional professional services in the form of inspection services - some of which the City requires, some of which are required for your management of any project, particularly material testing issues - those are in addition to $30,000 and Roy set that out in his spreadsheet - it's no a hidden cost - the unknown costs are because there is no 'not to exceed' or maximum figure from HP or the other ones where that's left -but those are still fees and costs that you will have pay for during the course of the project.

Commissioner McCown - I guess I would have a higher level of comfort if I knew what we were going to be paying Roy on an hourly basis.

Ed Green - well his proposal was $150.00 an hour and he and I disagreed on that amount

Commissioner McCown - I'm back to the same old philosophy the architect being our representative on his building - I don't have much hesitation that he's going to approve or a change order to help sell his building.

Roy Stanek - you guys have the final authority - so - I don't know how to deal with that.

Commissioner McCown - yeah, I know me neither - we talked about - but I don't other that scuttle the whole thing is how you deal with it and that's - so we're basically entering into this agreement with a $30,000 agreement and then a provision that we will pay him $150.00 an hour for any services

Ed Green - no, no, we would engage in negotiations to settle on an hourly rate - we're $70 buck different - my perception is that $80.00 appropriate - his is the $150.00.

Commissioner McCown - and no where in here is an amount not to exceed? - it's pretty well open end.

Ed Green - if there are changes - only if there are changes.

Commissioner McCown - and the design of the other work - that's not included - that's on an hourly basis.

Don DeFord - a Tenant Finish will be a change order - now it's a change, unless you decide to seek a different architect and a different contractor to accomplish that - it will be a change order both within the construction contract and the architect's agreement.

Commissioner McCown - oh I think we've already discussed the cheapest time to do it is while they are in there doing it.

Roy Stanek - I don't thing there should be issues in, potentially, when they're constructing it, if you put wall locations where VAV or light fixtures - or if you need sprinklers - but that not an architect's issue to speak of.
Don DeFord - the other issue - I'd mentioned to various folks during their course of discussions on this contract to, is if the owner finish requires alterations in the shell structure, then those would also be significant architectural and change order issues as well.
Roy Stanek - I can't imagine you doing that.
Commissioners - No
Roy Stanek - the only other thing I asked Don when I came in this morning, that this is to make sure that you understand that Glenwood Springs stuff - all I did was said that the architect at the owners expense shall coordinate 'additional' is the word I inserted - inspections of the work and that's again to coordinate HP Geotech, and the field person - I have authorized an outside 3rd party - Independent Structural Engineer - he came out last Friday, looked at Monihan and Lampon's building, as well as Petre's building as well as - we looked at Pitkin Avenue because Pitkin Avenue has some settlement cracks in it from the City; so any case I retained Larry Dobol - he's a structural engineer in Carbondale - he's done the 1st phase of work, he'll write up a report and then after construction has moved along, he'll do 2nd phase of work to tell us that there's been settlement or not to those properties and street. So those are the three guys that I'm really speaking about in here.
Don DeFord - I think we're covered the Agreements - I am satisfied with the changes made as specified.

- ***Construction Contract - Procurement - Resolution for Randy and Ed***

Don DeFord - Discussion continued with respect to the Construction Contracts. If we *complete* the construction contract but not close until next week, will the subcontractors be okay with that?
Bruce Shugart - if going forward with it and the Board says yes, based on final contract - then he can tell that tomorrow to the subcontractors - that will be fine.
Bruce said the issue is - the *Construction Contract has not been reviewed by their Attorney*.

Don DeFord - we have a price of $500 per day as the penalty for not completing according to the projected date. Anticipated construction dates are August 30, 2001 through June 20, 2002 of next year for final completion of the shell building - does not include the owner finish - additional funds and additional time are required for the tenant finish - hope for the July 1st occupancy. The building we are getting will not have a CO - from the City - however, we will have a structured agreement for final completion of the shell building.
Role of Randy Withee and Ed Green regarding Changes
Don DeFord - this provides the County as the final authority for changes.
Scheduling - the critical path of getting this building out of the ground and erection of the first floor has been established by the contractor; therefore with regard to timing issues and change orders, a draft resolution has been prepared to allow some flexibility with respect to the critical issues designating Randy Withee as the County representative for changes of $10,000 or less and similarly $25,000 or less for Ed Green and Randy Withee to act without coming to the Board for approval.
Motion
Commissioner Stowe made a motion, due to timing issues - determination of foundation and 1st floor - to appoint Randy final authority of timing and change order $10,000 and under; and Ed Green and Randy Withee authority for $25,000 and under; also in the absence of Ed and/or Randy - Randy or his designee and Ed or his designee would likewise have the same authority as stated in the Resolution.
Commissioner McCown seconded.
Discussion
The Commissioners stated that they want to see all time and material change orders.
After the initial phase when the first floor has been erected, the authority to allow extension of a day was discussed. The Board decided they want to see all time changes.
Don DeFord - so that completes my discussion of the various documents and again I go back to where we started - at this point what we're looking for is authorization for the Chair to sign the Purchase Agreement for the property at 804 Pitkin, including in the purchase agreement the purchase price as stated in our discussion $*699,006.00 plus the cost of the building permit - it also includes the cost of construction at $2,700,396* and that agreement is now anticipated to be signed tomorrow subject to them receiving an approved construction contract - it also sets forth a *closing date no later than Sept.* 7 - I think we'll strive to

do as early as possible - we need authority for the Chair to sign an *architectural Roy Stanek LLC.* in the form submitted to the Board for the maximum compensation set forth in that agreement plus consulting costs as represented to the Board; authority for the Chair to sign a *Construction Contract* - for Courthouse Plaza for the construction price already stated - the time frames stated with Structural Inc. - that contract initially will be signed by *S & G* Development but it will be assigned to the County - but they would not sign it, unless the Board approves the form of the agreement; *Authority for the Chair to sign all necessary documents at Closing*; and authority for the Chair to sign a *Resolution authorizing Randy Withee and Ed Green to act as County Representatives* - Randy Withee for all changes of $10,000 or less and Ed and Randy to act as County Reps for all changes of $25,000 or less and Randy or Ed and their designees to act for all requests for changes in time during the phases of the project that would include the foundation and the erection of the steel structure for the 1st floor - all other changes to come to the Board of County Commissioners - last issue *the waiver* - the County *Purchasing Code* requires that in order to proceed on any public project that the County administration waive the bidding process if you decide for the reasons set forth in your code that you are not going to follow that process. And I've asked Ed to prepare his position on this issue and I think you're looking for authority to County Administrator to execute.
Don reiterated that Ed has to execute this under the Purchasing Code.
Ed Green the premise is that we had a joint committee that reviewed the bids for this that included Roy and members of the County - based on that analysis of 4 bids - Structural was the determined to be the most cost efficient solution.
Motion
Commissioner Stowe made a motion to approve the aforementioned contracts and materials as Don enumerated without going into it again in detail establishing the costs and the Chair to be authorized to sign as and when appropriate.
Commissioner McCown seconded; motion carried.
Roy Stanek - Are we putting this contract to buy the real estate in force today?
Don DeFord - no we can't.
Roy Stanek - well, my question is - I've made a commitment to the City - we're going to pull that permit today - we've got to have the cash to do that - can we change our earnest money or something in this contract so we can facilitate that acquisition today because I do not want to go back to them and say 'you've got a few more days now.
Don DeFord - well the contract will be signed tomorrow - what we're waiting for is the attorney's review of the construction contract.
Roy Stanek - no I understand that Don but we really don't have the funds in our account at this point and time to write an additional check to the City for a building permit
Don DeFord - the building permit costs - are they going to be less than $50,000?
Roy Stanek - I expect that to be the case.
Don DeFord - all right, then why don't we provide subject to Board approval that we will - in order to acquire the building permit we will pay to S & G Development the costs of building permit as verified by S & G Development that amount to be deducted from the earnest money that will be paid upon signature of the purchase contract.
Discussion
Motion
Commissioner Stowe made a motion to approve the advancing the necessary funds today in an amount 'not to exceed' the anticipated earnest money so that the building permit can be acquired and that sum, whatever, be deducted from earnest money upon signing the contract. Commissioner McCown - seconded. Motion carried.
Sunlight Event Concert - Cindy Thomas
Cindy Thomas informed the Board of the event at the Old Arbaney Mill Property to be held Saturday for an all night event. This will be a concert and no more than 500 people will attend most of the kids will be 18 or older, however, teenagers 14 - 18 can come without an adult. They will require proof of age.
The Board informed Cindy that the maximum is 500 or less people and it would be a violation of the zoning code to allow more than the maximum.
Cindy apologized for her late information to the Board.
Deputy Sheriff Jim Sears said if something happens - it's her liability.

- ***Discussion - Contingency Funds***

Dale Hancock submitted a request to the Board for $22,500 as identified in line items for costs having incurred at the Fairgrounds - under budgeted for 2001.

Results of Fair - $7,000 to the good so far.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the $22,500 to come out of contingency for the Fairgrounds 2001 Budget; motion carried.

- ***Discussion - Dog Head Peak Telecommunication Site***

Dale Hancock filed for a Special Use Permit from Bureau of Land Management under the existing right of way the County holds. Dale filed for a SUP to become a multi-user site manager - this arrangement that is in place now on our Sunlight and Lookout Mountain Communication sites. The reason Dale did this initially was that he was approached by representations in Grand Junction - Clear Talk who were interested in establishing a telecommunications site there. There is an existing multi-user on this site - the American Towers Association - Clear Talk is not interested in paying that much money that American Towers wanted, they were advised by BLM that Garfield County was still a right of way holder at the Dog Head Site and if they perhaps would approach us to see about locating there. Inasmuch as that site is a clean and reclaimed site, it amounted to rebuilding the site - so that was what Dale requested. That request was made eight months ago and the rejection was received on August 21. The reasons cited in the decision talk about cost recovery termination that was provided to the County - Dale said he had never received it. The second condition specified by the BLM is that they apparently approved a right of way for power upgrade and buried the power in the existing road to American Tower, but the County owns that power line - this was found in documents dated in 1982 and has a supporting letter from Holy Cross affirming that ownership of the power line. Dale said he was interested in pursing this opportunity - there is an appeal process and also a process to ask for a stay - a stay is a more immediate type of process where you have the ability to try and act on your needs citing harm to parties if the stay is granted or denied likeliness of appeal success on merits - likeliness of irreparable harm is the stay is not granted whether the public interest favors granting the stay - there is a interesting thing here in that the telecommunication format of 1996 seem to indicate increased competition as a principal objective of this federal measure. The irony is that now a federal agency is telling a local agency that the local agency can not do something that might promote competition. Our position, as he understands it for the past 5 - 6 years is to try and preserve our rights of way for future County applications.

Commissioner McCown - suggested it was a local management philosophy - he would appeal it.

Chairman Martin - what Dale is asking is to follow the procedure and appeal it and he agreed.

Dale clarified that he would like to appeal for the stay to the extent that four conditions are cited in here - relative harm to parties, likeliness of success, immediate harm, or public interest favors the file for the stay.

Commissioner McCown - my decision stands.

Chairman Martin and Commissioner Stowe agreed.

Dale was directed by the Board to proceed with the process to appeal.

- ***Discussion - Ruedi Water and Power Authority***

Commissioner Stowe reported on the Ruedi Water and Power Authority and submitted a draft of a new IGA. The only difference between the one first adopted in 1981 and subsequently readopted, in 1983 and 1985 when new members were added was to clarify the board powers under the statutes to carry out various development and management activities. The RWPA felt it was better to retain these powers on the chance that they would have occasion to use them in the future rather than giving them up and not having them available at an opportune moment.

He further explained that the IGA was by and between the City of Aspen via City Council and the County of Pitkin through their Board of Commissioners, including the same for Garfield, Eagle counties, the Cities of Glenwood Springs, Town of Carbondale and Basalt through their respective City Councils.

The reservoir is located on BLM property and there is a possibility they may quit contributing. If this were the case, the annual assessment would be divided by each entity. Water shares would be controlled by the owners and available to tap it if necessary. To stay involved it would cost Garfield County $3750 a year beginning in 2003. If an entity drops out, other members must pick up the slack; if enough drop out it would result in dissolving the Board and resort entirely to Aspen. He mentioned that membership in the Authority was not a real direct benefit to Garfield County except of the water shares.

Don DeFord commented that some of those costs quoted are attorney fees for maintaining positions with the Bureau of Reclamation on the use of the water out of Ruedi - Basalt Conservancy District and West Divide Conservancy District too have an interest in that water as it supports development and agricultural interests in Garfield County and over the years federal agencies have more or less looked at Ruedi as their primary source of water for the squaw fish and other endangered species and have ignored the availability of Creed Mountain and Wulford supporting systems.

Commissioner McCown noted that when the original IGA was signed in 1983, Garfield County was not a member.

Don informed the Board that it was around 1986-87 when he first became involved in this.

Commissioner Stowe clarified that Marian Smith was the previous Commissioner from Garfield County to be a member of the Authority. He took over when Marian retired. Don said the when Marian came on board as a Commissioner; she was previously involved in the City of Glenwood Springs as a City Council member.

- ***New Garfield County Public Finance Corporation - Appointment - Board Members***

A discussion was held with respect to the names of individuals to sit of the new Garfield County Public Finance Corporation. Blake Jordon has commented that the same individuals can be used for the new Public Finance Corporation or the Board can appoint new member - it has to be a Corporation, however. Cindy and Fritz Lundin were suggested.

Don DeFord requested that the names be provided to him - no later than Friday, August 31st - the Board will contact them to see if they will agree to serve.

District Court Judge Zerbi - Retiring 2002

Chairman Martin - the Board had received a letter from Judge Zerbi stating the he would not seek reelection in November 2002 - he planned to retire.

Red Canyon Road - CR 115 - Closure

Chairman Martin - the Board received letters from neighbors on CR 115 requesting that the Red Canyon Road be reopened.

The conclusion from the State Engineer's Office with respect to potential rock fall hazards was that the County needed to mitigate the issue suggesting several options: put a jersey barrier to mitigate the rock fall hazard, installing stop lights at each end making it a one-way county road, or close the road permanently. The State stressed the liability was solely on the County and their decision. The political winds on closing it are not in favor.

Commissioner McCown voiced a potential problem with emergency crews having to wait for a one-way clearance going up or down if stop lights were installed; also it was a catch-22 to make it a one-way either up or down access road; and was in favor of cleaning the road from the rocks, continue winter maintenance, and leave it as a "drive at your own risk" with continued winter maintenance by Road and Bridge.

The Board directed Tom Russell to clean it off, to make sure there's a wide spot where vehicles can pull out and let other vehicles pass on the narrow portions, and that no money would be provided to improve one lane wider.

Jesse Smith reported an average of 250 vehicle trips per day - a one-way either way would not go well with those users.

Don DeFord responded to the question of liability if someone were to be killed by a rock slide - he commented probably no liability but he needed to give legal ramifications in an executive session.

New Castle Downtown Revitalization - Sept. 3rd from 5 PM until 9:00 PM

Chairman Martin said the Board received an invitation to attend the New Castle Downtown Revitalization - at least one Commissioners was requested to be present and participate in the event.

Ruedi Water and Power Authority and Reopen Red Canyon Road - CR 115

Commissioner McCown made a motion to take action on both items - reopen Red Canyon Road - CR 115 and continue membership on the Ruedi Water and Power Authority. Commissioner Stowe seconded; motion carried.

- ***Executive Session - Legal Advise - Red Canyon Road - Litigation Issues - Archuletta and Garcia***

Don DeFord requested an executive session to provide legal advise and updates on litigation issues - he requested that the Commissioners, Ed Green, Jesse Smith and Mildred Alsdorf remain for the session.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.
Archuletta Litigation
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign an Agreement to pay Ms. Archuletta a sum of $10,000 for settlement of the litigation; carried.
Garcia
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to allow the County Attorney's Office to waive service of processing in the Garcia Case. Motion carried.
Adjourn
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; motion carried.

Attest: Chairman of the Board

_____ _____

AUGUST 28, 2001

COURTHOUSE CONTRACTS

Discussion - Courthouse Plaza - Information - Contracts
Roy Stanik - S & G Development; Bill Guest - Alpine Bank; Bruce Shugart and Shane Evans - Structural Associates Company were present for this discussion and consideration on the Courthouse Plaza Contracts, etc.
Don DeFord presented the contracts from the three entities for discussion, comment, changes and/or approval.
Don DeFord briefly described in detail what the staff are asking the Board to consider today in regard to Courthouse Plaza. There's a brief overview at the end of the proceedings today concerning Courthouse Plaza - we will be asking for you to give authority to the Chair of the Board execute a Purchase Agreement located at 804 Pitkin Avenue in Glenwood Springs - authority for the Chair to execute an Agreement for Architectural Services with Roy Stanik, LLC. - authority for the Chair to execute a Construction Contract with Structural Associates, and also authority for the Chair to execute all necessary closing documents to consummate the purchase of the subject property - that closing is currently anticipated to take place tomorrow at 1:00 PM. That all assumes that the Board is in agreement that the County should go forward as we will represent to you at this time.
Contracts - Review
Don DeFord - proceeded with all of these contracts placed in front of you all of which you need to consider to properly bring this purchase to closure - start with documents that entitled Contract to Buy and Sell Real Estate - that's a cover on that document from the law firm of Lobathm, Green, and McCray. The record should also reflect that Mr. Stanik is present to answer questions as we go alone on behalf of the seller - the architect - and generally the person who has knowledge about the project - Shane and Bruce are present from Structural Associates as the prospective contractors who would actually be responsible for construction of the facility, so if you have questions in that regard, they are available to answer those as well - and I'm sure they will want to participate when we get to their proposed contract.

- ***Contract to Purchase Real Estate***

Don DeFord - In regard to the purchase contract, we have discussed in general the terms of this agreement and I'll review those briefly as a general concept. The way this is structured the property at 804 Pitkin Avenue which is right across the street, and we refer to it as 'Courthouse Plaza ' would be purchased from S & G Development who will come in to title prior to closing - we will purchase the property - we will pursuant to this agreement be required to pay to S & G Development today $50,000 in earnest money and tomorrow you will see there will be an additional sum that will be need to actually bring the purchase of that property to closure. Through the purchase of that property and through this agreement, we also will incorporate in the agreement a contract with Stanik, LLC. to act as the architect on the project, responsible both for the design of the facility and generally oversight and management of the construction of that

building as any architect would in a construction arrangement - also incorporated in this agreement are the plans and specifications for the building - there of course were original plans but those have undergone some changes to accommodate the County's needs and it's important that the facility and the plans we are purchasing are those that will actually be constructed. The entire process, both this contract as well as the construction contract and architect's agreement anticipates right now today that the County is essentially purchasing a shell building - the plans are for a shell, as they stand today, there's been a great deal of discussion about owner-finish on the buildings - those discussions are still under way - but, there are no final plans is my understanding, for the owner's finish - so, the plans that are incorporated in this agreement are for a building that will in essence on day of completion not yet be ready for occupancy - it's anticipated by everyone, I believe, that there will be required in addition to what you're looking at today, additional sums of money and additional plans needed to complete this structure for occupancy. This covers the general outline of the process that we're following and I would like to start by drawing your attention to paragraph 2g and you'll see in this agreement they are a few places where there are some blanks that relate to monetary amounts - in order to have contract, these have to be completed and intend to introduce this discussion today and right now, so we can see where we are going with this. It is anticipated that this agreement must be signed by the close of business today.
Paragraph 2g and the next page paragraph 4 - you'll see that we will be paying $50,000 in earnest money today - that will be deducted from the final purchase price at closing - the purchase price for the property is anticipated to be $500,000 - the earnest money is $50,000 - there is still an open figure and that's why I drew your attention to paragraph 4g for amounts allocated to soft costs - after discussions with the seller and architect yesterday, his attorney has made the changes I requested in the document in the soft costs - *now are intended to include all costs unless we state otherwise today* and there are a few instances of that but there are normal and to be expected. What this soft cost would include: water and sewer tap fees, it would include use taxes or sales taxes, it includes any fees attributable to the design of this building, and the purchase of plans and as a side, you'll see that you are not only buying the property, but you'll see also in 'g' that you are buying an assignment of the construction contract and plans through this agreement. So, that price for the development of those plans also needs to be included. At that point, I'll stop and leave it to Jesse and Ed, the Board, and Roy to discuss where we are on this future and what my office and Mr. Pogrous need to include in this contract.
Ed Green - we just received Roy's updated figures and Jesse is looking at those right now.
Jesse Smith - I think we have an error in a figure.
Cost of Permit Fees
Roy Stanik - This morning I met with Building Department, the Community Director and with the City Attorney Teresa Williams - Teresa Williams indicated to me that by end of day today she will have a waiver of the our Use Tax - have you had that discussion?
Don DeFord - I haven't talked to her yet.
Roy Stanik - in any case the Use Tax will be waived by end of day, today. She already has that in process - in addition we will have the final building permit issued today, no later than 5 PM - they're having a problem with one of their staff people - so in the worst case, if they can not do it by computer, because only this person knows how to run that program, they will do it manually. If there is an adjustment, one way or the other, we are expected to meet that obligation for that permit - but they will do a manual calculation in the worst case for us today - and they will issue a complete building permit for the project, not later than 5 PM today. But they do have a staff issue - so that's the update on the permit - I do not know that exact number at this instant and time. I will know it by 5 PM - so that's they only that's the only thing we backed out of this. We have put in the permitting fees that we have paid to the City - and I have an additional breakdown of that but basically those are included in your line item underneath the Land Acquisition Cost of that $11,614 figure and I'll get into more detail in that because there is a closing breakdown, but the City fees that we've paid so far, include: plan review fee, water and sewer tap fee, we paid a park land dedication fee so out of that $11,000 number $7,774.27 has already been paid to the City, so far of that $11,000. The remainderment of that $11,000 figure is pre-construction services that we've already started which include: a $790 payment to Taylor Fence Company for the fencing that currently on the site - we have a charge pending from Alpine Waste Services of $700 for the dumpster that's on the site; we have a charge pending from ABC Tree Care of $1350 which was the removal of two trees plus the trimming of the other big tree to allow for the cranes and everything else and finally a charge to Demos Construction Company for $1,000 - Floyd is selling us the protection that was over at 7th and Cooper for the Rex Building - we bought that from him as a cost savings measure, so we own that to Floyd, okay. So that brings up your $11,614

figure, exactly, okay. And that's how that was derived. Any questions on Permitting Process or anything else at this point? Okay. If you want, we can start talking how the building costs are in there - okay. What we did is, on the front page of this spread sheet, we've got *Actual Cost versus Anticipated* - months ago when we started down the process we had the original bid from
Structural Associates - $2,850,000 - then we knew we were going to *change shoring* and different things so we assumed it was gone town to that $2, 650,000 - in actuality where the cost is today, but it includes a number of upgrades that we'll speak about in a second - is the actual cost of the project today is $2,747,396 - now, in that $2,747,396 figure - what has been added to the project is value added; features that we think are good items for the County ultimately - *we went with a hydro tech roofing system which is an upgrade from a standard EDPM type of roof* - Walt if you have questions you can ask those guys - I don't know it, okay. The next thing we did add is to do some sound deadening we added an *HVAC variable frequency drive to reduce the noise of the air handling system - underneath the air handling units, we've added a concrete mounting pad to further deaden the noise up there* - in addition what we did was we were able to *negotiate 2 - 27½ ton units versus 1 - 50 ton unit and we got that for $4358 - we upgraded the electric service already in anticipation of your tenant improvements so rather than put it in, tear it out, we took that from 1,000 amps system up to 16,000 amps* so that did cost more money but it's obviously what's going to be needed - the *pans are stucco reinforcing system is to protect the building - we increased it from a 2-foot level to an 8-foot level* so that hopeful vandals will not destroy the stucco on the building - the next issues is one of those 'got you' from the City of Glenwood - it's a structural steel fire proofing per their code that they've amended - which was in a *$49,000 increase to spray and fireproof all the structural steel* - even though we are sprinkling the building, even though we have a one-hour fire system - they got us, okay and then we have the bonding costs from Structural's bonding which is the $36,819 figure - so those numbers there total or should total up to $117,177, okay. The next two items in there are allowance items - what we've done is - we've put allowance costs in there at *$7700 for landscaping* in addition at this point and time for *vinyl flooring product in the rest rooms*, we anticipated $3000 - so the cost of the allowances is an additional $10,700 - if you add that to the $117 number, the total cost of upgrades, *value engineering and allowance is $127,877* and that $127 number is build into the $2.747 number, okay. Though when you really look at it, the project is very much in compliance with where we started at $2.650 okay. Again items that we want to make sure you understand are not included - is that we did not put in allowance - and these are - let's step back a second - why we didn't include them is that we anticipate in talking with Tim, your purchasing agent, that we buy these things for a lot less through the County system than we can buy them for us and addition if we added them to your building, what happens is that the cost of your permitting goes up to with the City, okay, if they look at it as a shell, it's one number - as you keep adding cost - the permit is built off of cost of construction, okay, so there were two reasons why we took these items out - and again the *items that are not included* are - there's *no allowance for carpet and/or entry floor tiles on any of the floors*, okay. We *anticipate hanging a suspended ceiling system* but again at this point and time, we didn't put it in because we don't know what the tenant improvement - doesn't make sense to put it and out. Same with *ceiling fixtures* - it sounds like Tim can get a great deal on ceiling fixtures - and then again I wanted to note - the final building permit cost is still being prepared, okay. Any questions on the items not included?
Commissioner Stowe - when you said you'd included the suspended ceiling - are you bringing the framework in - is it just the tile that's not included or --
Roy Stanik - do any of you guys know on that? - What we're doing right now, Walt, I know for sure we're hanging all the safety lights and stuff ...
Bruce Shugart - no, *the suspended ceiling is not included, other than the bathroom areas and the public areas* that of course ...
Commissioner Stowe you said tile here but we're talking the tile, the framework and everything, isn't that correct?
Roy Stanik - the *system I would say - suspended ceiling system.*
Commissioner Stowe - the *structural steel* is that a - we have to *fire proof* that - is that for all commercial buildings or is it just because this is a government building?
Roy Stanik - no, on its face - no it's on all commercial, it's on all buildings that exceed 12,000 sq. ft. - what they did Walt was in the old days - what you used to be able to get is you had buy backs if you added sprinkling and didn't built out your lot to the full size - the City has amended it's code and basically wiped out the buy backs, okay, and they gave me a copy of their amended code that shows it's law now, so.
Commissioner Stowe - okay. My last question maybe be more to Shane or Bruce - the hydro tech roofing system - is that a 20-year system or is it still just a 15?

Bruce Shugart - it's got a continued warranty, as I recall Walt but it's warranty, as we understand it in our experience, is a real warranty from the standpoint of them standing behind it without questions - and we've had a fair amount of experience - material and labor it's well supported.
Commissioner Stowe - and you can get a 15-year on an EPDM for $11,000 less.
Bruce Shugart - no
Commissioner Stowe - it's not the same warranty, I know.
Bruce Shugart - that really seems to be the issue - the applicator can apply for either one of these systems - we have precedent actually on the systems - but there's a big difference in reality with performance and the 'teeth' if you will under the warranty itself.
Commissioner Stowe - I think we'd like to look at that - from my experience we looked at the same thing on the jail over here and upgraded to a *60 mil EPDM* at a significant cost savings over a similar hydro tech product - and in my experience it's been if the EPDM is put on correctly, we've got several roofs that have gone 15 year warranties all over the valley. And I never have to go back on them, including the shopping center out here by McDonalds - we re-roofed that whole thing 5-years ago and never had a callback one on it - so for $11,000 I would at least like to look at that - I'm not trying to flux anything here - I'm just saying...
Bruce Shugart - that's why we priced it both ways Walt and we're very comfortable doing that..
Commissioner Stowe - I'd still *want the manufacturer's warranty* but ...
Bruce Shugart - we'll sure let you look at that.
Commissioner Stowe - that's all I've got at this point.
Roy Stanik - any other issues on costs to that line item I guess - items included, items not included? Anybody else?
Ed Green - Jesse has looked at the figures and it's only a buck off.
Roy Stanik - okay, I can live with a buck off. Okay.
Jesse Smith - there was another $1200 cause I didn't find until just now - I see where it is so ...
Roy Stanik - it cost them ten bucks to find that we were a buck off - that's okay.
Commissioner Stowe - due diligence.
Roy Stanik - due diligence - that's sweet Don. Okay. Well he's being a good steward of the money - that's what you're paying him for.
Ed Green - are you willing to go down that $1.00?
Roy Stanik - I'll give it to you right now. Okay.
PROFESSIONAL FEES
Roy Stanik - When we originally discussed this we anticipated that the number to be $195 - we got a complete break down and this is really *for closing purposes* as well and we can get to that as we get through this - but we're anticipating right now our actual costs are less than $195 - we're at $187,392, okay and those are, so you can understand if you want that breakdown, I'll give it to you, but basically *it's for all of our architectural and related architectural work - civil engineering, structural engineering, sub-surfacing engineering, landscaping architects, blue printing and copying, cost estimates, telephone, fax, legal and professional fees* - like I said, I have the breakdowns and we can get into that in a minute if we need to, but that's where that is - so that's a cost savings item right now, okay - then as we go to the next page, what we did was - *original management fees* - we're expecting management fees for construction costs of $159,000 actually as that's gone through we've reduced that significantly - now the *things that we are missing* so you understand this - is *'to be decided numbers'* are: primarily issues that are required again by the City - the City is going to require
a special inspection required by the Glenwood Springs Building Department, okay - it does protect all of us involved okay, but what they are saying is that they are not capable of giving an inspection of foundations and footers, grade beams and steel and then the steel erection system - so what they're doing is they want that contract and we've given that contract to Don - we have to as owner hire up an *independent 3rd party inspector* - what we're looking at doing is hiring *HP Geotech* who's going to be on-site in any case to look at the foundations and the footers and grade beams, so basically theirs is an overlap, okay. The other person is some *Rebecca somebody that does an analysis to make sure that Meyers erects for you guys* is in compliance with code, okay - so that's a cost plus number - they don't give us a hard number - it's kind of time and material type of thing, okay. They show up, they bill us for the time, it is what it is - we can't change that much - but that has to be done prior to an inspection by the City to sign off okay.

Don DeFord - let me interject here for just a second - the fees that you're talking about now - *the management fees starting with the $30,000 for Stanik LLC.* - aren't all of these whether determined or not, encompassed in the architectural contract?
Roy Stanik - pretty much, yeah Don -
Don DeFord - the only reason asked is there are not purchase price items here - there are a different contract that we'll discuss later, I think.
Roy Stanik - okay
Don DeFord - just go ahead and present them, I just wanted to make sure we understand that.
Roy Stanik - well, maybe we saved you guys a bunch more money then if we look at it that way. But, in any case, I just put them in as line items for you okay so we don't know those two numbers from HP Geotech and we don't know the special inspection numbers which again will be provided by HP Geotech and by this woman on the structural steel - the other thing that we're currently getting is - as part of your requirement with me is the architect on this project - we are in the process of getting a quote from Van Guilder Agency out of Denver - I talked with their carrier or their agent today - he's anticipating bids back from three different carriers - hopefully by end of day, certainly by end of week okay on *professional team liability insurance* - the team liability insurance will cover me, my consultant architect, our structural engineer, High County Engineering and HP Geotech. We will *not pick up the mechanical nor the electrical engineer* who is actually a separate contract through Structural's deal, but it picks up basically your entire design team other than mechanical and electrical. okay - so that's that, okay. Then again as we get down - any questions on that area at this point and time? okay. Next area is - *Land Cost,* is the remaining land costs, and the only thing I put in - is *Other Costs* and Again as elaborated before that $11,614 number is actual cost that we have paid to the City of Glenwood Springs - except for the Actual Building Permit. okay. and some of pre-construction costs that we've had - and again, if you want further elaboration on that $11,614 number, I'll give it to you again. But, any other questions? okay. So basically, what I'm seeing is based on this - where we're at with - we have a projected surplus, current projected surplus of about $102,793 to be exact. In addition, we carried down the *6% contingency* that we showed from above, so right now we have a combined projected surplus and 6% contingency of $270,397 which brings the total contingency to 9.84% which is slightly under the 10% where we wanted to be - but I think you got a lot better building going on here. And if we change the roof, maybe that's even better.
Commissioner Stowe - who's ultimately in control of the contingency and ...
Roy Stanik - you guys - it's your money.
Commissioner Stowe - so as long as we don't approve any extras and everybody's on target, we can use that money later?
Roy Stanik - that $10,000 issue we were talking about with Randy and stuff - maybe that's a good time to talk about that.
Don DeFord - go ahead.
Roy Stanik - The issue we did talk about is just like on the Detention Center you've given Randy authority to deal with up to $10,000, anything over $10,000 has to come to you guys for review. The item we discussed yesterday and we're not trying to push the envelope but are trying to make you guys understand the scheduling. Okay. Right now what the deal is - is that we have jumped the City of Glenwood Springs on fabrication and erection of the steel from Meyers. Meyers was awarded our contract, assuming we have a contract, as well as the City of Glenwood - new City Hall. So Gib has accommodated us on his own risk - he's ordered the steel, he's blocked the steel for us - we are under a tight schedule - if we miss our shop drawing deadlines or if we miss anything else, we fall back - if we fall back, it's a significant fall back - so we want you to understand scheduling is more important on this job - not saying cost isn't but what we've asked is that Randy be authorized up to the $10,000 but where issues of scheduling and/or slight increases over the $10,000 - we're talking maybe - what was the number - up to $25,000 - we're asking that you guys give permission or authority to add in Jesse or somebody in addition to Randy so that we can go forward. I think the issue we have and the only issue is - we've got to get this thing out of the ground - once we get it out of the ground - we get the foundations done and we get that first floor hung, I think we're in great shape, but our concern is we play a double-edged sword - I know you guys want to stay involved and I'm not saying we want you out of it - but the issue is really the scheduling, so we need some tolerance or some way of dealing with it - maybe one of you guys might want to be on that group, but in any case we've got to have something in case the excavation - we are excavating over an existing old Garfield County Courthouse - that's what your Environment Phase I showed and in all candor guys, you know as well as we

do, that until we dig to open that site, we don't know what we've got there. So if we have issues or problems it's going to be once we dig that site.
Commissioner Stowe - when you do anticipate digging?
Roy Stanik - Tuesday we start - assuming we have a contract. Again, all we're doing is just bringing it up to your understanding - we do have jump over the City - I don't want to lose the jump - if you guys want to run that risk - we'll run the risk - it's your choice.
Don DeFord - Roy's brought up an issue that we will have to visit today - I thought it was good to introduce it now - but we'll need to come back to that particularly as it relates to the construction contract - there's some terms that we have to complete relative to Randy's authority. I guess I'd like to bring everybody back to the discussion where we started - and that's what's the *PURCHASE PRICE* - we need a figure - at least my office and Mr. Pogrous need a figure if we're going to complete this contract today - on the soft costs - I think the $500,000 of course is locked in for the land costs - but right now the purchase price anticipates that soft cost - and so we need that figure.
Roy Stanik - well again where I'm at Don - right now, I know we've got the $11,614 number and the only other number we're going to get by 5 PM today is the building permit number - and that's going to come from the City of Glenwood Springs.
Don DeFord - in my anticipation Roy is that your fees are - the fee costs are already in this - the one that sets forth on the first page - I don't - I think we talked about $195, but I guess it's at $187,392...
Roy Stanik - correct and I've got that broken down if you want to go through it -
Don DeFord - let me see if I've got this right, if I'm looking at the blank on my page 2 - it's 4g of the contract, the soft costs include: the $187,392
Roy Stanik - Correct
Don DeFord - the $11,614 that you have on page 2
Roy Stanik - Correct
Don DeFord - and whatever the cost of the building permit are.
Roy Stanik - correct
Don DeFord - and the water and sewer tape are already included in the $11,614
Roy Stanik - right
Chairman Martin, Commissioner McCown and Commissioner Stowe $199,006
Don DeFord - so we have plus costs of $199,006 plus the cost of the building permit
Chairman Martin, Commissioner McCown and Commissioner Stowe - right
Don DeFord - okay, if we're including the cost of the building permit, actually putting those in this blank, we have to have those before we can complete the contract. We could go back to an arrangement where we take the $500,000 plus $199,006 and then just say plus costs of the building permit if the Board is willing to accept that as a somewhat open-ended figure.
Commissioner Stowe - and what you said Roy, even the building permit costs - if they don't have the computer printout on them, may be an ambiguous figure
Roy Stanik - if it's done manually, it might be ambiguous
Ed Green - do you have an idea of what those will be ...
Don DeFord
Roy Stanik - again, what happened this morning at is - we met with Teresa, Teresa is getting the use tax waived which was a major issue - once that's approved, and she expected today - then she's giving that to the Building Department and they take it out - so right now the number that we have is a goof ball number - doesn't make sense.
Commissioner McCown - is it calculated on a square foot basis?
Roy Stanik - it's actually calculated on cost of construction - is what they do - is how they figure it - I got - I swear the spend more time trying to figure out what that cost was than the time it took to review our plans.
Ed Green - that's the use tax, right?
Roy Stanik - no, that the - may be ..
Don DeFord - the building permit costs
Roy Stanik - they've got all this stuff that builds into it -
Don DeFord - why don't we - if we assume that the use tax is not going to be included, would the Board be all right then by taking the $500,000 plus $199,006 plus the cost of the building permit that does not include use fee and authorize the Chair to sign a contract that includes a total figure tied to those amounts?
Commissioner Stowe, Commissioner McCown and Chairman Martin - fine, I don't we have a choice, I'm fine.

Commissioner Stowe - the $699,006, *plus cost of the building permit*
Commissioner McCown - $699,006
Don DeFord - plus cost of the building permit - now by tomorrow - we can do the contract based on that - but for closing purposes, we do have to have a cost figure on the building permit - okay - that gets me by that blank - that puts me at *Paragraph 3b - Construction Contract* - there's a blank for the amount for that contract and so I need a final figure to place in that blank.
Roy Stanik - Structual's is that not the $3 million - no $2,747,396 number?
Don DeFord - I'm asking - is that the number?
Bruce Shugart - well subject to nothing else, the roofing issue - as Walt mentioned - we may want to save that $11,000 - is the only thing
Roy Stanik - well we could put that number in and then give you a change order back
Bruce Stugart - I'm I'm just bringing that up - it could go either way
Roy Stanik
Don DeFord - The $2,747, figure is based on the plans for the shell as they stand today
Roy Stanik - with the Hydo Tech Roof
Don DeFord - with the Hydo Tech Roof - we would have to execute a change order then to alter that figure once you've adopted it.
Chairman Martin - correct and that should be it
Commissioner Stowe - does your alternative bid on the EPDM system already include a manufacture warranty or not, Bruce
Bruce Shugart - I'm sorry Walt
Commissioner Stowe the alternative bid for the hydro tech to the EPDM does that include a manufacture's warranty? or was that an estimate with just
Bruce Shugart - I believe that includes the 10 year warranty fee
Commissioner Stowe - is that a 16 mil system or do you know?
Roy Stanik - that's what we specked because we took your specs for the roof
Commissioner Stowe - unless you guys have a serious objection to it - I'd just as soon back that out at this point
Chairman Martin - that's fine, you're the roof man
Bruce Shugart - we defer to you
Commissioner Stowe - in which case we'd be back to *$2,736,396* -
Don DeFord - $2,736,396 - was that acceptable to all parties for *Cost of Construction?*
Yelp, Yelp - Okay - Chairman Martin - the answer is yes - I watched their heads going up and down.
Commissioner McCown - entire audience nodded.
Don DeFord - all right - on page 3 there is a blank remaining - the Purchase Price has been covered, *Cash at Closing - will be then $649,006 plus the cost of the building permit* - you take the $50,000 out - all right - I'd like to move now to my page 6 I think on yours is *Paragraph 7d - (1) and (2)* - this is an explanation, I need to give to the Board, it's not a fill in the blank exercise at this point - the original contract was written with a "no defect warranty" by the seller - through negotiations with the seller and their attorney, we've agreed to these *Disclaimers* which in essence disclaim any warranties as to the state of title or the state of the property other than as is set forth in this agreement and I wanted to explain that to the Board - it results in a special warranty deed coming to the County rather than a general warranty deed - and we have to rely on a number of things in order to reach an acceptable level on these disclaimers. We've done that through a title insurance policy and ownership and incumbrance report on this property, that was from my prospective relatively clean - initially the only encumbrance on the property that was I felt was significant was the existing deed of trust - first mortgage and that is cleared out at closing so that no longer exists - then there are some standard - I called downtown Glenwood - exceptions for mineral water, and minerals, and some old ally way easements that don't actually impinge on the property as you see it - there are actually - I think we ended up only with 5 even of the relatively clean exceptions, so, from title prospective we are relying on that opinion for our title and I'm willing to go ahead at this point and recommend that *title is adequate* for the intended purpose. It does - there are some warranties thought that the seller is making - and you have to look at the *disclaimers in relation to Paragraph 20, page 10* - the two specific warranties that the seller has agreed to keep in place are 20d and 20e, right now, I'm not certain of this as of this minute, but at the time we were negotiating this contract, S & G Development were not the actual owners of the property - it was held by a different corporation - that will be changed prior to closing tomorrow afternoon so that they hold title prior to closing - I think that's an obvious representation that has to be

made. And 20e is of some significance because they have agreed to warrant the building and the property - may be used for the purpose for which we intend to use it - that is a Governmental Business Office - now there are some limitations on that of course, because by saving governmental business you can't change it to some other type of use - you couldn't put a Road and Bridge Shop there for instance - based on their warranties anyway.
Roy Stanik you couldn't put a jail there
Don DeFord - I was trying to avoid that Roy but since you went right there - that's correct, you could not. So those are the *Warranties* and that's what you get. The - if you turn to my page 7 Paragraph 8 - *Closing* - we are hoping to close on this property tomorrow - I think it's critical from everyone's prospective perhaps most of all Structural Associates that we at least have an agreement today - but we have mutually agreed that if we have to we'll push closing to the end of next week which would be September 7 - that's an outside possibility. For the Chair, we will need you available for closing - Mr. Martin. Take a look at Paragraph 13, we have another blank to complete - although this doesn't appear to be of any significance at this point, we still have to fill it in if they fail for some reason tomorrow or whenever the closing date is set to deliver possession of the property, we need to put a *Penalty Figure* in here - I don't what damages you believe would inure to the County if we fail to take possession on time.
Chairman Martin $2 million 747 thousand
Commissioner Stowe - we'll split the difference
Don DeFord - I would point out this is a per day charge - what would we find realistically acceptable? $250 a day
Roy Stanik - we're already in the process of taking the modular apart - modular should be off by Friday so even though you'll have possession, the modular will be moved off by Friday.
Don DeFord - if we close tomorrow, you're ready to open up the ground on Tuesday, right?
Bruce Shugart - that's our intended schedule at this point.
Don DeFord - I'll put *$250 a day*
Roy Stanik - that starts on what day though? if we close tomorrow?
Don DeFord - tomorrow - you have to deliver us possession tomorrow - if you don't
Roy Stanik - we give you possession but we can take our modular off by Friday without paying you the $250?
Commissioner Stowe - we won't charge you too much rent.
Don DeFord - I know, it's not *the modular's got to be gone when you deliver possession.*
Roy Stanik - okay, can we change the date slightly
Don DeFord - do you want to change the date of possession?
Roy Stanik - what is the date of possession say in the latest ....
Don DeFord - I'll looking - just a second - the date of possession day is September 7th actually.
Roy Stanik - oh, by then they'll be done
Don DeFord - so we do have to change that because they want to - September 4th is the date actually have to have possession. Page 2 no. 7
Commissioner McCown - and then we'll go to $500 a day penalty because it's going to cost them more in the long run if they wait.
Don DeFord - so that concludes my review of the terms of this agreement - I'd point out though that we have to have in place the architect's agreement and the construction contract because they're incorporated and have to be assigned as part of this so we have to review those as well.
Jesse Smith - you have a blank on page 10
Don DeFord - page 10 oh is that again the Contract Price? And that should be the $2,747,396 ok.
Let's go to the *Architect's Agreement* - this agreement is written in it's original form to be solely an agreement for management services - in a standard construction operation for a governmental entity and most significant commercial entities you would enter into a process for a construction contract and you would also enter into a contract with an architect or engineer to design the structure, guide you through the bidding process, if you fall in that, and then manage the project under an AIA Agreement during the course of construction. This document is designed in it's original form to leave out the design phase and the hiring of an architect to supervise the construction once plans are in place - I went through because we made some modifications to this to account for the fact that we're purchasing plans. But - the reason we did that is - in your standard form agreements, the type I just described include a design phase - there are extensive provisions about the manner in which the design is accomplished - in this case this design in already done - it's in place for this shell structure so that it's pointless to include several pages of description on how that

process will be followed. One of the most important provisions from your prospective however, is the ones that *binds the architect to the design - Paragraph Addendum 6.3 - page 5* - there's the standard agreement and then there's the addendum which Mr. Pogrios originally printed and then we made some revisions to include - it's all one contract so it's 6.3 in the addendum my page 5 where it talks about contract documents - in it's original form it was drafted to say 'no responsibility for contract documents' - at our request Mr. Stanik and his attorney's have agreed to alter this so it now reads *responsibility for contract documents* - it recognizes in the first sentence that they have engaged the architect - us - to design this building which is included in the contract documents, that it complies with all applicable rules and regulations and that they are fit for the intended purpose - they have designed this to be a government office building - to the extent it does mean the intended purpose - you would in theory have a claim against the architect for which there will be insurance as well and Roy's already mentioned that they he is in the process of acquiring them. The second sentence specifically recognizes that the architect is responsible for any errors or omissions in the contract documents that include the final design and specifications of the shell structure and I repeat that several times - because at this point, the finished building needs to have the design completed and that has been not been done and it is not included in any of the costs that you have seen or will see today - anything for owner finish will be an additional cost - so that is where we bind the architect to the plans rather than the more lengthy description of the process that was followed to develop them. For the most part, I have reviewed this document this morning, they have made the changes that I requested yesterday - as I said I think most of you are familiar with the architectural in this process where they will redo changes order, review requests for payment, review shop drawings, make recommendations to the County about the performance of the project with the design, those are things that are set forth in this agreement - there are a few minor alterations that might to simple be made but there more in the nature of typographical or grammatical changes - a couple things I did want to point out so you are aware of those - on page 3 article 5 - *Basis of Compensation* - we did have description of this yesterday - in the addendum - all references I make are in the addendum - for Jesse and Ed as well, Roy set out a method of compensation - it still comes to *$30,000 total but basically to be paid periodically, by the month* - rather than on hourly basis - total cost is still the same. I find nothing untoward about that but I do want to make to make sure that is okay - as long as it is then --
Ed Green - it talks in the body of 5.2 about negotiating if there's a material in the scope of this that we would have to enter in negotiations to affect an hourly rate - is that correct.
Don DeFord - I noted many times with the *tenant finish* left, the tenant finish to the extent that it's going to require any structural elements, probably will require architectural services - and I guess I should use this opportunity to point out too that to the extent that there will be additions to this building in the form of walls or system alterations - you will be required to get a building permit for those as well - so those are things that will still have to be addressed down the road.
Commissioner McCown - that goes back to the other conversation - the price is computed on construction costs and we're really saving a lot of money because we're buying a shell, but we are going to end up paying for it when we go to finish it
Don DeFord - you're going to pay for the building you occupy
Ed Green - and we've got what - roughly $550,000 budgeted for that part of the project inclusive of the furniture
Commissioner Stowe - doesn't include the ceilings, petition walls, carpeting and floor tile -
Ed Green - plus the furniture - in the computer wiring, and telephone wiring and all that stuff.
Don DeFord - another Paragraph in the Addendum is on page 4 paragraph 5.4 and Roy and I have talked a little bit about this - and I mentioned earlier today - this paragraph that I read is relating to the second page of Roy's spreadsheet - where the owner will have to pay for *additional services* and reimburse the architect for those - during the course of his services, the architect's going to need and has I think already retained some additional professional services in the form of inspection services - some of which the City requires, some of which are required for your management of any project, particularly material testing issues - those are in addition to $30,000 and Roy set that out in his spreadsheet - it's no a hidden cost - the unknown costs are because there is no 'not to exceed' or maximum figure from HP or the other ones where that's left -but those are still fees and costs that you will have pay for during the course of the project.
Commissioner McCown - I guess I would have a higher level of comfort if I knew what we were going to be paying Roy on an hourly basis.
Ed Green - well his proposal was $150.00 an hour and he and I disagreed on that amount

Commissioner McCown - I'm back to the same old philosophy the architect being our representative on his building - I don't have much hesitation that he's going to approve or okay a change order to help sell his building. Recommend a change - if you run up against a snag you're the representative that's going to recommend
Roy Stanik - you guys have the final authority - so - I don't know how to deal with that.
Commissioner McCown - yeah, I know me neither - we talked about - but I don't other that scuttle the whole thing is how you deal with it and that's - so we're basically entering into this agreement with a $30,000 agreement and then a provision that we will pay him $150.00 an hour for any services
Ed Green - no, no, we would engage in negotiations to settle on an hourly rate - we're $70 buck different - my perception is that $80.00 appropriate - his is the $150.00.
Commissioner McCown - and no where in here is an amount not to exceed? - it's pretty well open end.
Ed Green - if there are changes - only if there are changes
Commissioner McCown - and the design of the other work - that's not included - that's on an hourly basis
Don DeFord - a Tenant Finish will be a change order - now it's a change, unless you decide to seek a different architect and a different contractor to accomplish that - it will be a change order both within the construction contract and the architect's agreement.
Commissioner McCown - oh I think we've already discussed the cheapest time to do it is while they are in there doing it -
Roy Stanik - I don't thing there should be issues in, potentially, when they're constructing it, if you put wall locations where VAV or light fixtures - or if you need sprinklers - but that not an architect's issue to speak of
Don DeFord - the other issue - I'd mentioned to various folks during their course of discussions on this contract to, is if the owner finish requires alterations in the shell structure, then those would also be significant architectural and change order issues as well.
Roy Stanik - I can't imagine you doing that.
No's
Roy Stanik - the only other thing I asked Don when I came in this morning, is on page 2 - of 3.20 - all I said there is that this is to make sure that you understand that Glenwood Springs stuff - all I did was said that the architect at the owners expense shall coordinate 'additional' is the word I inserted - inspections of the work and that's again to coordinate HP Geotech, and the field person - I have authorized an outside 3rd party - Independent Structural Engineer - he came out last Friday, looked at Monihan and Lampon's building, as well as Petre's building as well as - we looked at Pitkin Avenue because Pitkin Avenue has some settlement cracks in it from the City; so any case I retained Larry Dobol which is White _____ Consultant or something - he's a structural engineer in Carbondale - he's done the 1st phase of work, he'll write up a report and then after construction has moved along, he'll do 2nd phase of work to tell us that there's been settlement or not to those properties and street. So those are the three guys that I'm really speaking about in here.
Don DeFord - I think we're covered the Agreements - I am satisfied - changes made as specified.
So that completes my discussion of the various documents and again I go back to where we started - at this point what were looking for is authorization for the Chair to sign the Purchase Agreement for the property at 804 Pitkin, including in the purchase agreement the purchase price as stated in our discussion $*699,006.00 plus the cost of the building permit - it also includes the cost of construction at $2,700,396* and that agreement is now anticipated to be signed tomorrow subject to them receiving an approved construction contract - it also sets forth a *closing date no later than Sept.* 7 - I think we'll strive to do as early as possible - we need authority for the Chair to sign an *architectural Roy Stanik LLC.* in the form submitted to the Board for the maximum compensation set forth in that agreement plus consulting costs as represented to the Board; authority for the Chair to sign a *Construction Contract* - for Courthouse Plaza for the construction price already stated - the time frames stated with Structural Inc. - that contract initially will be signed by *S & G* Development but it will be assigned to County - but they would not sign it, unless the Board approves the form of the agreement; *Authority for the Chair to sign all necessary documents at Closing*; and authority for the Chair to sign a *Resolution authorizing Randy Withee and Ed Green to act as County Representatives* - Randy Withee for all changes of $10,000 or less and Ed and Randy to act as County Reps for all changes of $25,000 or less and Randy or Ed and their designees to act for all requests for changes in time during the phases of the project that would include the foundation and the erection of the steel structure for the 1st floor - all other changes to come to the Board of County Commissioners - last issue *the waiver* - the County *Purchasing Code* - requires that in order to proceed on any public or ____

project that the County administration waive the bidding process if decide for the reasons set forth in your code that you are not going to follow that process. And I've asked Ed to prepare his position on this issue and I think you're looking for authority to County Administrator to execute - Don reiterated that Ed has to execute this under the Purchasing Code.
Ed Green the premise is that we had a joint committee that reviewed the bids for this that included Roy and members of the County - based on that analysis of 4 bids - Structural was the determined to be the most cost efficient solution.
Motion
Commissioner Stowe made a motion to approve the aforementioned contracts and materials as Don enumerated without going into it again in detail establishing the costs and the Chair to authorized to sign as and when appropriate.
Commissioner McCown seconded; motion carried.
Roy Stanik - Are we putting this contract to buy the real estate in force today?
Don DeFord - no we can't
Roy Stanik - well, my question is what's - I've made a commitment to the City - we're going to pull that permit today - we've got to have the cash to do that - can we change our earnest money or something in this contract, Don so we can facilitate that acquisition today because I do not want to go back to them and say 'you've got a few more days now'
Don DeFord - well the contract will be signed tomorrow - the only - what we're waiting for is the attorney's review of the construction contract.
Roy Stanik - no I understand that Don but we really don't have the funds in our account at this point and time to write an additional check to the City for a building permit
Don DeFord - okay, the building permit costs - are they going to be less than $50,000?
Roy Stanik - I expect that to be the case.
Don DeFord - all right, then why don't we provide in the subject to Board approval that we will - in order to acquire the building permit we will pay to S & G Development the costs of building permit as verified by S & G Development that amount to be deducted from the earnest money that will be paid upon signature of the purchase contract. tape 2 listen
In order to acquire the building permit, we will pay to S & G Development the cost of building permit as verified by S & G Development - that amount to be deducted from the earnest money that would be paid upon signature of the purchase contracts.
Discussion
Motion
Commissioner Stowe made a motion to approve the advancing the necessary funds today in an amount 'not to exceed' the anticipated earnest money so that the permit can be acquired and that sums whatever it be deducted from earnest money upon signing the contract. Commissioner McCown - seconded.
Motion carried.

- ***Bilingual Testing***: Osman said the first bilingual testing has been completed. Ten people took part in the first test that included: written section consisting of 100 questions covering grammar, conjugation, numbers, math, word usage, etc. and a verbal section requiring them to translate from forms relating to their specific positions and also requiring them to translate information about their positions. Those employees who passed the exam include: Janice Caro - Public Health (WIC), Jorge Cervantes - Social Services, Brenda Flores - Social Services, Desy Gallardo - Sheriff, Lori Gish - Public Health, Rocio Jaimes - Public Health, Helen Leyba - Public Health, Florencia Prieto - Social Services, Hilda Rangel-Valle - Healthy Beginnings, and Martha Sanchez - Healthy Beginnings.

Judy sent a letter to the Board stating that all ten of the employees have expressed their gratitude to the Board for the $1.00 increase in salary per hour they are receiving and appreciation for being given this opportunity.
Judy said the requirement to be bilingual is included in their job description. They are busy in their own departments; to make these employees accessible to other department was not the idea behind the bilingual testing.
The testing costs a lot - the District Attorney had a staff person that wanted to take the exam, however, since the District Attorney is not part of the Personnel Policy, they didn't qualify. All of these employees that took the exam and passed fall into the A, B, C wage schedule that was approved.

- ***Discussion - Wildfire Policy - Jesse Smith***

Ed Green, Jesse Smith, Sheriff Deputy Jim Shears, and Guy Meyer were present.
Ed Green said currently it is our policy to use general fund money to fight wildfires in the County. Recent wildfire consumed most of our funds budgeted for this activity. This prompted Jesse to consider some other options.
Deputy Shears reported the fire at Porcupine has been declared contained.
Jesse stated in the event of a major catastrophic fire, the fire fund available would be quickly depleted and the only method currently addressing that is out of the general fund. Should we be looking at some kind of alternative source of funding that might be placed in operation for the future to develop a reserve to fight fires. Guy volunteered to develop a discussion issue list.
Guy Meyer submitted a power point outline denoting the issues that we face as a County.

- The budget of $12,000 has been expended.
  -$9,000 for suppression and $500 for meals and $2500 operating. To date we have expended approximately $10,000 - $12,000 from the County; then the EFF period of it there were costs that we will submit to the State to get reimbursed but will probably use this as our in-kind donation. during the Chairman Martin asked if the Sheriff's Office proceed to enter into that kind of a reimbursement or does this need to come directly before the Commissioners and then into a contract with the property owner?

Don said the agreement has to come before the Commissioners, but the Sheriff and land owner's representative has to reach some understanding in short order. The Sheriff, because he's charged with being the Fire Marshall in terms of wildfire activities, probably can speak on behalf of the County. Communication is very important.
Don continued by stating the Statute does provide that the County Commissioner provide an adequate budget for fire suppression activities. He said he was concerned that since the full budgeted amount for this activity; that in some manner there should be a budget amendment for the benefit of the fire suppression activities. These always come up on an emergency basis and the Sheriff's Department is in a very difficult position if they have not funds - they need to know what they can and can't expend in a fire fighting activity. He asked that the Board to appropriate sufficient funds so that at least on an emergency basis the Sheriff can commence fire fighting activities.
Guy said that in the past, there have been in the past both State and Federal resources that have no cost for the 24 hours, period. Now the County has to pick up some of these cost. In addition to that, increases have occurred in the cost of fire retardant and various other fire fighting mechanisms. Our current budget is inadequate based on these increased costs. A slurry bomber is up to drops is up to $6500 - two drops and you're over budget. There are a lot of pressures here.
Some of the other issues here - the Statutes also provides for fire management as well as fire suppression. This is a difficult decision for the Sheriff and the Commissioners as there are a lot of unincorporated areas in the County that basically fall outside of the Fire Districts that the Sheriff has responsibility. The areas are not paying a tax or funds for fire suppression. There are no mutual aid agreements with local fire departments - this Statute provides for fire districts or municipalities to re-coop costs from these private lands that are outside the boundaries. The County nor the Sheriff has this accessibility.
Therefore, Guy outlined potential options to try and deal with these issues and not to be just funded from the general fund.

- The Statute also provides for presenting voters in the County with the option of a mill levy increase that would fund wild land fire suppression;
- We can review our budget line items and appropriate funds in the fire suppression fund that would build up the fund in the less impacted years and give us a larger amount of funds for the heavily impacted years; and
- Implement a fee system for developers and home owners in interface areas for fire suppression.

There may be others that Guy didn't think of that might be part of this discussion.
Chairman Martin stated that finding all those areas in the County that are not covered by a fire district, also mapping out the fire districts.
Guy said this was already completed - Rob Hykys has the information mapped out.
Chairman Martin mentioned we could share that information so the Board can proceed with a mutual agreement or a payback system to those fire districts for their assistance, also coordinating that through the Sheriff's office as well.

Commissioner McCown asked Guy if he envisioned the mill levy only applying to those areas outside fire districts?
Guy said he wasn't sure how they would handle this.
Don DeFord added that the Statutes are clear on that, right now it looks to him like it needs to be the entire County - he hasn't fully investigated.
Commissioner McCown - wouldn't that be a double taxation?
Don DeFord - because they're in fire districts - no, not necessarily - Don justified that by adding wild fire activities are the responsibility of the Sheriff's Department. Fire Districts can participate in that, but they are usually only geared for structure fires. They can fight wildfires but their first charge is usually for life and structures so that most Fire Districts would take the position that their mill levies are not directed to the fighting of wildfires.
Commissioner McCown - that may be the Fire District's perception but the perception of the individual living in that Fire District that is already paying 9.6 mills annually for fire protection is assuming that not only is his structure to be protected but so is his property that surrounds that structure should a fire break out. None of these options presented are easy. Implementing a fee to the developer in the interface areas - is he responsible for a lightening strike?
Guy said Garfield County is a growing county and getting more and more growth of homes and trees. This isn't indicative of just Garfield County, the State is struggling as well. Part of the problem is the way the State has set up our system, a lot of these different responsibilities are fragmented in different agencies. The Sheriff's statute goes back to the late 1800's - guns and handcuff's don't typically go with fire duties - this is problematic for the Sheriff - he has no resources or ability to go out and fight a wild land fire - he depends on all of these peripheral
agencies to come in and help him. The mutual aid agreement that does exist with the Forest Service provides some options and the County contributes $8,000 a year to that fund - that fund was depleted last year on the Front Range fires. Additionally, Congressman Scott McInnis has called a meeting for July 13th - there's a fair amount of money allocated by Congress for fire suppression. However, Guy's first reaction as this started, if we are allocating all these Federal funds which would make sense to jump on these fires from the very beginning and not this make this process so rigorous for the Sheriff's staff to try and figure out how to deal with it for the first 24 hours.
Commissioner McCown - given the Statutory authority of fire districts being able to re-coop some of their costs, the most logical solution is that there should be no areas outside of fire districts in Garfield County that are not protected. Realizing this is not going to be the most popular thing with some of the fire districts - it will place an additional load on them - but it is also going to increase their revenue because these landowners will become of the taxing entity.
Guy and Dale Hancock tired to surface this same solution six or seven years ago and the response we received was there is no revenue source for them with volunteer department to justify taking on these outlying areas. This takes us back to what pertains to the Porcupine Fire issue - we had a fire that had no access and the fire districts for the most part have the capability to fight those types of fires either.
Commissioner McCown said they have the ability to get people in there and then re-coop the charges - the Sheriff's doesn't.
Guy agreed they can recoup the charges.
Commissioner McCown - they are the logical entity that should be doing it and on a resource side if an area becomes a part of the fire district, don't they fall under that fire district's mill levy - they're paying ad valorem tax on that property to that district?
Guy concluded that he should be trying to engage the Fire Boards within the County in mutual aid policy discussions.
Chairman Martin said it goes back to the first suggestion we had is putting the map of areas covered by Fire Districts and seeing where the gaps are, then getting with those Fire Districts and talking about incorporating those areas into them and eliminating areas that are not covered.
Dale Hancock said they did that and in the past this was unsuccessful - it became more of a matter that the fire staff wasn't necessarily willing to take it back to their Boards - that the history of it.
Commissioner McCown suggested going to each one of those four District Board meetings and present it to them.
Jesse Smith and Chairman Martin had a discussion in which Jesse proposed for the County to take a proactive leadership position and convene a workshop on fire suppression and bring in the Fire District Boards themselves and state that the County is in a different position today than it was fifteen to twenty

years ago and we need to look at this in the total concept of authority, also possibly setting more restrictive fire suppression preemptive efforts on the developers that they have to clear back - if they're going to build houses in trees, they have to follow more rigid preventative measures.
Guy said that gets back to adopting UNAPA Standards in our land use rather than referencing it. One you engage those districts in the discussion of wildfire, what's going to follow is the EMS issue because it's similar.

Commissioner McCown said it is already an issue - it's being handled the same way. They are servicing those areas.
Guy didn't agree. They came in three or four months ago and there was a discussion on Search and Rescue responding to those areas outside their ambulance district boundaries - this is not the charge of Search and Rescue.
Commissioner McCown mentioned he didn't think it was the charge of Garfield County to have to take red trucks around and try to fight fires either.
Chairman Martin said he would like to see the County putting this together starting with our own house on maps so we can identify those areas, coordinating with the Sheriff's office and calling the Fire Districts in for a conference.
Commissioner McCown said we could ask them to come, but we can't call them in - they are separate entities.
Chairman Martin would like to put something together to request their presence along with the Sheriff's office.
Dale said the other part of this is that it lends itself well to a public education process in terms of letting know where their boundaries are, where they have coverage and where they don't. A lot of this is "buyer beware" but people in general would be unpleasantly surprised.
Guy encouraged the Board to include Routt and Eagle County - most counties in the State are struggling with this issue and maybe CCI would be an option, at the end of this, to take this information in and try to get some Statutory changes.
Chairman Martin - through Lands, Legislation and Taxation Subcommittee.
Sheriff Deputy Jim Shears - the costs on the Porcupine Fire is going to continue because one of the stipulations from the State Forestry when they handed it back to the Sheriff's Department due to the fact that the fire was not completely out, we have to monitor the fire. We sent an agreement to Intermountain which would obligate them to do that - they have not signed that agreement therefore, we are paying those costs. Jim said he ordered a helicopter because there is no way to approach the area by ground. They are going up there this afternoon with fire fighters and walk the fire line to make sure that there has not been any swap over - so the costs to this fire are continuing until there is a 48 hour period of no embers or anything coming over the fire line, then we can say that we've met our conditions of takeover from the State Forestry.
Commissioner McCown asked when this got passed back and forth? Why?
Jim said Saturday. At that time the State Forestry felt that the access was available at that time for the Sheriff's Department because the Intermountain is building a road that would be accessible by brush truck 4x4 and the 2 - 6x6 we have. The road is not finished yet but it is possible to get in there part of the way and then hike in. At the place on top of the mountain, we currently have fire fighting equipment and water on site.
Guy said what the Commissioners should be aware of the way this was framed for the Forestry to take it over, was the County didn't have the funds or the resources to fight the fire at the very start.
Jim added, at the get-go the fire size was 2 - 3 acres, a total now of 26 acres.
Guy - it's normal with the NFF fire fuel levels.
Commissioner McCown - if our fire fighting is lucrative funded, there's no change that the State's going to take over.
Jim - no, with this fire, there was absolutely no way that a County could go up and provide suppression; there was no access. The State took it over.
Guy said they gave it back to the County because there's a number of issues that have to meet the State's criteria in order for them to continue. That fire was called contained and they turned it back to the County.
Don said he spoke with John Dennison Saturday evening and his position was unequivocal that it was within the resources of the County to take over the fire and as a representative of the State, he was going to turn it back. Don discussed some of the issues about the continued need for air transport but Dan was

adamant that he thought it was now within in the County's capabilities. He wasn't giving the County a choice in the issue.
Jim said where the fire is located, the incident commander from the US Forest Service fire management officer looked at everything and made the determination that the fire was right now at the bottom at a 70% slope - the Forest Service nor Garfield County can fight it - they have lines around it and that's why they feel it is contained. They cleared the flat part on the top so there's not much danger of anything going in over the lines. What they are worried about is something being blown out of the dozer line and then there would be several thousand acres of heavy forest in danger.
Jesse said two of the Commissioners were out-of-town last week and just so you are aware, the County's costs for fighting this fire as Jim has indicated has expended their budget, but also Road and Bridge moved a dozer up there on Wednesday and continue to run it until Sunday afternoon and they have plans to bring it down tomorrow, so we did have Road and Bridge assistance on this fire.
Jim said the County did not build fire line, the private entity built the dozen line using an excavator; the County dozer was used to smooth out the road making it accessible from TeKe Park.
Guy said this was a condition of the EFF.
Dale - the rules that surround the EFF are difficult - not a user friendly as they might be.
Jim said John Dennison did a very good job of getting this thing declared - the State expended over $120,000 to $130,000 - they provided a crew of 20 fire fighters, a hot shot crew, 2 helicopters, they took over the single engine attack plan, a heli-tech crew plus all of the overhead.
Chairman Martin - one final issue and that is the cost of anything else such as another fire in Garfield County - our policy and general fund is what we'll have to do at the present time. But, look at the request of the Sheriff's Office on $12,000 for fire suppression. Whether or not this will be a sufficient amount for next year will require a serious discussion on the issue. Hopefully some of this will surface during the conference with all of the Fire Districts in solving some mutual problems. The direction is to allow the Sheriff's Office to request, out of the general fund for fire suppression as our policy has been.
Commissioner McCown agreed this was the policy that had to remain until something else is done.
Ed Green said since we've expended the funds for this year, does the Board want them to move money from contingency in the event that there's another fire.
Commissioner McCown - would like it to stay in contingency until the need arises should another fire break out or whatever but we should, as an emergency measure, allow that the contingency be the source of funding for fire suppression.
Don DeFord said we need a motion by the Board to allow funds to be taken from contingency in the event of a fire. And as to the costs of a slurry bomber at $6500 per drop - these costs can escalate very quickly and asked if the Board wanted to put some limitation on this or not, or some indication to the Sheriff's Office where they should go in the event of a fire - they have nothing in their budget - it has been totally expended.
Commissioner McCown - they have probably over expended so there will be a supplemental request to come out of contingency to take care of the overspending that has already occurred.
Don agreed that was the case in this fire, but what he was concerned about was if there was another fire.
Jesse clarified that they were going to set the Sheriff's budget at zero so he wouldn't be in a deficit, and then authorize $12,000 out of contingency if another fire breaks out. This will give administration time to get with all three Commissioners to see what they want to do.
Motion
Commissioner McCown made that a motion. Commissioner Stowe seconded; motion carried.

It was decided to plan the Workshop with the Fire Districts after the first of August due to staff being out-of-town and vacation schedules.

a. ***Snuffy Truck Replacement (Road Patch Machine)***

Tim Arnett, Marvin Stevens and Jake Mall presented the request, bid submittal, and purpose for the proposed equipment.
Marvin said the current road patch machine has hydraulic pump and conveyor shaft problems. A replacement unit is needed for the current chip seal project. He also submitted a repair history of the current unit 141-road patcher.

Jake Mall said he contacted O. J. Watson Equipment and located a replacement. The equipment is a Demo GMC chassis with a Wildcat Road Patcher attached. The cost of the equipment is $115,300.00 which includes a trade in value of $12,500.00. The delivery date is within 5 days.
Jesse said there was a discussion earlier with the Board about not buying the Snuffy Truck which has been budgeted, but instead buying a rock rack and loader for the Landfill in order to increase cell life, we took the money's to buy the equipment out of the landfill contingency, so there is still $141,000 in the capital account for Road and Bridge that was not expended.
Chairman Martin clarified if this was a request to use this money to purchase this new replacement?
Jake Mall - yes. The estimated trade value was for Wildcat, they usually don't like to take trade-ins on those units - Ron felt sure he could get us a price of $112,500.
Chairman Martin stated the entire expenditure was going to $115,300 - that's the request out of Road and Bridge Fund.
Jake submitted a repair work summary of the Unit 141 Road Patcher - totaled $13,317.33 and down time was 88 days.
Motion
Commissioner Stowe made a motion to go ahead and approve the contract, replace the Snuffy Truck at $115,300 with the demo model as described, trading in the old Snuffy Truck. Commissioner McCown seconded. Motion carried.

Human Service Contracts
The following Human Services Contracts were submitted for signature of the Chair:
Colorado West Recovery Center; Literacy Outreach; Carbondale Family Resource Center; Colorado Mountain College Senior Nutrition Projects; Girl Scouts of Chipeta Council; Colorado Mountain College High County Retired Senior Volunteer Program (RSVP); Mountain Valley Developmental Services; Youthzone; and Colorado Mountain College Senior and Disabled Transportation Program - The Traveler.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the submitted Human Services Contracts as presented; carried.

- ***CR 116/117***

Randy Withee, Dan Kerst appearing for the Bert O. and Hilda M.Cator Family Revocable Trust and Jim Leuthueser were present.
Jim Leuthueser submitted the Resolution for signature of the Chair and an Agreement attached. Jim stated that an agreement was reached with the Cator Family Revocable Trust that stipulates and agrees to the parties reconfiguring their respective interest in real property such as to conform to the Lot Boundary Adjustment Plat of the Cator Trust parcels. The County and the Cator Trust intend to exchange Quit Claim Deeds to conform with the plat, which exchange will result in the Trust owning two separate parcels and support this boundary line adjustment. In consideration of this exchange of real property, the Board of County Commissioners will pay $30,000. There is included in this agreement that the Trust grants to the Board a construction license providing reasonable and necessary access to the property in order to effectuate the construction and improvements to County Road 116 and CR 117. The Cator house located on parcel one has two driveway access points off CR 117. The County will remove the most northerly driveway and access, replacing it with sod and also construct a parking/turn around area of concrete adjacent to the other driveway that will provide access to CR 117 from parcel one. The plat, deeds and documents are completed and will be submitted to Mildred for recording. It will be an exchange of deeds - Glenwood Limited has a colorful title to part of the triangle and as agreed to quit claim any interest they have. The construction license is granted but will lapse the 15th of September, 2001 - in discussing this with Randy, they feel comfortable that the County will be done by the 15th of September.
Commissioner McCown mentioned the Agreement with the City was to acquire the needed right-of-way for the intersection and then later the numbers given for their roundabout not to continue to provide any construction easements on any other property or allow any encroachments - it was just for the right-of-way.
Jim agreed. The Agreement was the IGA which has never been executed.
Commissioner McCown clarified that the County's responsibility ends at the right-of-way needed for the road.
Jim Leuthueser stated the request was for the Board to authorize the Chair to sign the additional paperwork which will be the Agreement itself as well as the necessary deed that the County has executed on the sale. He suggested the Resolution be signed now, the deeds and agreement for Wednesday - they are trying to

close on this property. For the record, Jim thanked the Dan Kurst and the Cators who have been pretty patient with this procedure.
Commissioner Stowe so moved. Commissioner McCown seconded.
Don DeFord clarified saying for the record, it should be clear that the County is acquiring all of the right-of-way at this point, an absent executed IGA, at least this property will not be transferred to the City at this point. In terms of the triangle area - the property the County is acquiring - was this done pursuant to any kind of direction from the City - did they give you any legal descriptions of what they wanted.
Jim said they did not provide a legal description but they provided a schematic - a drawing - of what they anticipated to be their improvement and based upon that schematic, Jim met with Sam Phelps and he made the adjustment - he did show them to the City Engineer as well.
Don inquired if the City approved them.
Jim - yes, he is all right with them - where exactly they have things planned is fluid but they are aware of it and no problem with it.

Motion carried.

- ***Audit 2000***

Jesse Smith distributed the General Purpose Financial Statements and Report of Independent Certified Public Accountants - December 31, 2000.

COUNTY ATTORNEY'S UPDATE - DON DEFORD

- ***Contract for Appraisal Services - Stevens Real Estate Services***

Don submitted to the Board a copy of an appraisal proposal for the County Road and Bridge Shop in Glenwood Springs. The letter states that the appraisal and deliver summary reports would be completed within 45 days after the Board authorizes Stevens Real Estate Services to proceed. The total fee for these services will not exceed $4,500.

Don explained the three-step process - the first being the survey of the property - waiting on that from County Surveyor Sam Phelps - once obtained, we go to Land Title Guarantee who have agreed to give us a title commitment - with those two items, we give those to Mr. Stevens and he will complete the appraisal. However, Don would like to get the agreement in place so that we can move on with the process. He suggested the Board indicate no revelation of the appraisal results and then it's under the control of the Board how they handle it.
Motion
Commissioner Stowe moved to authorize the Chair to sign off on the appraisal with Stevens Real Estate Services and to not divulge the appraised value of the property. Commissioner McCown seconded. Motion carried.

- ***Setting of Request to Vacate Right-of-Way on Callicotte Ranch - Petitioner: Rocky Mountain Mansion III, LLC.***

Don submitted a request for vacation of a 40 foot right of way that was conveyed to the County in 1931 - it bisects Callicotte Ranch - the survey disclosed that no road has ever been constructed and no evidence exists on the ground of any road in use within the right of way - it appears to serve no purpose and has never been necessary for public travel. Don asked Marvin Stevens at Road and Bridge to take a look at it - Marvin did and it's his position on an initial look at the property that the County has no particular interest in the designated right of way - at this juncture, all that is needed is to set this for a hearing - sometime in August. Don indicated there is no notification requirement other than requesting the landowner - the right-of-ways lies entirely on that property.
Commissioner McCown made a motion to set the request to vacate right-of-way on Callicotte Ranch for 6th of August. Commissioner Stowe seconded; motion carried.

- ***Discussion Re: County Position on Vacation of Rifle City Street - Petitioner: Gordon and Barbara Weir***

Don stated he had a request to vacate property that actually lies within the City of Rifle - this property used to be a County right-of-way - the property owner is at the intersection of 1st Avenue and Whiteriver Avenue - they have filed a petition with the City - the right-of-way was originally dedicated to the County but has been within the City for some time - Don said his position is that the County should not take a

position on this - because it is entirely within the hands of the City and they should not become involved with vacation of City Street. The position the County has taken for many years is, once a right-of-way is bounded on both sides by the municipality, it is their street. Once the County becomes involved in this, they may be asked to maintain that position. The cities are well aware of this position and Don has discussed this type of issue with both Rifle and Glenwood Springs over the years.
Don said unless the Board wants to become involved on the behalf of Gordon and Barbara Weir, he would like to respond to Mr. Carter that he should deal only with the City of Rifle.
The Board agreed.

- ***Receipt of Complaint: Rule 105 Action - Scarrow v. BOCC***

Don received a verified 105 complaint on County right-of-way and Jim Leuthueser is taking charge of this. Jim Leuthueser explained this was request under quiet title and has to do with land which he had Marvin Stevens take a look at - in 1973 there was a reservation in a deed for a County right-of-way which has never been followed through - there is not road there - there never has been and it's not anticipated. Rather is was reserved in a deed to which the County never acted upon. This doesn't provide access - there is no road there - no private driveway or anything else.
Marvin stated is was west of Rifle - PK Auto Body running from Hwy. 6 up to the old Hwy. 6 - there doesn't even appear to be a road there - at one time there were plans to build one and it never happened.
Jim said they were asking the County to disclaim any interest and it doesn't need to be done in a public hearing - only a motion.
Motion
Commissioner McCown made a motion to disclaim any interest in the Rule 105 Action by Scarrow. Commissioner Stowe seconded. Motion carried.

- ***Executive Session:***
  - ***Discussion with City of Glenwood Springs concerning CR 116/CR 117 Intersection - Direction Is Needed from the Board***
  - ***Considering Sale of County Property and Need Direction from the Board and other members of the staff***
  - ***Provide Legal Advice concerning Recent Amendments to the Open Meetings Act and Discussion***

Don requested Ed Green, Jesse Smith, the Board, himself, Jim Leuthueser and Mildred Alsdorf.
Don DeFord submitted to the Board a Memo and copies of the new legislation including an analysis and current law accomplished by both the Colorado County Attorneys Association and the Association for the Colorado Clerk and Recorders. He explained regarding the Amendment to Open Meetings Act recently approved by Legislation that goes into effect August 8, 2001. He stated that there are significant alterations regarding Executive Sessions conducted by the Board of County Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Redistrict Commissioner District and Voting Precincts
Motion
Commissioner McCown made a motion that the County Clerk, once the Census Information is available, to commence action on redistrict the Commissioner Districts and the voting precincts. Motion carried.

- ***Board of Equalization Scheduling***

8:00 A.M. on Tuesday, July 31, Wednesday, August 1, and Thursday August 2 were reserved to hold the public hearings for those cases that were not satisfactorily mediated by the Assessor's Office.

COMMISSIONER REPORT

Commissioner Stowe - Upper Valley Governments July 11 - Garfield County - 8:00 A.M.. Wednesday, travel to Washington, D. C. as part of a delegation to affect policy regarding nonimmigrant labor issues within our region of Colorado. It's a 2-day meeting - July 11 - 12, 2001 - with Northwest Cog. Next week -

Meeting on Friday, July 19th - Planning Session to determine future of Rural Resort in Leadville - 9:00 A.M. - 4:00 P.M.
Commissioner McCown - Meeting with City Hall at City Hall, 7:00 A.M. Tuesday morning - July 10, 2001; Associated Governments - July 19th in Steamboat and a pre-meeting Greg Walcher, Bob Brooks and others are coming over Wednesday afternoon meeting with them and the regular Associated Governments Meeting on the 19th and then grant application are being heard Thursday afternoon and Friday for Energy Impact Grants; Grand Valley Days Fair - Saturday, July 21.
Chairman Martin - New Castle Burning Mountain Days - July 21, 2001; Quiet week - Larry, John, Jesse and Ed attended the Silt City/County Meeting held 6:00 P.M. discussing various items from annexation, roads - plus. Next day, the Planning & Zoning Meeting with the City of Glenwood Springs which is the result of the package there and reiteration of the IGA's and how we should follow them. Library Board was that day as well. The Division of Local Government Taxation Committee met in the Courthouse on Thursday - an issue that came up was severance tax - Jesse and I are looking at that - how much severance tax (not included royalties or property tax) from the Oil and Gas is coming to Garfield County - we just received a document that is hard to believe, they said that over the last 5 years the County received $13 million dollars in revenue - so they are looking into this - it's a research item - if we receive 57% of what the Counties are supposed to received - John said, he hasn't seen it yet. The State last year - according to what the governor's budget director said, received close to $54 million in Severance Tax from Oil and Gas - 50% of it went to the affected Counties - 25% went to the Department of Local Affairs, 12.5% for the water projects in the State; and 12.5% went to the Oil and Gas Commission to keep it going. Chairman Martin said, excuse us - we'll like to see - did some checking - and in the last two years, we've received $3717.75 - one check in two years that we have received.
On last Thursday, the 5th, met with Congresswoman DeGette in Wolcott - she was late - he left to go to Salida after speaking to the BLM Director Huber as well as the field operations Kay Hopkins - they went on their inventory check. The following day they went by horseback in a different area next to Hack Lake in Eagle County. Note, that the Eagle County Representatives were there that he saw, Sierra Club, Wilderness Society Folks as well as many from Boulder and Washington, D.C. Wednesday, the 11th we have the Colorado Mountain Fixed Guideway Authority which he might miss in order to cover the Southern Valley Mayors Meeting aka Upper Valley Mayors Meeting. County Picnic - 23rd of August. July 24 - jury duty. The Status of Rural Resort was given by Commissioner Stowe - there's some members that think we should disband it and a committee would replace it - joining in with Northwest COG and still others think it serves it's own purpose and can lobby for legislation where Northwest COG can not. That's the purpose of this meeting in Leadville. Northwest Cog can not lobby due to the way their funding happened - they are an exploratory entity. Associated Governments can lobby and Commissioner McCown didn't understand why Northwest Cog couldn't. Jackson County approached the Associated Governments asking to become a member and pull out of Northwest COG because they felt they had a lot more in common with the five counties in the Associated Governments.
Commissioner Stowe will find out more on Rural Resort and report to the Board - a director is still being paid and some Commissioners from other Counties are wondering why we pay a director when we could belong to Northwest COG. Currently, there's a big grant from the State to fund this position.
Ed Green mentioned that Friday, July 13 from 12 noon to 3:00 P.M. at the Courthouse, the University of Colorado Land Use Conference will be held. This will be a Forum addressing Urban-Wildland Interface - focus on how federal, state and local governments are addressing fire related issues in Colorado and the West.
Chairman Martin mentioned the BLM Fire Plan that was referred to the Planning Staff, and a copy to Guy Meyers for Emergency Management outlines their fire planning and activities in western Colorado. The program is sponsored by the Colorado State Forest Service, Congressman Scott McInnis, the Natural Resources Law Center at the University of Colorado and the U. S. Forest Service. Chairman Martin will attend. And the 17th as well is the COGO Planning Meeting at the Hotel Colorado.
Chairman Martin mentioned the land use conference - Boulder University and the health of the forest is on the agenda - wildfires.

CONSENT AGENDA

a. Approve Bills
b. Sign Resolution of Approval concerning the LaFrenz Exemption, and Sign LaFrenz Exemption Plat

c. Sign Resolution of Approval and Subdivision Exemption Plat for Paul and Charleen Bagley
d. Sign a Partial Release of Subdivision Improvements for the Ukele Acres Subdivision
e. Sign the Resolution of Approval and Permit for a Conditionals Use Permit for a School for the Aspen Waldorf Foundation.
f. Sign Acknowledgment of Partial Satisfaction Subdivision Improvements Agreement of the Whitecloud Ridge Subdivision. Location: N/A Applicant: Thomas and Molly Levitt
g. Sign Resolution Concerned with Amending the Garfield County Zoning Resolution of 1978, by the Amendment to Sections 4.07.15.01, 4.14, 5.09.05.03 and 5.10, Affordable Housing Regulations. Location: N/A. Applicant: Board of County Commissioners

A motion was made by Commissioner and seconded by Commissioner to approve the Consent Agenda Items a - g; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Margaret Wierenga and Mayor or Parachute Dave Beasley - Parachute Residents Begin Campaign for Local Telephone Service - Parachute to Glenwood

Margaret submitted a stack of 540 letters from residents and over 60 letters from business supporting for the toll-free dialing for residents living in Parachute to be able to call the County Seat - Glenwood Springs. She said they have toll-free dialing from Parachute to Grand Junction now and wanted to keep that for sure. However, many people do take their business outside of Garfield County - one reason is the long-distance calling - this campaign supports people keeping their money and business in Garfield County. She emphasized the community changes in Battlement Mesa from a retirement community to couples with young children and the need to call home from work.
Dave Beasley - People work both in Mesa County and Garfield County - people living in Parachute are discriminated against because of the long-distance dialing. Parachute and Battlement Mesa are getting ready to explode - we need to get everything in place service-wise.
The Board was very supportive of the idea and assured Margaret and Dave they will proceed with this - however, in determining a choice between toll-free dialing from Parachute to Grand Junction or Parachute to Glenwood Springs, the choice was to keep the Parachute to Grand Junction toll-free as it is presently. The ideal toll-free dialing would be from Grand Junction to Glenwood Springs.
Dave said the funds are sitting out there - it takes interest by the people and support from the elected to get this in place.
Margaret asked the Board to read some of the letters and comments.

REGULAR AGENDA: BUILDING & PLANNING ISSUES - PUBLIC MEETINGS:

REQUEST FOR APPROVAL: EXEMPTION FROM THE RULES OF SUBDIVISION. LOCATED: ALONG CR 306, SOUTHWEST OF THE TOWN OF PARACHUTE, CO. APPLICANTS: WILLIAM AND SANDY HELEY.

Don DeFord, Kit Lyon, and Sandy Heley were present.
Don reviewed the posting and public notices to every property owner within 200 feet of the property and to every public land and mineral owners required for the Public Meeting. He determined they were in order and timely, and advised the Commissioners they were entitled to proceed.
Challenges - Gerald Heckford - CR 306 - no mailing and he is within 200 feet of her property.
Don inquired of Mr. Heckford how long he had been an owner, if he was listed on the tax roles with the Assessor.
An objection to notice was acknowledged.
Don stated notice is not waived legally.
Mr. Heckford choose to waive notification.
Kit stated that this is a request to the Board of County Commissioners to use discretionary power to exempt a division of land from the definition of subdivision.
Kit states in the Major Issues and Concerns under Section 8.52 of the Garfield County Subdivision Regulations, that no more than a total of four (4) lots, parcels, interests of dwelling units will be created from any parcel. The applicant has provided proof of ownership in the form of a recorded warranty deed.

The parent parcel was about 160 acres in size from which three parcels existed at the time the application was made. The 40 acre subject parcel (Heley), an adjacent 40 acre parcel (Jones), and an adjacent 80 acre parcel (Nocks).
Based on the information provided, the property appeared to qualify for exemption, however, it has come to staff's attention that since the time the application was deemed technically compliant (5/15/01), a property split and conveyance has occurred. The Nocks 80 acre parcel not exists as two forty acre parcels. A total of four lots has been created from the parent parcel.
Klockworth objected to the split - letter.
Kit stated that the regulations do not specify that splits occurring after the application date will not count. Therefore, staff believes that a literal reading of the regulations would prohibit the requested exemption.
Kit continued to review the staff comments regarding issues and concerns, staff's recommending findings and 13 recommendations should the Board approve the application.
Recommendation
If the Board determines that the property does not qualify for exemption and staff recommends **DENIAL** of the application. If the Board determines that the property qualifies for exemption, staff recommends **APPROVAL** of the application with the following conditions:
Public Input
Scott Knox - adjacent property owned to Ms. Heley - has lived 5 years on his property - directly south of the applicant - presented exhibits - photos and the map of the proposed application. His has problems in regard to flash floods, therefore, his only objection is the drainage - it's a 600 acre drainage filtered through the ditches. All water drains to the north of his property to theirs. And disturbance along the fence line will create additional problems.
Gerald Hackford - Adjacent property owner - purchased land 3 years ago and was told it would stay at 35 acre lots; if you make an 8 acre lot and then try to survive with those present land owners with 35 acres, will be tough for everyone.
Joe Hackford - Objects to the 8 acre lot.
Beth Saas - Objects for the same reasons that Mr. Heckford - most purchased land for the large 35 acre parcels. Fears this will begin smaller divisions.
Linda Jones - owns the property north of Heley's - the run off would cause damage on their easement and continue onto the County Road. Object to the division of the 35 acres and to the well - this well would be above their springs and objects to this - was told they own the property all the way to CR 305.
Dick Klotzbach - not a resident of the area, but owns the property. This is an area where Jones property comes through Heley and a small section next to the CR 305 where it crosses- objects to the 8 acre parcel.
Ms. Heley - the road has to be decided by the Commissioners - one access was sold to them in the property - this has been an accepted access - they also purchased two other parcels but need a driveway permit - they roughed in a driveway with the dozer - need a grader to do the ditches. Her husband in a registered engineer and does not anticipate any drainage problems - it will come down the same as now. According to the Assessor - 9 parcels that are 15 acres and 4 less than 8 acres. This is not a unique situation. Property purchased in April 2000.
Commissioner McCown - confused on accesses and requested clarification.
Kit explained the accesses - no record of an easement onto CR 306 - no legal access at this time.
Don - asked for clarification on the location of the properties being discussed between the public and Ms. Heley.
Ms. Heley submitted a Five Field Subdivision Map.
The Board reviewed the Subdivision Map - Heley showed the driveway where it crosses into her property and into the Jones - this is the location of the access sold to them when they first bought the property. The real estate agent stated this was their access.
Don - purchase of property - did they receive any kind of an easement?
Heley - said this was the road that was in place for a very long time?
Don asked Ms. Heley to point out the road she was referring to on the subdivision map.
Don said there is no granted access on the lot.
Scott Knox - Linda has the copy of the easement for her driveway. Up until Heley's purchased, access was through his property. There was no physical road - they could drive through a gas line easement. Before, they had a tenant/farmer verbal agreement, but no written agreement - he ceased it and stopped this for public access when the property was sold.

Linda Jones - came forward and looked at the supposed easement - then she said she wanted to make this story straight - they knew nothing about the upper road Ms. Heley was talking about. There is no shared driveway agreement with Ms. Heley.
The Commissioners studied the maps and documents submitted by the public as well as Ms. Heley.
Ms. Heley - had nothing else to say.
Don - Kit brought out the issues in her staff - the Spring doesn't supply water.
Kit reiterated that she has concerns about water - the well hasn't been dug and no pump test has been performed.
Commissioner McCown - inquired of Ms. Heley if, when she purchased the property was she planning to split the property?
Ms. Heley - no, their son works with them and now they would like to subdivide so he can have a parcel to build on.
Commissioner Stowe inquired of Mark Bean if she would qualify to build an accessory dwelling?
Mark Bean indicated that this would be a separate issue and she could visit with the planning department and get the regulations - it would be a separate application.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to **deny** the exemption inadequate access at this time.
Motion carried.
Comments
Chairman Martin mentioned that there were water issues, legal access, etc. and an accessory dwelling application doesn't automatically mean that she can obtain approval.

REQUEST FOR APPROVAL: RECONFIGURE THE 3 LOTS INTO 2 LOTS AT ELK CREEK SUBDIVISION (LOT 7, 8, & 9, BLOCK 7). LOCATION: APACHE DRIVE & COMANCHERO TRAIL WITHIN ELK CREEK SUBDIVISION. APPLICANT: EILEEN AND RICHARD KOCH.
Don DeFord and Mark Bean were present.
Mark stated this one is a little unusual in that back in 1977 the Commissioners required to move lines within a subdivision be subject to subdivision review exemption process which under our present regulations would be an amended plat - which is essentially what is occurring here. They've requested to amend the plat to combine a couple of lots together so that there in a configuration. Staff did express some concerns about the request in terms of their proposed Parcel B is on a corner and subject and would be subject to building setbacks for a front yard - 1 25' setback which leaves a very small building envelope - we did make the applicants aware of this - they chose to go forward as proposed with the understanding that they're creating a hardship and as a result of that, they really do not qualify for a variance. This is a self-imposed hardship if someone wanted to come in and request a variance - they know what they're getting into right from the beginning. We're suggesting to include on this plat be a plat note that states just that fact.
Commissioner McCown inquired if the applicant owned both Parcel A and Parcel B?
Mark confirmed that was the case - which Parcel A is Lot 7 as originally in the Elk Creek Subdivision - and Parcel B is the combined Lot 8 & 9 together.
Commissioner McCown inquired as to why the applicant didn't combine Lots 8 & 9 together making it all Parcel A?
Mark Bean - They wanted to keep the rights to be able to sell one of the lots - they have limited capabilities of using the smaller lot - someone is not going to be able to build a very large house on it.
Recommendation:
Staff is recommending Approval of this request to amend the final plat of the Elk Creek Subdivision for lot numbers 7 (parcel A) and lots 8 & 9 (parcel B), block 7 with the following conditions:

1. A plat note must be included on the mylar which states that Parcel "B" is a corner lot and any placement of a home or outside building(s) on this lot will have to meet the required setbacks for a corner lot as stated in section 5.05.03(2) of the Garfield County Zoning Resolution. The owner acknowledges that NO variance will be allowed to this section of the regulations for parcel B.
2. The amended final plat should include the notation related to the utility easement vacation between lots as described in quitclaim deed signed January 16, 2001.

Motion

Commissioner McCown made a motion to approve the amended plat request of Eileen and Richard Koch for the realignment of Lots 7, 8 and 9, Block 7 - Elk Creek Subdivision creating Parcels A and B with the plat note indicated by staff. Commissioner Stowe seconded. Motion carried.

PUBLIC HEARINGS:

REQUEST FOR APPROVAL: PRELIMINARY PLAN, MAYFLY BEND SUBDIVISION. LOCATED: ABOUT 1.5 MILES EAST OF THE TOWN OF CARBONDALE. APPLICANT: GEORGE AND FARLEY KILBY

Kit Lyon, Jim Leuthueser, Attorney Jim Larson, Yancy Nichol, George and Farley Kilby were present.
Jim Leuthueser reviewed the noticing requirements with Jim Larson and found the legal publication and property owners within 200 feet to be in order. He advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Kit Lyon presented the following Exhibits: Exhibit A - Certified Mailings and Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Subdivision Regulations;
Exhibit D - Garfield County Zoning Resolution of 1978 as amended; Exhibit E - Garfield County Comprehensive Plan of 1995 - Study Area 1; Exhibit F - Staff Report and Project Information; Exhibit G - Application and attachments; Exhibit H - Bound Copy of the Application submitted on July 3; Exhibit I - E-mail from Jeff Nelson dtd July 6; and Exhibit J - E-mail dated July 9.
Chairman Martin entered Exhibits A - J into the record.
Kit summarized the Staff report beginning by saying that the Planning Commission recommended Denial however, the Kilby's choose to proceed to the County Commissioners.
The Bound copies contain all amendments - Kit's staff report was completed by this time.
Exhibit I and J from Associated County Engineer Jeff Nelson have noted concerns with the application and the second E-mail outlines all these issues that need to be cleared up.
The proposal exceeds the recommended density. Concerns on wells; ISDS was proposed then changed to ISTS [in order for an ISTS system, it must be proposed]; soils and topography and staff concerns on the river - the applicant used outdated FEMA maps.
Kit clarified that on January 10, 2001 the Planning Commission voted 4 - 2 to deny based on the severity of and too many issues. Staff recommended 6 findings and would like to amend No. 6 to say that the application is not in general conformance with Study Area I due to the density issue. Kit said she reviewed this stack of materials and what the Board received in their packet was much better organized that what she had - that's part of the reason this has become so difficult - had she had the benefit of the nice binder with the tabs and updates, things might have gone more smoothly with this project.
Recommendations were not submitted due to staff recommending denial - the ones referred to below were from the Planning Commission report.
Applicant
Attorney Jim Larson for the applicant Mr. & Mrs. Kilby and Yancy Nichol of Sopris Engineering who has done the engineering and plat work at this point. He wanted to clarify that on January 10 when the Planning Commission did take action, the vote was 4 - 2 to deny because there were too many outstanding issues to be presented to the Board in a reasonably organized fashion. That's what the minutes reflect - those issues were contained in a report to the Planning Staff to the Mayfly Bend owners a few days prior to the Planning Commission meeting and were discussed in detail at the PC meeting - Jim was not there - he was not representing the owner at that time. The end result were that issues were considerable to a few outstanding ones - it's further important to note that contrary to what the staff report says and what Ms. Lyon has just stated - there is nothing in the PC minutes nor are there any findings at the PC meeting that would indicated that the proposal is inconsistent with the best interest of the citizens of Garfield County for health, safety and welfare - this was never stated by them - nor that the proposal was inconsistent with the County Subdivision Regulations. Quite the contrary - most comments were complimentary in favor of the project and most of the PC members reacted very positively. Also, note that the neighbors have acted very favorably - 8 signatures in favor - no objects to concept or layout. The project itself is 40 acres on the river divide into 5 acre home site and 21 acres in open space - restricted building plans and all issues have been settled except two. Jim also noted that staff does not recommend approval or denial - and Kit has represented that she is merely passing on what the PC did on January 10. There was a meeting on July 6 - Mr. Covey met with Kit and had a pretty good discussion - from that meeting it appears we still need to talk about and resolve and ask the Board to address: 1) where they are on the setback on the building sites from

the Riparian Wetland Areas - the County's regulations require a 30 feet setback from a live stream and the developer is in excess of that setback; 2) is the vegetation plan of the revegetation specific enough - we think that it is as contained in the documents, but if not, we can supplement that; 3) site specific hydrology studies - there is a plat note that addresses that and we would submit that it would be appropriate to take of that at building permit issuance - Mr. Nichol can comment on that further; 4) Scouring issues came up from Assistant County Engineer Jeff Nelson's recommendation - the applicant did not a lot of time to react to as it came to the report with us on July 3 and then today we got an E-mail dated July 9, 2001 that we haven't seen before which appears to take a different position regarding whether or not these are matters that can be worked out as conditions of Preliminary Plan Approval - Exhibit I - indicates said, yes they can be worked out and as to Exhibit J - creates confusion from the applicant's point as well; 5) the density should be addressed - the density on this is 8.12 acres per building site which is less than the Roaring Fork Preserve density which was recently approved at Preliminary Plan stage by this Board about three weeks ago - we don't feel we are anticipating any problems that exist on density - generally Ms. Lyon indicated they are in compliance with he Comprehensive Plan; 6) roadway issues - there has been a great deal of progress with regard to the road issues and submitted as an additional Exhibit - a letter from Mr. Emerson - Roaring Fork Preserve of July 3 - he's been in touch with Mr. Kilby's attorney who's been representing him on the roadways and covenants -Exhibit K - which discusses a conversation involving Mr. Dressel and Mr. Emerson on the roadways, access and emergency access.
Chairman Martin accepted Exhibit K and L into the record.
Jim Larson concluded by saying we want to move forward with conditions today - it would be good if they could get some direction from the Board on the setback issue - it seems as if a lot of progress has been made by the owner since Sketch Plan - he has responded positively to the suggestions made by the planning staff and the Planning Commission - supplemental material has been submitted and changes have been made and have tried to abide by what is desired and the owner at this point is willing to continue to work to develop some reasonable additional conditions if necessary in order to get to Preliminary Plan approval. It doesn't appear appropriate that the Board would not be incline to do that, then what we would suggest is to address the matters as in for example in Exhibit J - as well as a couple of other matters that we would request the hearing be tabled for a period of between 45 - 60 days in order we can develop or craft, with the planning staff some conditions of approval on the Preliminary Plan.
Yancy Nichol of Sopris Engineering addressed Conditions 11 and 12 - there is some confusion on the floodplain site specific project - HP Geotech put out a report prior to their study - 100 year line or any of that information and commented that they hydrologist needed to evaluate that - after that we looked at the floodplain mapping for the 100 year by FEMA and the County mapping and determined that most of the site was outside the 100 year event. Condition No. 12 - scouring of the river - work done by the Army Corp of Engineering in that area and clarified that with Kit on Friday, they communicated that the river had been moving around - he looked at that again this morning and didn't feel that was the case at all, the 100 year flood line - the river stayed within that - there's vegetation where they indicated it has been moving - it is probably 40 - 50 years old - trees, shrubs - and the water line and the river is moving slightly, but staying within the 100 yr. floodplain. Exhibit J - not sure how to address - there is some conflict with staff comments - discussion with Jeff Nelson on Friday though his comments and Jeff indicated there were minor - a lot of his engineering issues are done.
Additional discussion was held with respect to the applicants input.
Chairman Martin referenced Conditions 11 and 12 on the staff's report and asked if the Board wanted to move ahead.
Commissioner McCown stated his opinion regarding the 100 year floodplain and setbacks saying - the point where the river is - if they use a 30' setback then you are probably encroaching on the Riparian area - likes the 50' setback; the flood irrigation may or may not - it would depend on each individual owner whether you had a raw water system in place or not. Sherry Coloia - clarified that each individual lot is going to be sprinkled with the well - only for the field that they hay - the central area which is going to be managed by the Homeowners Association in the central irrigated that would be continue to be flood irrigated - this is not talking about lawns at all. Only the property outside of the lawns - outside of the parcels as well.
Commissioner McCown agreed with Jim Larson that they needed more time on this issue but given the history on the river, we know all rivers move - so some type of mediation would be appropriate - given a lot of the areas where there are some indecisions on this particular application - a continuance would be

appropriate as long as they will agree to the extension in time over the date - if they would agree to waive any kind of statutory requirement for time limitation.
Motion
Commissioner McCown made a motion to continue this until September 10, 2001 in order to get this information together.
Commissioner Stowe seconded.
Commissioner McCown said he would like Jim to get with staff and a provide a new presentation.
Kit said she needed the new material by August 20.
Jim Larson agreed to meet that deadline.
Commissioner McCown clarified that no new notification would be necessary.
Motion carried.

REQUEST FOR APPROVAL: CONDITIONAL USE PERMIT TO BUILD A COMMUNITY BUILDING FOR USE OF THE RESIDENTS OF PREHM RANCH. LOCATION: APPROXIMATELY ONE-HALF MILE SOUTH OF GLENWOOD SPRINGS OFF OF CR 163. APPLICANT: MARLIN (COLORADO) LTD.
Don DeFord, Rick Neiley, and Mark Bean were present.
Don DeFord reviewed the noticing requirements with Rick Neiley. He advised the Commissioners that the requirements had been met and the Board was entitled to continue.
Chairman Martin swore in the speakers.
Staff Comments and Project Information
Mark Bean submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Staff Report and Project Information; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Colorado River Engineering - West Divide; and Exhibit G - Reconfiguration - Lot 1 - 2.
Chairman Martin entered Exhibit A - G into the record.
Mark Bean - this is a request for a Conditional Use Permit to allow for the construction of a community building on a parcel of land located directly south of Glenwood Springs, off of CR 163. This is for common use by the future residents of the Prehm Ranch Subdivision - the applicants actually term this to be their fishing cabin which is meant to be a club house for lack of a better description where people can go, meet and talk, etc. The proposed community building would have a footprint of 1568 square feet but only 736 square feet of it would be enclosed and under roof - the remaining portion of that is proposed to be a deck surrounding the building itself. Mark continued to review the project description and staff comments as noted in the major issues and concerns, suggested findings and recommended conditions.

Recommendation
Staff recommends **APPROVAL** of the Conditional Use Permit based on the following conditions - some of these refer back to the floodplain special use permit application but the others are relevant just to this particular application.

1. That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant's engineer must submit an Individual Sewage Disposal System design prior to the approval of the Conditional Use Permit and that the ISDS design be approved by the County Engineer's office.
3. Prior to the approval of the Conditional Use Permit, the applicant will submit a copy of a new well permit for the proposed community building that is supported by an amended contract from the West Divide Water Conservancy District.
4. Prior to approval of the Conditional Use Permit, the applicant will submit a site plan for the proposed building that shows a minimum of 30' from high water for the building and an ISDS design shown on the site plan that meets the 10' setback from the property line.
5. The applicant shall comply with all other zoning resolution requirements and comply with any permits issued by State or Federal agencies.

Discussion:

Commissioner McCown - We're being asked to grant a conditional use permit to allow the building of a structure on a lot that has not been sold. Right now it's still currently owned by the developer. How would this differ from an Accessory Dwelling Unit (ADU) - should an applicant come in and ask for this type of an activity to take place on the other lots in a subdivision?
Mark Bean - admittedly the staff had difficulty - the reason is - this is meant to be a commonly owned building that will be a part of and an easement will be created on the existing lot to recognize the right of access to all of the property owners - I'm assuming there'll be deed restrictions on the lot as well as rights given to the property owners that don't own a portion of this lot to allow them access to this. The other distinction between the accessory dwelling unit provisions is that this is not intended to be used for residential occupancy - that's very clearly spelled out in their application - it is intended to be basically a meeting place. Now, down the road should one of the other property owners want to come in and apply for an accessory dwelling unit, there are provisions and they would have to go through the public hearing process for an accessory dwelling unit on any of these lots and provided they answer questions to your satisfaction, but in theory they can have an accessory dwelling.
Commissioner McCown - and this structure is going to be commonly owned by each owner in the subdivision.
Rick Neiley - what we've done is establish the Homeowners Association that will actually be made up of all of the owners - all of the owners will have use rights in this - the ownership of this cabin will be with the Association - so it will be Association's responsibility to maintain it and make sure it complies with the conditions that are imposed.
Commissioner McCown - will they own the property under it.
Rick Neiley - the property under it at the present time, plus the remainder portion of the Ranch, is owned separately by Marlin, Colorado - it's conceivable that a 3rd party will - the property under the building at the present time is slated to be retained by the developer as his property.
Commissioner Stowe - but it's tied into lot 6, basically.
Rick Neiley - it's tied into lot 6.
Commissioner McCown - I was just thinking that this is a liability nightmare.
Rick Neiley - it's a liability nightmare in the sense that any other common facility in a subdivision, whether it's a golf club or a major facility - this has been run by the liability insurance board and have consulted our insurance basically about that and that's why we're vesting responsibilities for it under the Homeowners Association so there is a nonprofit corporate entity that will be responsible for it and maintain the insurance on it, responsible for insurance, etc.
Chairman Martin - on the requested setback, lot line adjustment for the leach field, you're going to go on lot 2 or lot 1 in the adjustment?
Rick Neiley - submitted Exhibit G - we have asked our surveyors to prepare a reconfiguration of lot line 1 and 2 of the exemption which is shown on page 2 of the plat and which adjusts the boundary lines of both of those back portions total slope to accommodate the septic system on this lot - we originally anticipated utilizing the easement for the septic system, the Planning Commission had some concerns raised about that so we agreed to go ahead and submit this amendment to bring the property boundary back to a location sufficient to meet all setback requirements for ISDS.
Mark Bean clarified the location on the plat as coming back here through lot 1 & 2.
Rick Neiley - yes it is on the second page of that plat - there's a finger like lay of land that comes back from the rivers edge - that the location of the cabin site.
Commissioner McCown - when you're talking about a boat ramp, am I missing access to that?
Rick Neiley - there is access to the boat ramp - it was approved as part of our special use review -
Commissioner McCown - I'm saying - it doesn't show up on lot 1, 2, or 3
Rick Neiley - it's not on either of those.
Commissioner McCown - I thought I understood a boat ramp was going to be involved with this house.
Rick Neiley - yes, it will...
Mark Bean - it's down on the same level but it's not directly adjacent to it - it's a little further north.
Commissioner McCown - yeah, I was aware of that but I kept hearing that this was going to be foot traffic the full length.
Chairman Martin - it's right here in this area.
Mark Bean - maybe that was my miscommunication error - it did make it access to both as shown on their plan and then they will have to walk to the cabin.

Rick Neiley - right, so there won't be a separate road along the river to the cabin - only to the boat ramp then we have a parking area that was also approved as part of the boat ramp approval.
Commissioner McCown - so if I were a fisherman, how do I get to this fishing cabin without trespassing on lot 1, 2, or 3?
Rick Neiley - the configuration of the land is such that what you have is a steep hillside and a fairly large bench along the river - where the boat ramp is located, we have a created a strip of land which is not a part of lot 1, 2, or 3 as well as an easement across the bottom edges along lots 1, 2, 3, for access purposes.
Commissioner McCown - which would appear on this map as the Roaring Fork River.
Rick Neiley - the river is on there, all of the easements are not depicted on there - we also have a variety of utility easements, driveway easements, and what not that are not shown on the exemption plat - we're in the process of creating a master plat that shows all electrical and utility easements - what we call common areas of the Ranch which will in effect be everything outside of the planned building envelopes.
Mark Bean - if you go to the map, included in your packet, shows the site plan and proposed location in relationship to the lots - shows the boat ramp coming down actually where the (too much paper rattling) - and then this particular map with major access along the bench right down along this lower area
Commissioner McCown - on lot 6
Chairman Martin - yes, on lot 6
Mark Bean - well, I'm assuming it's their bank, they could walk down to this area.
Rick Neiley - that's correct.
Mark Bean - if I remember correctly all of these lots have fishing and access easements for the property owner within the development.
Rick Neiley - that's correct.
Chairman Martin - but not open to the public?
Rick Neiley - that's correct.
Chairman Martin - so there wouldn't be a parking issue.
Commissioner McCown - pointed out the parking area and discussion was held with regards to the location.
Chairman Martin - any other questions?
Rick Neiley - I don't have a lot more to add, we went through the process and the special use permit process - special use permit process resulted in the approval of the access road, boat ramp, parking area, cabin site, and the ISDS site - what we didn't do is to understand that at the time that if this was going to be a common use facility, it might be defined as a community build - we consider it an accessory building to principally use on lot 6 which is residential - any discussions with Mr. Bean - I think we all moving around the code a little bit to try to find a nitch that this would properly fit into, obviously if this was a PUD or full blown subdivision - we'd have a golf club or a fishing cabin defined on the overall play in the common area - this is a little different process - Mr. Bean's feeling was that this could be fairly construed as a community building which requires a conditional use approval - I didn't want to agree but to but I could disagree so - we agreed to submit this application - this is really intended to result in a common facility to avoid a proliferation of other little buildings and storage areas along the river frontage. The restrictions that we are imposing in the subdivision will prohibit other accessory buildings along the floodplain bench here - the principal use of this building will be put as a gathering area and a deck and also locker rooms and storage for people's equipment and whatnot - it's intended to be nonresidential in character with led to the need to ---- and to seek a separate well permit for this property - we already have a contract in hand - Chris Manera of Colorado River Engineering anticipates ---- admittedly it is a little bit different that you often see for a community building but we have a plan for 8 lots here that will be available to those owners and their guests and could fairly be construed as why we needed to meet the conditional use requirements - as I noted the site is for a cabin because the use for which we are contemplating at this point and ask for your approval with the conditions recommended by the Planning Department.
Chairman Martin - another question that has come up and I think Mark has said it a couple of times - the setback from the river itself - and there seems to be somewhat in needs of clarity - 30 feet from the horizontal high water mark or it going to be a setback 30 feet from the existing water mark?
Rick Neiley - the way we interpreted this and the way I believe the way the Corp of Engineers interpret it, is it's a 30 foot set back is from the mean dry water mark - which takes out the 100 year flood and there's really a difference I think with respect to the regulations of the 100 year floodplain which is intended for our point of view that we look at the meaning of the high water mark and set the cabin back at least 30 feet from that point. And we will submit a site plan along with the building permit, or we can submit - I think

the way the conditions read, we submit the site plan before the conditional use permit will issue which has advice of set backs not just the river setback but setbacks in general.
Peter Belau of Enartech Engineering, I don't think there's actually a map that delineates this high water mark - it's your ordinary high water mark is what we view and in that definition of the code, but we know it's determined on site by going out and determining the high water mark, the scour line basically, so I don't believe there's any map.
Chairman Martin - I was just wondering if you were using the farmer's method or if you were going to be using the land developer's method because farmers are always pretty cautious about they're going on that 30 foot setback - they know the river and they know what's going on and how the river rises and that hydrology works - it's kind of like why you've got those cliffs on that bank right now - even though that might not be what you consider the high water mark - so again, it's still interpretation, so we need to come up with some kind of clarification.
Mark Bean - well, what we typically use as the normal high water is basically the mark that you and I would see by walking out of there now showing calcium deposits off the rock there and the highest point is normally the high water mark.
Rick Neiley - I would say that in this instance it's pretty apparent where the high water mark is out there because there's a lot of distinction between with the ground with the river and the vegetation above the high water point and we do have to do some mapping for the Corp of Engineers - I think we are intended to do the same delineation that we'll use with the Corp of Engineers for our submission.
Chairman Martin - any other questions, any one from the audience?
Motions
Commissioner Stowe moved to close the public hearing; Commissioner McCown second; motion carried.
Commissioner Stowe - I'd make a motion we approve the request of Marlin Limited for a Conditional Use Permit with the recommendations of staff as presented.
Commissioner McCown second.

Chairman Martin - we have a motion and second to approve with the conditions as provided. All in favor?
Martin - aye
McCown - aye
Stowe - aye
Motion carried.

SET THE PUBLIC HEARING DATE FOR THE SPRING VALLEY METROPOLITAN DISTRICTS NO. 1 AND NO. 2 SERVICE PLAN
Mark Bean stated the Planning Commission reviewed this at their regular meeting in June and made their recommendations. The Board is obligated to set a date today for a Public Hearing - the applicants have requested that this be pushed back and are waiving any rights to the 30 day claim to August 13, 2001.
Chairman Martin directed staff to provide the public notification.
Commissioner McCown so moved. Commissioner Stowe seconded; motion carried.
Rifle - West Garfield County Landfill Inspection - Report
Ed reported that on July 2, 2001 an inspection report was received from the State of Colorado with respect to compliance of the facility under the minimum standards of the Solid Wastes Disposal Sites and Facilities Act. The result of the inspection indicates that this facility is in compliance with the Department regulations - it was neat and orderly - and additionally commended the Board and the operator for the obvious efforts made in operating this facility.
Vehicle Titles - Salvage
Mildred Alsdorf presented the 9 vehicles that will be in the auction - some from the Sheriff's Department and the others are from Motor Pool.

Commissioner McCown made a motion to authorize the Chair to sign the titles for salvage vehicle sales. Commissioner Stowe seconded. Motion carried.
PUBLIC COMMENTS NOT ON THE AGENDA
Property Owned by Roy Stanek across from the Courthouse - Proposed Courthouse Annex

George Petre came before the Board with the understanding of the intent of the County to purchase the land and build an annex across from his property. He had some questions and concerns he wanted to discuss. The Board informed Mr. Petre that nothing had been finalized at this point; however the intent is to construct a 4-story building that has been approved by the City of Glenwood Springs for use of county functions.
Mr. Petre was not objecting to it - it makes a difference to his business - parking is an issue.
Chairman Martin reviewed with Mr. Petre the future parking where Sheriff's building currently sits and the 150 parking spots at the MOC site.
Commissioner Stowe - commented there would be approximately 250 parking spots the City proposed to close 7th and 8th will become the main road.
Mr. Petre is willing to help them the County.
Commissioner McCown mentioned that the courts are demanding more space in the Courthouse and are having to displace offices to allow for courtrooms.

Kick off Budget Meetings

Ed mentioned they have a kick off meeting with the department heads and elected officials and discuss the ground rules for how we are going to prepare the budget - Jesse has already developed a rather detailed outline for everyone to use but wanted to get some input from the Board to obtain some budget guidance especially on personnel and utilities.

Personnel

In the last two years, the Retirement Fund has been increased by 1/2 % each year and this year, Ed suggested to leave it where it's at - one reason is because there is a decrease in employees salary by 1/2% or whatever the Board decides on. So this would give employees more of their wage going into their pocket for their own discretion this year. Eventually, the goal is to get to the 5% range over the next 3 - 4 years.
Jesse Smith completed a salary survey and suggested a 5% average increase based on what has been happening with salaries and inflation. We would still a merit matrix again based on performance and on market - just like last year. The people who have highest performance and the lowest in the market will get the biggest increases.
Commissioner McCown said his overall goal was to compensate to employees but keep fund balances healthy as well - not go in and lower any of those in the process.

The Board concurred with the 5% suggested and to use the matrix same as last year.

Request for Additional Staff

Jesse reviewed the request for increase in employees: 1 additional maintenance person once the jail is open - additional clerical in Social Services.
Increase in numbers of people - Sheriff's 1 additional person - a maintenance person once the jail is open and Social Services has not put any additional clerical in their operation over the last 7 - 8 years and may need to add one - Jesse said he needs a reorganization plan and once this is complete he'll talk to them.
Jesse said he and Margaret discussed the accounting issues and with Colette's resignation last Tuesday, this is a perfect opportunity to merge the accounting together instead of having a social services accounting function and a county accounting function.
Commissioner McCown agreed since the new controller who has a lot of social services and county background - she would make that transition smoother.
Jesse added that he reviewed a job description for Colette's replacement and Margaret had a lot of human resources and purchasing functions - Jesse indicated that we need to utilize the human resources department as well as the purchasing department in place and not duplicate operations. If all of the accounting is brought over then there will need to be a full time employee to come with it.
Commissioner McCown said if they don't replace Colette's position it would allow us to hire an FTE in accounting.
Jesse mentioned there was a position in accounting approved last year that has not been filled due to see what direction they would be going on some of these issues.

Landfill

There is also an issue with the landfill and suggested to bring the accounting function into the accounting system here rather than having it separately. Jesse is working towards consolidate all accounting in one location versus it being divided around the county. This will move Janey from the Rifle Road and Bridge office to the landfill as soon as they move into the new modular. They will electronically transfer the scale receipts from the landfill straight into the accounting department where they will handle the accounts

receivable and billing directly from the accounting department rather than having it handled at the landfill and only seeing it when the money is collected as a journal entry.

Update of the Landfill

Jesse said the audit from Dalby Windland was received and everything has been brought up to date as of April 2001 and there is $147,000 to bill and collect. This is to begin immediately - it is with 5 major account users - Aspen Construction Waste Management is $100,000 and Aspen Excavating is $30,000.

Adjourn

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

Attest: Chairman of the Board

_____ _____

SEPTEMBER 4, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 4, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE: ED GREEN

i. ***Employee of the Month - B.J. Howe***

B.J. Howe - Assessor's Office was awarded the Employee of the Month for September 2001 she is a Clerk and Supervisor and also coordinates the work for administrative personnel. Her coworkers say that she is real upbeat, cheerful, provides excellent customer service and effectively work with customers under stress.

ii. ***Installation of new repeaters on Sunlight Peak and Harvey Gap Peak***

Tim Arnett and Tom Russell were present.

The Contract Administrator and the Road and Bridge Department had requested Motorola Engineering, through its State of Colorado Award to provide recommendations regarding mobile communication in and around Garfield County. The study found various dead spots in the coverage. This causes a safety and communication problem when trying to reach Road and Bridge crews in effected areas. It was deemed necessary to add two new repeaters, one on Sunlight Peak and one on Harvey Gap Peak to help eliminate this problem.

Tom has $54,000 in his budget to accomplish this.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the award to Motorola for two new repeaters and the installation in the amount $20,741.00; motion carried.

iii. ***Jail Construction Schedule Update***

Randy Withee and Dave Franko representing Haselden were present.

As of today, Haselden is still projecting October 1, 2001 as the date of completion. The punch list would be completed by September 8, 2001 - there is still a lot of work to be done. The Sheriff will begin training October 1st and finish by October 26 - Jail House Rock will take place October 26 - security sweeps will begin after this event.

Parking Area - Randy projected that as soon as the prisoners are moved, demolition will begin on the old Sheriff's building and plans are to pave a portion of the parking area before hard winter sets in.

Discussion

Commissioner Stowe voiced a concern that they would not be done by October 8 as discussed previously.

Dave Franko mentioned the building inspector has some problems and they are making the changes he suggested. They are pushing to get the building inspector back so they can have a list of basic needs.

Randy said the building inspector has been doing a daily walk through and items such as height of fire extinguishers is one thing.

October 1st Haselden will start paying a daily penalty fee of $1,000 per day for everyday late.

Dave said the Tentative Certificate of Occupancy - will mean the building will be able to be occupied.

Chairman Martin said he has seen a lot of progress in the last two weeks.

COUNTY ATTORNEY UPDATE: DON DEFORD

i. ***SIA 5th Amendment - Four Mile Ranch***

Don DeFord and Randy Withee were present.

Don had a discussion with Joselyn Wood and they are not prepared and asked this matter to be set for September 17

Commissioner McCown so moved; Commissioner Stowe seconded. Motion carried.

Joselyn Wood stated to Don that she has spoken to the City of Glenwood regarding their project - the Roundabout. Teresa Williams and Joselyn did not reach an agreement at this point. Paving is going to happen on the upper part.

Chairman Martin stated the City of Glenwood will be hearing the subject on Thursday.

Don stated the contractor is prepared to pave.

Commissioner McCown commented that he was in favor of proceeding to pave.

Randy mentioned the contractor was going to proceed with the grading; for schedule wise, there is a walk through planned for today. They are taking the point from Midland and through the intersection to the dip. This will mean a wider T-Intersection.

Commissioner Stowe made a motion to go ahead and allow the general contractor to complete paving of the intersection at the Four Mile/Midland. Commissioner McCown seconded.

Discussion

Chairman Martin said he has been working with the City of Glenwood to get this accomplished.

Motion carried.

Randy asked for clarification on the dip that's been graded to match the Roundabout - how to proceed on this because that was part of their work. There is a portion of road that meets the City and he wanted to proceed to feather out the dip and complete this project.

Mark Gould - The issue at hand is over some right of way with the school. He still has hope that they are going to proceed with the Roundabout. They have given them until this week. The curb and gutter is 2” below grade. Randy may want to get with Larry Thompson - they may proceed to do a T-Intersection in order not to have the humps.

Randy is hoping that the City will go forward with the plans - his recommendation was to see what happens on Thursday - he will get with Larry Thompson today to find out where he’s at with this.

Trigger date is Friday - the County will proceed to complete.

Commissioner McCown hated to see asphalt wasted, but this needs to be paved before winter.

Don said the City Engineer has to accept the intersection as safe.

Randy - the moneys are there to take out the hump and pave it.

Commissioner McCown mentioned the City has not annexed

Don mentioned the annexation will go have the 1st reading on September 20 and the second reading on October 4, 2001.

ii. Discussion Prehm Ranch - Westbank Access

Don DeFord - The Prehm Ranch Discussion - a number of citizens are present as well the staff of the Road and Bridge Department and I know that at least John is aware of this issue and I don't know about the other two Board members, but during the last - I will say - several days apparently some type of driveway - road - or access of some kind has been constructed across one of the lots in Westbank to the Prehm Ranch. And with that Doug, I guess maybe you could explain to the Board physically what's out there.

Tom Russell - Doug contacted me Thursday, and told me he noticed a driveway had been pioneered in across Lot 22 in Prehm Ranch - Lot 22 is the lot that adjoins Westbank to the Prehm Ranch

Chairman Martin - let me help you, 22 is on Westbank, Lot 8 is Prehm Ranch - they're joined by a common boundary.

Tom Russell - correct - and at the time he asked me about the

driveway permit and the regulations and everything that goes along with that - the driveway permit had been applied for, a driveway permit is just what we call it - a driveway permit for a homeowner's use - this doesn't appear to be a driveway to a home - this appears to be connection of the road to Prehm Ranch. So, with that the homeowners have seen the same thing happen over there too. Chairman Martin - so the driveway permit had been applied for -

had it been issued?

Tom Russell - it's been applied for, yes - they're typically not issued until we go out and inspect them and make sure they meet all our requirements.

Chairman Martin - Okay.

Don DeFord - for clarification - earlier the owner of Prehm Ranch - and by this I mean many months past - they had applied for a driveway permit hadn't they?

Tom Russell - yes.
Don DeFord - and that's the one that came to the Board and was
actually denied?
Tom Russell - yes.
Don DeFord - is this at a different location and a different
permit application?
Tom Russell - no, it's the same permit application that was denied
by the Board - but I think the location's probably changed just a little bit. Before they had it coming through the right of way that was in there - now it's off that right of way.
Don DeFord - did they apply for a new permit since the Board
denied the earlier request?
Ed Green - Tom, what's the status of that current permit
application?
Tom Russell - the current one is the one I'm talking about -
the driveway permit I'm talking about is the one that the Board had already reviewed once and denied - yes.
Ed Green - so there's not two?
Tom Russell - no, there's not two.
Chairman Martin - so there's isn't a pending one?
Tom Russell - no - no - there's the original driveway permit.
Commissioner Stowe - was there an original permit that went basically with that lot - Lot 22 of the original Westbank Filing No. 1 would have a driveway permit already, wouldn't they.
Tom Russell - not really, the driveway permit is issued when
the person comes in and builds on that lot - it's not like each lot is platted with a driveway to it.
Chairman Martin - all right - I asked Doug to go out there and make sure of that - so that's where you got that information to make sure you did the background check.
Tom Russell - correct.
Doug we checked on the last year's worth of names - the current owner is Lynn Cantrell and we don't show anything under that name and the previous owner is almost within one year - that was the Ehlem Family Trust and we were unable to find anything existing under that name.
Chairman Martin - thank you Doug.
Tom Russell - the only one we have was submitted by Marlin, Ltd. - Peter Belau and that was the one that the Board had already took action on.
Chairman Martin - any questions of Road and Bridge at this time? Mr. DeFord do you have any clarification for them?
Don DeFord - well, at this point I need direction in the Road
and Bridge Department - need direction from the Board of County Commissioners on how you wish to proceed - I will tell you honestly it appears to me they are inviting litigation, but maybe that is your only course at this point.
Commissioner Stowe - the driveway permit to Lot 22 does not mean right of way through Lot 22, does it? Or does it? Could the owner of Lot 22 decide he wants to give someone a right of way through his property and create a road?
Don DeFord - that would be one of the issues we'll have to
litigate, Walt, because that is a platted subdivision - one of the issues is whether or not such an addition requires an amended plat - there's also the question of the driveway permit - those are separate legal issues both go to the legality of the road.
Commissioner Stowe - is that something we as a County would take on, or is that within our preview?
Don DeFord - well, it normally isn't - this is not a frequent event - but we can - we haven't in the past but I'm going to say, this issue really hasn't come up quite this way before, at least in my experience here. It is something that the Homeowners Association of Westbank could also do - but that does not preclude you from taking action either.
Commissioner McCown - well, I don't think our intent, or at least I know my intent hasn't changed - sounds like they're attempting to circumvent the action we took initially - so they're in violation - clearly a unauthorized driveway permit if action is taking place there.
Don DeFord - it would appear to be.

Chairman Martin - through the definitions of our rules and regulations, the driveway permit which is a shared use for more than one residence or adjoining two subdivisions becomes a roadway - is my interpretation.
Don DeFord - that's right, under our Subdivision Regulations we've taken that position from the point and time the Commissioners adopted a Subdivision Road Standards which is now being applied - it must have been close to twelve years now - the reason for that is the Board at the time adopted standards for construction that covers every type of road for more than one home, if you look at the number vehicles the projected right of way - so this issue has actually come up in terms of whether a road versus a driveway a number of cases in subdivision applications and the staff, I don't know if Mark is still here, but we have taken the position for now for many years that two units on any particular roadway makes that a road under our subdivision regulations.
Chairman Martin - I'd like to hear from the Homeowners Association - is there a spokesman on their stand or their position? Warren, are you still a spokesman? Or if there is anyone who would like to say something as well.
Mildred Alsdorf - please identify yourself.
Warren Wright with Westbank Homeowners Association, also a resident there - yeah, I've been involved in all of this right from the beginning and I know when the Prehm Ranch people came to the County for approval of this development, they stated in their proposal that access from the historic northwest end of this would be adequate. And after I reflect back on that, I realize what they were doing - was try to keep the Westbank people out this right from the beginning - because once they got approval, they went after this access on the other end through the what was a questionable right of way easement from out to - at the time that they were getting approval for this they were actually had something - I say Lynn Cantrell is actually a front person for them - they had an agreement with her to buy the lot and to use that as a possible access in case they couldn't get through the road easement. I think what they've done is misrepresented their development and I don't know what the County can do to stop the development or revoke what they've done but I think they've pulled fast one on all of us.
Chairman Martin - thank you, all right. Any questions of Warren? Any other citizen who'd like to come forward and make any statement on this issue? This is a discussion. All right, John, make sure you identify yourself for the tape, even though we know everyone in the room, we still have to ...
John Haines - I live at Westbank Subdivision and I guess I just have a couple of questions to ask you guys - you know when we were here several weeks ago, the access was all vacated and denied and last Friday, I spent some time talking to Don DeFord about what was going on - and his comment was well the County can't do anything until he talks to the Board of Commissioners - and I guess the dumb question I have is - suppose I took a hydraulic excavator and decided I wanted to go dig up County Road 154 or 109 or any other road, does that mean nothing happens to me until you guys have a meeting and somebody comes out and says Haines, you can't do that anymore? And looking at what these people have done, I'd like to ask you guys and part of your solution to this, to re-vegetate what they've put in there and you know absolutely eliminate what they've done. Cause, I think it's just been a - the County's been wronged - I think the homeowners have been wronged - and it isn't fair for what you guys tried to stop to begin with.
Chairman Martin - all right, questions of John? Next, Mr. Gould.
Mark Gould - 0041 Oak Lane - I guess the first thing I'd like to do just so we have kind of and know what the deal is that everybody for the third time has come here and told you in support that we're against this - if we could all stand up so we know how many people in the room - okay, just want to be clear who's in the audience -
Chairman Martin - those that are for -- Mark you've got to do both sides of this issue.
Mark Gould - oh, sorry, sorry -
Chairman Martin - okay, is there anyone that - okay, thanks, go ahead Mark -
Mark Gould - I think that you guys are in the uncomfortable position of having to do what you're elected to do which is we've got a set of rules and regulations and we need to enforce them and, we just are here to give you that support - we've voiced our opinion a couple of times, and we know you've heard it and there's no sense in rehashing it - we just want you to know that it's uncomfortable, but it's the job and that's where you're at. Thanks.
Chairman Martin - thank you Mark.
Commissioner McCown - I guess Mark, I'd have to say I don't find it uncomfortable enforcing those.
Chairman Martin - we're all set
Commissioner McCown - one more.

Chairman Martin - well said one more, two more, Lamar. Get it right now, Podbevsek.
Lamar Podbevsek - Good morning, I live at 32 Westbank Road, I'm also president of the Homeowners Association and it seems like we've been numerous times down here same discussion, same story, same song and sitting from our viewpoint I just wondered you know, what we can do. You know, we're getting to end of our rope - it's getting to be where we're looking at litigation from somebody's standpoint - we have people out there that's very unhappy - they want to take the road back, but in their own, and you've heard the story before and we need direction and we need to get our trust back in these people and in what you guys can do and help us out - because it does help us and I think, you know it reflects on what are you people going to do out in the Westbank Subdivision.
Chairman Martin - all right, my first question is, have you contacted Ms. Cantrell at all? Or the attorney?
Lamar Podbevsek - No, I'm sorry, I've been gone - I went down to the site Thursday and we discussed a few things - we wrote a letter - or the covenants committee chairman is writing a letter as we didn't even know it was staked out for house - he is writing a letter that's supposed to have went out - and I don't know whether she received it or not because, like I said, I've been gone since Thursday - and we needed to know what she's going to do - construction - what permits have been applied for - what access has been applied for - what kind of construction is she going to, materials and so forth and so on - at this point I have not gotten an update o
n whether anything has been received because we've both been out of town - one of the guys - Dan Durox - which has been following this real close filled me in last night and said that they punched the road through and I went down and checked it - there is a road through where originally there was not - there was a gate and old gate there and I've been on this place since about 1960 back and forth cause I've worked with Jim Rose and we leased the place back from the Regnigs and stuff like that with Orville Hurst and stuff like that and so I pretty well know the place and they just took the alternative and put a road in there - I'm just like John, what would you do if I went across my driveway and across the next driveway - what would happen to me? Because what they've done is - they are actually accessing the two subdivisions together with this here - with this here access and it's pretty obvious what their intent is and it's like, well we don't care what you care - and we as Westbank residents care a lot what happens in our side of fence, so to speak - and we would like to really have a real confirmed commitment from the Commissioners on what can we do and what can't we do and how can we get this thing straightened up - cause there's some people here that are very unhappy and I'm one of them. Thank you.
Commissioner McCown - just before you leave, something new that I hadn't heard, is there staking for a house - there's construction on house physically going to take place there?
Lamar Podbevesk - yeah, as far as I know there's - Warren ...
Warren Wright - well we don't know - there is stakes all over - that's the reason the Homeowners Association did write her a letter because there was nothing ever brought to the Architectural Control Committee - before construction what we needed to - was that some other things needed to be done first.
Chairman Martin - we can ask that question, Mark, do you know if there's a building permit that's been issued for that?
Mark Bean - no, nothing that I've heard.
Chairman Martin - on Lot 22 Westbank. No permit that has been issued that we're aware of, okay.
Lamar Podbevesk - the only one I could refer to that more than that is Mr. Meeney which lives next door and I could have him shed more light on that than I - when I found it there was slides, a driveway, they've put in culverts, you know, and a flag for where - you can see where they're going with their road and stuff like that and I mean, when you come down into this lot when they had - at one time I'd seen a hand sketch map going into their lot - now they're going with the lot and coming back up into this and this is way before they even done this before that - I had received a call at one time from their engineer - I can't even - Mr. Blue or something like that - wanted to know my position on that and I told him that at this time I couldn't speak for everybody but my personal opinion is I did not want to see an access through there - and I had to make an executive decision for everybody, then I would have to take a vote on it but I think you know what that vote is all ready. Okay?
Chairman Martin - thank you Lamar - any other questions? Mr. Meeney. John, did you still want to speak? All right.
Dave Meeney - I live at 0218 Oak Lane and in reference to the stakes which is next door to my lot obviously - they appear to be grade stakes but they also appear to be the outline of what could be a foundation - there's numbers on the stakes - I was in the dirt business for a number of years so it looks to me like they're grade stakes, or points to where corners could be but they're not staked as corners of a

foundation to be a little more specific about the roadway, they punched through the gate that was the property line - the fence between Westbank fifty feet (50') into Ms. Cantrell's lot which is of course Westbank property and off of that they came off of a "y" extended up to Oak Lane took out all the Oak trees that had been there for a number of years and they're approximately thirty feet (30') from the end of Oak Lane right now with boulders placed across there and I asked Bobby Holmes who is the contractor's superintendent on the dirt work there - I said, what are those boulders for? and he said they are to keep people from going onto the Prehm Ranch through Westbank - not the opposite - not coming the other way as we were told by the opposition - the last time we met down here and heard the three of you unanimously vote that my neighbor across the street had put boulders there and I believe Mr. Neiley said that he was upset about that - well now the opposite is true - they've done it - just the opposite - so it appears to me like somebody's trying to wear somebody down here - maybe the attorney's going to retire on this job - I don't know - but I tell you, we're all getting tired of it and I don't know how many more times we have to come down here and go through this - as everybody's stated here and the people behind me are with us - you know, we need to have some conclusion on this and we need - I guess we need to get tough about it instead of just saying you know, it doesn't matter what you guys say, we're going through any how - I don't know what the solution is here - I don't know what the strategy is - but you know, we're not going to give up - that's all I have to say.
Chairman Martin - okay. Any questions? John
John Cooper - I live at 0029 Oak Lane and I'll start with three
words that I know will make you pleased and that is - I'll be brief - I have - I've lived there since '86 - I have no interest in seeing that road open - our Association, many of whom are here, have expressed that over and over and I think you've ruled that way as well - I would just encourage the Board or admonish the Board to do what's necessary to uphold the ruling that you've already made so that we can put this behind us - thank you very much.
Chairman Martin - all right, thank you. Anyone else? Okay, come on forward.
Tom Ball - 0701 Westbank Road - I'll be brief - three words come to my mind - cease and desist - I'd like to see the County come out with a firm commitment to the homeowners and to the Prehm Ranch folks they understand what your rulings were in the first place and how you intend to back this up.
Chairman Martin - thanks John. Anyone else? Okay, we've got two ladies - one in the front row.
Christine Page - 235 Oak Lane - I received a phone call last week from John Huebinger wanting to know what was happening. He let me know that a friend of his from Aspen was inquiring - purchasing a lot in Prehm Ranch and that his friend had told him they were still advertising access through Westbank. I didn't know if everyone was aware of that, but they're still using that as a selling point, even last week.
Chairman Martin - thanks Christine, any questions of Ms. Page? All right, way in the back.
Cathy Holmes-Pett - I live at 0795 Westbank Road - I'm the mom of a seven and eight year old and there's enough construction going on now - it's nice to let your children ride their bikes - we purchased a home in Westbank because it was a dead-end and we figured it would be a safer community - personally, I don't even think the roads are wide enough for traffic to go back and forth - I also drive my children to school everyday to Sopris Elementary and it would be a real short-cut to go that way, but I prefer to go the long way thinking my children are safe and that's it.
Chairman Martin - thank you, any questions? Thank you very much. All right, anyone else? Okay, back to Mr. DeFord. Oh, we have one, get up here. You were hiding behind Tom - I couldn't see you.
Cornish Cheve - I live at Westbank and I was wondering if they close that road that goes past WalMart because they didn't want too much traffic there, what's the difference between that road and the road they're trying to put though now? I mean they closed that road - the one that goes right near WalMart.
Chairman Martin - Blake Avenue - right.
Cornish Cheve - if they can close that, why can't we close ours?
Chairman Martin - well, the City of Glenwood Springs has a different set of rules than we do, but we haven't opened that road up yet - we've had three hearings on it and we've said no each time, so it still is being built and that's one of the issues that we have to deal with, so - we're here to answer that questions.
Cornish Cheve - we don't have any street lights, we don't have any sidewalks, what would extra traffic do to that road?
Chairman Martin - well, it would make it far busier than it is.
Cornish Cheve - that's all I have.
Commissioner Stowe - thanks.
Chairman Martin - Mr. DeFord.

Don DeFord - first of all some of the discussion I've had with the Board today is as you probably recognize would have been conducted in executive session but for the fact that I knew there were a number of individuals interested in this issue. What I need from the Board, if you desire to proceed, to foreclose use of the road across Lot 22 in the Westbank Ranch Subdivision is authority for my office to undertake necessary legal action against the owners of that lot and the owners of Prehm Ranch and any contractors working on their behalf to cease work on the road and to prevent use of the road that's been constructed. That action would take the form of a request for temporary restraining order, an injunction and it would need to be filed as soon as possible by my office.
Chairman Martin - all right, I have one other question before we get into that one - and in this action, if it was to continue, doesn't that violate the approved plat of Prehm Ranch if they continue that access down through there?
Don DeFord - it may very well John - the action I'm undertaking at a minimum would include challenge to their proceeding with that access permit or with out approval of an amended plat - it may take other forms as well after we've conducted additional research.
Commissioner McCown - can we isolate, Don - to me the owner of that lot is no different than the owner of any other lot in Westbank given the fact they would want to build a house and get a driveway permit - it is the access going to the Prehm Ranch that has become the problem - I think we have to be careful and not infringe on that lot owner's rights on being able to obtain a driveway permit for the purpose of building a home.
Don DeFord - that's correct Larry and keep in mind that at this point no one has sought an access permit - no one has sought an amended plat - if those things are done, then before litigation can proceed, the Board has to follow its normal course of business on those requests and which in theory at least could lead to an approval. But at this point, the owner of Lot 22, based on the testimony you heard today, has applied for no permit for a house, for a road or anything. So until that's done then they are still in violation even though it's still just a home.
Commissioner McCown - unless I'm hearing the testimony, they have not attempted to tie onto Oak Lane yet - they're thirty foot (30') away from it.
Commissioner McCown - they're there. Okay, I'd heard they were thirty-foot (30') away from it coming from the Prehm Ranch property.
Chairman Martin - I can let you know that I was parked on the
cul-de-sac and the track hoe picked up the rocks and put them right in front of my pickup truck so that I couldn't go through there and it is a roadway.
Commissioner McCown - okay.
Commissioner Stowe - the fact that they've block it with rocks - is that going to - I mean there's still the intent to put a roadway but right now they could say there's not a roadway - they're just clearing the lot.
Don DeFord - well they can and those are part of the things that happen during litigation if you want to go forward and if that were to be perhaps a basis to find that our litigation if we start now we'd be premature - I mean it just depends upon when you want to start.
Commissioner Stowe - I think we should probably go ahead - my opinion would be to go ahead with litigation just to basically let them know we are serious about this.
Don DeFord- but Walt's got a good point, I mean it could be in court until they actually make the connection -
Commissioner McCown - yeah, that's where I was coming from - to me it's within that lot owners right if all the work is taking place on their lot, they can take every tree down on that lot and unless there's a covenant that they violated, they've not violated any County regulations - once they attempt to tie in to the Oak Lane cul-de-sac or the end of that street - then there's clearly a violation and I think at that point we would have more credibility and more of a legal leg to stand on - I don't have a problem with a restraining order but right now all we're restraining them grubbing trees on their own property - sounds to me like.
Don DeFord - no, that's not what we would be seeking to prevent, Larry, that's ...
Commissioner McCown - in essence, is there anything else that's occurred?
Chairman Martin - yes, they've got a road base, they've got it widened out and it is a road, it is not just grubbing it off - it's a road and you can see it's very intentional - they've also violated by joining those two subdivision without amended plats on either side - and I feel there's definitely a violation that we need to take action on.
Commissioner McCown - you're singing to the choir as far as I'm concerned ..

Chairman Martin - so I think that we need a motion to either give direction to the staff to proceed or drop it and let it happen.
Commissioner Stowe - well, right now they're in violation of a driveway permit and also we could get them for a restraining order to stop them from developing a road to adjoining the two without amended plats basically - we can at least go that far -
Chairman Martin - that's the minimum
Commissioner Stowe - and for our standpoint, I think we're behind you guys a hundred percent (100%) we've just got to legally proceed and make sure we cross our t's and dot our i's too so we don't get the cart ahead of the horse.
Motion
Commissioner McCown - I make a motion for the County Attorney
to move forward with that action.
Commissioner Stowe - and I would second.
McCown - aye
Stowe - aye
Martin - aye
Motion carried.
Don DeFord - I should say also while the residents of Westbank are present, that action by the County does not preclude separate action by the owners of Westbank and they do have positive action based on the covenants that we don't have. Thank you.

i. ***UNC Nursing Contract***

Don presented the contract saying he had reviewed it.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Victoria Kennedy to sign the contract with UNC for the Nursing Contract. Motion carried.

Executive Session - Contract Negotiation - Courthouse Plaza

A motion was made by Commissioner Stowe and seconded by Commissioner to go into an Executive Session to provide the Board legal advise on contract negotiations regarding Courthouse Plaza.
Don DeFord requested Jesse Smith, Georgia Chamberlain, Ed Green, the Commissioners, and Mildred Alsdorf remain in the room.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Red Canyon Road

Tom Russell gave the Board an update on CR 115 - Red Canyon Road - the State Engineer had surveyed the road and suggested some possible improvements. Tom said that rock falls happen in rain and heavy snow storm events.
The Board mentioned that guardrail would need to be included in a long-range plan and possibility of a improvement district. They requested that both Randy Withee and Tom take a look at it; Tom said he will get creative with it and see what they can do.
Tom commented that he had concerns with staff working around the potential of rock falls.

Chip & Seal - Crystal Springs Road

Tom said this is scheduled this year for some clearing but not for chip and seal due to right of way issues. It is scheduled to got it roughed in.
Commissioner Stowe said some homeowners have contracted him - want to chip and seal at the same time.

Black Diamond Road

Reports of speeding were reported to the Commissioners.
Don - whether or not it’s a public road is questioned - it was a dedicated easement when former lots were formed - whether the County can take that as a public road by adverse use is the issue - over the years the County has maintained the road - yes, the Board can put speed limits - the question is who will enforce it.
Tom Russell said he will proceed to put up the speed limit signs.

County Road 109

Chairman Martin requested additional speed limit signs be put on CR 109 - it is a 35 mpr limit except at the corner it is 15 mpr.

COMMISSIONER REPORT

Commissioner McCown - conference call at 3:30 P.M. Wednesday with Congressman McInnis regarding the Wilderness Issue; Board of Certification Meeting - Thursday at the Fairgrounds.
Commissioner Stowe - City of Glenwood - Tuesday - Revenue Sharing; County Picnic Thursday 11 A.M. - 2 P.M. - Two Rivers Park; Economic Development - New Castle.
Chairman Martin - Colorado Intermountain Fixed Guideway - $50,000,000 for funding for the project will be on the November ballot - meeting in Idaho Springs Wed 9 A.M. and CCI 9 A.M. on Friday - 9/7.

CONSENT AGENDA

i. Approve Bills
ii. Sign the Resolution of Approval concerned with the amendment to the Garfield County Airport Industrial Park PUD Plan and Zone District
iii. Approve a one year extension for the Winter Eagle Ranch Subdivision Preliminary Plan
iv. Sign an acknowledgment of Partial Satisfaction Subdivision Improvements Agreement-White Cloud Ridge
v. Request a 30 day extension on Satterfield Family Subdivision Preliminary Plan

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda; carried.
REGULAR AGENDA

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST TO REVIEW THE BLUE CREEK PUD SITE APPLICATION FOR SEWAGE TREATMENT

County Attorney Don DeFord, Attorney Larry Green, Randy Russell and Mark Bean -Building and Planning - Robert Cumming, Jr. of Blue Creek Land Holdings, LLC. Ed Church, and Tom Zancanella Engineer were present.

Randy Russell provided the Board with a description of the Proposal on the 82 acre tract just to the south and east of the Catherine Store Intersection with Highway 82 and County Road 100. The applicant proposes a housing development of 40 single family homes, 6 affordable units and a tree farm/horse boarding facility on the site which results in a plat loading factor of 52 equivalent dwelling units.
Randy submitted a letter from Michael J. Gerber, M.D. Chairman of the Board of Directors Ranch at Roaring Fork Homeowners Association, Inc. regarding the proposed Blue Creek Ranch housing development's request to consider providing 50 EQR of wastewater treatment services for the development. They listed five factors that their decision was contingent upon.

1. Approve by an affirmative supermajority vote of all Ranch Homeowners.
2. Determination that the initial Blue Creek tap fees will be sufficient to permit reduction of existing service line infiltration so that, upon full build-out all properties served by the Ranch system, its usage will not exceed 80,000 gallons/day.
3. Concurrence from the State Water Quality Control Division that, assuming such reduction, providing the additional service will not require further expansion planning by the Ranch.
4. Execution of a service agreement between the Ranch and Blue Creek.
5. Approval by Garfield County of, and compliance by Blue Creek with, a PUD in substantial conformance in all material respects with the plans which have been presented to the Ranch by the developer.

1. Randy said in recommending approval of the plant, the pipes into the plant should avoid the Riparian zone that runs along the river's floodplain.

Recommendations:
Staff recommends approval of the proposed site application with the following comments to be forwarded to the applicant, the CDPHE and the other partners in the review process:

6. That the facility only be approved if it can meet all water quality standards for the Roaring Fork River and any concerns by public wastewater facilities both upstream and downstream.

7. That the applicant completes a site specific study for the lift station and plant by a qualified river hydrologist and engineer addressing all site concerns but specifically addressing pipe locations and foundation issues where pipes must cross under the 100 year flood plain, ground water issues, channelization and bank erosion and site disturbance issues.
8. That the applicant specifies that any existing I.S.D.S. systems now existing on the parcel be decommissioned and reclaimed, and that existing dwellings will be integrated into the proposed system.
9. That the applicant specifies that the "individual or clustered septic tanks" which are an integral part of the proposed system be totally non-discharging except to the gravity fed sewer lines, specifies design standard for those septic tanks that meet ground water concerns, and show that such tanks will be constructed to allow for visual inspection of their continued integrity to be non-discharging over time. Further, the applicant will specify that the individual or clustered septic tanks shall be the responsibility of the homeowner's association to periodically inspect and repair and maintain as necessary.
10. That the applicant show that the gravity fed sewer lines are designed in such a way as to totally resist infiltration and exfiltration over time, and a proposed methodology to periodically verify the integrity of the piping system.

Larry Green explained why this application is before the Board at this time - Wind River put together an application to get into the pipeline had the amendment 24 passed in the November election 2000. They submitted an application for the Blue Creek Subdivision and the most recent comment from the staff - application for a PUD cannot be viewed in compliance and can not be considered until they have a site permit application - they have done that - as a reviewing agent, the County needs to make their recommendation to the State - the recommendation are more than acceptable to the applicant, concur 100% with the letter from the Homeowners Association - they are not very receptive of this idea. We will certainly consider the merits of entering into an agreement with the Ranch at Roaring Fork.
Others present were Engineer Tom Zancanella; Ed Church on the proposed septic system; and Dwayne Watson from the Grand Junction Office who has approved this type of system. It is very low maintenance, good disaffection, and a suitable system for a low volume.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the site location for the Wastewater Treatment Facility and Lift Station for Blue Creek Ranch with recommendations and conditions 1 - 6 by the staff and the Chair be authorized to sign the application. Motion carried.
Board of Health
A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Stowe, carried
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the site location for the Wastewater Treatment Facility and Lift Station for Blue Creek Ranch with the recommendations and conditions No. 1 - 6 by the staff and that the Chair be authorized to sign the application to the Colorado Board of Health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; motion carried.
REQUEST TO RE-AMEND THE BUILDING ENVELOPE OF LOT F-27. LOCATION: BALD EAGLE WAY - WITHIN ASPEN GLEN PUD. APPLICANT: MARIE-LOUISE AKESSON AND GEORGE CHOLAS

Attorney Larry Green for Aspen Glen PUD and Mark Bean were present.
This is a re-amendment to an amendment to Lot F - Aspen Glen Filing Number 1. The Board approved a similar request for this lot with conditions on July 16, 2001. The building envelope adjustment request was placed incorrectly on the initial application and that is the reason for this new revised application.
Recommendation:
Staff recommends approval of the request with the condition that prior to signing the Amended Plat, the applicants will have final written approvals from the Aspen Glen Golf Company and the Aspen Glen Homeowners Association, Review Committee for the site approval.

Larry Green - the condition should be that the golf course is the beneficial of an easement that's being modified, sign the plat itself, indicating their approval of the change in the easement.
Motion
Commissioner Stowe made a motion to approve the amended building envelope Lot F - 27 as presented with the appropriate plat amendments as indicated by Mr. Green and the conditions are recommended by staff; Commissioner McCown seconded. Motion carried.
CONSIDER THE APPROVAL OF THE FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE SUNLIGHT VIEW II PUD SUBDIVISION
Attorney Larry Green, Dr. Zilm and Mark Bean were present.
Mark Bean noted that Don DeFord is not the attorney of record of on this - the plat has been reviewed with Josh Marks - and he is making recommendation of approval.
The applicant has and is working with the Glenwood Springs Fire District - on Thursday they will do an inspection and building permits would them be issued - this is included in Dr. Zilm's application.
Mark Bean requested the Board authorize the Chair to sign the plat and SIA as consent agenda item at the next regular Board of County Commissioners meeting - the Glenwood Springs Rural Fire Department is taking a more aggressive role and are holding the applicants fire system to more stringent requirements and this has been a challenge to them.
Larry Green mentioned that hopefully, the test that will occur on Thursday will satisfy them that the system operation particularly with the water flows out of the fire system. He also commented that if this is approved, then the amount of the letter of credit of $340,000 will be the appropriate amount and all other subdivision improvements will be competed. It is our request that the Board authorize the Chair to sign the SIA and the plat at your consent agenda next Monday and if that's the case, he can actually sign the mylar today so that it will all be ready to go. This will be given to the County Surveyor for his signature.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown that the final plat and subdivision improvements agreement for the Sunlight View II PUD Subdivision be placed on the Consent Agenda dependent upon the test for the fire system by the Glenwood Springs Rural Fire Department; motion carried.
PUBLIC HEARINGS: VACATION OF RIGHT-OF-WAY VICINITY CALLICOTE RANCH - **NEAR CR 103**
Don DeFord, Garrett Brandt, Attorney for Rocky Mountain National LLC. the owner of the main subject property, and Mark Bean were present.
Don DeFord reviewed the regulation for the noticing requirements with Mark Bean and found the noticing to be in order and timely - he advised the Board they were entitled to continue.
Chairman Martin swore in the speakers.
Mark submitted the following Exhibits: Exhibit A - Public Notification; Exhibit B - Returned Receipts as to those other than the petitioner; Exhibit C - Petition to Vacate the Right of Way; and Exhibit D - Commissioner Meeting Minutes of July 9, 2001.
Chairman Martin admitted Exhibits A - D into the record.
Mark reported that on August 31st he had asked Marvin Stephens of Road and Bridge to review the road - Marvin determined there was no use for the County to maintain the right of way - there has never been any use by the County on this right of way.
Don requested at the end of the hearing if the Board desires to vacate this right of way to authorize the Chair to sign a Resolution accomplishing that vacation under Title 43 of the Colorado Revised Statutes.
Fred Pattison - also owns a piece of property that the road right of way goes through and at this time it also goes through two (2) homes that he has set up there that have been there since 1965 and 1967 - this right of way that we are talking about - his property is surrounded by the Callicotte Ranch - he has an interest in having this right of way vacated. He has access to his homes by a private driveway.
Garrett Brandt - Mr. Pattison's property actually does border CR 103 and three (3) sides of it are bordered by his client's property, Callicotte Ranch - the right of way road leaves Callicotte Ranch, crosses Mr. Pattison's property and then comes out again on the other side of the Ranch -- so he has direct public access. One or more of his structures are actually built within the right of way at some point years ago so he has an interest in it being vacated the same as they do. They expect that whatever portion of the right of way that is vacated within Mr. Pattison's property will obviously go to Mr. Pattison even thought it was on their petition and they have no expectation of getting a swatch of property right through his - so his section should go to him and then our section will go to our client.

Don mentioned that Mr. Brandt's representations are correct under State Law - the property should vest in the adjoining owners.
Garrett Brandt mentioned that Don DeFord mentioned a Resolution but what about a deed then from the County to the property owners, do they need to do that?
Don stated that the County does not do a deed of right of way - the County's position is they will sign the Resolution and then as a matter of law the property will vest to the adjoining owners - the Resolution itself will be recorded.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
A motion was made by Commissioner McCown to approve the vacation of the easement near the Callicotte Ranch off of Road 103 and that our parcels affected be vacated and that the Chair be authorized to sign said Resolution vacating the right of way. Commissioner Stowe seconded. Motion carried.
Healthy Beginnings - Contract
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract renewal letter No. 1 dated August 1, 2001 from the Department of Public Health and Environment, Women's Health Section for $155.250.00 for a new total financial obligation of the State of $310,500.00 with the stipulation that of the increased dollars, $49,500 is for diagnostic tests and/or $31,500.00 if for Prenatal Plus Enhanced Services with the number of patients to be served is increased by approximately 165 prenatal patients and approximately 58 Prenatal Plus patients. Motion carried.
Prehm Ranch - Executive Session - Legal Litigation Issues
Commissioner McCown requested an Executive Session to discuss a concern regarding the Oak Lane road and the potential of a pioneer road being formed through to Prehm Ranch and to obtain legal litigation advice. Commissioner Stowe seconded. Motion carried.
Don requested that Mildred Alsdorf, Ed Green, Mark Bean, the Commissioners and he remain for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.
Chairman Martin - no direction as to change for the staff - we will be holding our position.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Mary Lou and Ted Martin - attempting to get a modular on their daughter's place - Julie and Leonard Cooper - 0467 Whitworth Lane, Rifle - a couple miles from the Bowling Alley. The situation - October 2, 2000 they put in their application and they are still waiting to get a permit. The water is the issue holding back the permit - the water source - trying to get on the well - lawyers working on it - all they are doing is running them in debt and not getting anywhere - thought of getting cistern for water -
Commissioner McCown - can't use a cistern for a single source of water - the reason is if you are depending upon i.e. the City of Rifle, Silt, etc. and if they ever have a water shortage, the cisterns are the first to be shut off as a public supply; they are required by law to supply their citizens.
Mary Lou and Ted Martin - they have a well and are trying to get a multi-use on the well. They do have someone that will haul the water to them - Culligan.
Chairman Martin - suggested the Martins give the letter regarding the water delivery to the Building and Planning staff.
Mary Lou and Ted Martin - understand a couple of neighbors that haul water and they are afraid a multi-use well will create a shortage of water to them. Only one year out of ten years have they been short on water in the well. Once is builds back up they are all right.
Chairman Martin stated they would make an inquiry and furnish the letter to Building and Planning and have the staff contact them to see if they can assist them in some way - if there's anyway they can.
Ted Martin - he would like to get this moving along. He is planning to retire very soon and would like to get the modular in.
Chairman Martin - stated someone would get back to them within a day or two.
Jail House Rock - October 26, 2001
Director of Legal Services Cheryl Hurst and Board Member Barb Kozelka presented the information and plans for Jail House Rock.
This is an update on the Jail House Rock and the Grand Opening of the Garfield County Jail. It is scheduled for October 26, 2001 - contacting Squad 4 and hoping they will be able to pay - at this time, they are not sure with that being so close to Halloween. We have a Committee of Jan Kaufman, Tom Alby and John

Mauser and Jeannie Heiser who are working on soliciting for donations from the contractors who worked on the jail - we figure we 're better to ask than the people who make money off the structure - the Sheriff has been working with us to plan this event and it's going to be an outstanding event. We will be going from 5 PM to 9 PM that evening, we'll have a band, we'll have food, we'll have a small silent auction and a costume contest - we're asking people to dress as their favorite outlaw or criminal. You might want to start planning those costumes now, gentlemen. What we are here for today is to let you know we are still working on this and it is going to be a go - we have two questions for you and I know I should never use this word but we're asking assuming that you all will want to do a Ribbon Cutting Ceremony. This is quite an accomplishment to have finally got this built and we're sure you would like to acknowledge it with some ceremony. So, we were wondering if a 5 PM Ribbon Cutting Ceremony would be in agreement with you? Chairman Martin - would that work? I think so, we talked about it earlier that we think we need to do something like that.
Cheryl - this is a big accomplishment and many years in the making, so I'm sure we all want to celebrate it. We also need some assistance from you - we're planning a party for 500 people - the Colorado Sheriff's Association is going to be invited, the Colorado Jail Workers Association, the Western States Sheriff's Associations and we are running into some money problems with the cost of the event. So we would like to ask the Commissioners - the County to give us $3,000 towards the cost of the event.
Commissioner McCown - what do you anticipate the total cost being, Cheryl?
Cheryl - I'm anticipating the total cost being about $5,000. The food will probably be $4,000, we have a caterer who is willing to donate her time but the food costs remain, and the Sheriff's Department is going to give us $500 and the Pitkin County Sheriff's Department is kicking in $200 - Dan Hall was able to sell him on the benefit to their County also.
Chairman Martin - comments? First of all I think we also ought to have a list to go out to invite some people that we feel are important as well.
Cheryl - absolutely
Chairman Martin - and that 500 - we should compile that list and get it to you to make sure that you understand who's coming and get those invitations out.
Cheryl - I would appreciate that - thank you, John.
Chairman Martin - the Ribbon Cutting - I think we all should be there and maybe some past elected officials who have had input on the particular event including some of the City folks who've gone but also either supported it or didn't but we still think that it's an accomplishment that we need to have recognized.
Cheryl - I would think that you'd also want the Jail Advisory Committee in on it or whatever they are now.
Chairman Martin - We changed their name - so it's now the Criminal Justice Review Committee - they will be invited for sure and all the other elected officials that we can muster in the communities.
Cheryl - all of the local Law Enforcement Agencies have agreed to have one of their members - mostly the Chief's of Police locked up for this event.
Commissioner Stowe - we've agreed to allow John to be locked up - he doesn't know it yet - we haven't voted on that one just yet. This is open to the general public too, correct?
Cheryl - oh, absolutely.
Chairman Martin - and I might also mention that there have been and are tours every Friday so we can get all the different service clubs and other organizations familiar with the jail and that's run through the Sheriff's Office with the Jail Advisory Committee - left overs - Al and Jan and a few of the other folks - we're working hard getting the public aware of what's going on - the dollars is what we're up against gentlemen - they do need assistance - it is a fund-raiser for Garfield Legal Services hoping that we can participate other than just our normal function of paying the Sheriff's bills for housing our citizens.
Commissioner McCown - we'll have to see if we can find $3,000 is our first challenge - we'll have to see if we can find it in contingency somewhere - we know that apparently it's not in the Sheriff's Budget - I know it's not in ours so we'll have to see if we can come up with that amount somewhere and will next week be soon enough to let you know, Cheryl?
Cheryl - that would be wonderful, Larry. Thank you very much.
Chairman Martin - okay, we'll work on that - the 26th of October - that's when Jail House Rock is scheduled - a special day.

Carol McNeel - Rifle Packing and Sausage Company - Rendering - Landfill

Carol McNeel stated that last May they ran into a situation with their rendering company which you know they have a lot of byproducts with their business - basically they were told on Monday, that Tuesday would be the last day they would pick us up so we didn't have a lot of warning that this was going to happen. They

are still not showing any interest in getting back into the business and she didn't know if the rendering is that bad with Mad Cow and all that stuff, but they're still picking up grease from the restaurants, but they're not interested in any byproducts - so they have been going to the landfill - the situation is that we compete basically to the USDA Plants in the area - there's one in Craig and there's one in Fruita - Cedar Ridge is far enough away that they're really not where her people would to those plants. Basically, they are dealing within Fruita the dump fee at the Mesa County Landfill is $18 a ton, in Craig is $16 a ton and they are having to pay $50 a ton at the County Landfill in Garfield County. Therefore, they were wondering if there was anyway that they could make an adjustment in this so they can be competitive in their kill fees, etc. Chairman Martin mentioned the impact with the County Fair.
Carol said basically they tried to keep track one day and one kill day for the animals that were at the Garfield County Fair cost $145 to take it to the landfill. Basically, they killed I think 7 - 8 days to get all the animals done - they are still working on beef from the Fair.
The Board noted they were three times higher than their competitors and also noted that the animal pit requires far more maintenance and labor than just the trash pit - it has to be lined and covered daily.
Carol said their problem is that basically they are under USDA inspection from 8 a.m. until 4:15 p.m. - those are the hours they are allowed to do inspected product - during that time and they have to be by the dump by 3:00 p.m. because of their wanting to cover it before they leave at 4:00 p.m. so she basically has to pull a person off of the kill floor to get them to the landfill so they can accommodate their hours.
Some possible solutions were discussed. The Board stated they would look at it - look at her bills and see what structure Carol is falling under at the Landfill. The Board informed her that
Jesse will be the contact person to get back for Carol.
OTHER ISSUES:

i. ***Contract Proposal - Provide GIS Maps and Narrative Report on Sand & Gravel Deposits***
Randy Russell submitted a memorandum dated August 15, 2001 from James A. Cappa, outlining a proposed derivative mapping project for location and quality of sand and gravel deposits in Garfield County. The Geological Survey has some resources and staff to apply to this project and would need a $7,200 match from the county to leverage an additional $21,600. The product would be GIS mapping and narrative description of depositions and probable quality.
Staff feels that this kind of detail will be helpful in our GIS data layering, and for a potential new set of policies that may reduce future conflicts between extraction and neighboring land uses. The particular phase of that longer term effort would require little county staff time or additional resources. While not our highest priority, this project leverages state funding 3 to 1 and it may be prudent to take advantage of this resource at this time.
Commissioner McCown, after the controversy on the Silt Pit earlier this year, had requested the building and planning department to follow up on the quality of sand and gravel units along the Colorado River Corridor from Glenwood Springs west to the Garfield County line. The objective of this project would be to present information on sand and gravel resources that can be used for land use decision making by the Commissioners.
Randy said Jim Cappa and Beth Widmann and Chairman Martin participated in a field trip with him to make a make this brief survey - they had an opportunity to eyeball resources. Some funds are available from their oil and gas funding they could tap into and work with Garfield.
Discussion was held and Alisha Bell-Sheeter posed some questions as well. The current maps are based on the 1970's and are very broad.
Ed mentioned that Mark only has $7200 in his budget and they could pull it out right now and then if he needs contingency at the end of the year, to do it then.
Mark said he wasn't sure the money would be there to contribute the County's portion until the end of the year.
Motion
Commissioner McCown said for a 3 - 1 match, he was going to suggest that we move forward with this and authorize the $7200 for the mapping and analysis. Commissioner Stowe seconded. Randy said he would get back to Jim Cappa and ascertain that he has the flexibility to either get going on it now or it may be something they will have to do in late Spring.
This may need to wait until next year's budget.
Motion carried.

Appropriation of Funds for Courthouse Plaza

Don DeFord, Shane Evans of S & G Development and Structural Associates, and Bill Guest of Alpine Bank were present.

Don reported that the documents have been prepared and where we are at this point in terms of the Courthouse Plaza and there are a few outstanding things that the Board needs to address.

1. Question of a final set of dates for commencement and completion and price.

Don said this comes primarily because of discussions he had with Shane late last week concerning the acquisition of performance and payment bonds that are required by law on any public works project and then hence their ability to start construction. Currently, we have a start date - a notice to proceed of August 31, 2001 with a completion date of June 20, 2002 and a price for construction for $2,736,396 as discussed last week. Also, as discussed last week, the date for construction completion is one that's of importance to the county because it involves our ability to utilize the structure - that's a date for completion of the shell facility. It is important to the contractor given the level of liquidated damages that this contract would carry. Discussions with Shane last week involved what would the impact be if they couldn't start construction and talking about two weeks on Friday, both of price and time.

Shane said at this stage of the game as of this morning, he thinks they can get their bond in place by tomorrow and their hope is to actually commence work tomorrow - they are mobilizing and upon getting these contracts approved, that would be their goal and plan.

The closing date was set for September 5, 2001 at 10 a.m. and the completion date of June 26, 2001 with no change in the price.

Don said he would like to take the existing contracts and interlineate on those by initials at time of signature changing the dates to commencement of September 5, 2001 and conclusion on June 26, 2002.

2. Contract - the way it is drafted, the Board not only has to agree to accept assignment of the contract but they have to agree to actively and presently appropriate the full contract price as stated in the contract language - it protects the contractor and their bonding company - as indicated earlier, Don had discussed this with Jesse and didn't know from which fund or what source these funds were appropriated, but the Board in addition to authorizing the Chair to sign the contract, which they have done already, they need today to appropriate $2,736,396 for purpose of Construction Contract - Courthouse Plaza.

Jesse stated the moneys have been provided by the County from the coifs and will go into Fund 501 and this project will be totally paid for as it progresses out of 1-501.

Don said for today's purposes since the contract anticipated signing today - asked if the Board needed any further identification of the fund from which these revenues will have to come other than what Jesse just identified.

Jesse commented that we could reimburse ourselves.

Motion

Don said he would like the Board to authorize the Chair to sign a Resolution appropriating funds when requested in the amount of $2,736,396 for purposes of payment of the Courthouse Plaza Construction Contract to be withdrawn from the Capital expenditure fund.

Jesse added until which time the coifs have been completed.

Commissioner McCown so moved. Commissioner Stowe seconded.

Shane Evans posed a question - he and Don discussed the All-Risk Insurance Costs and they would be handled at some point and time when is was convenient.

Don said there are some items that on a short-term basis and very shortly the Board will be seeing change orders - what we've asked for today is the base price of construction - the All Risk Insurance we're still discussing - there will be in terms of price - there will be a price attached to that - once we receive that price, we need to do a little bit exploration with our own insurance company to verify that both the contractor and the County are getting the best value.

Chairman Martin clarified that this doesn't change the motion at this time.

Don confirmed that was correct but still thought it was best to have this openly brought up.

Motion carried.

3. Specifications and Plans - Purchase Contract and the Construction Contract

Don stated both contain with them one construction document and the other is exhibits - the full final plans and specifications - this is intentional so there's no misunderstanding on what is being obtained and what is going to be built - this morning we received some addendum to the specifications to make final confirmation of the design and addressed this to Roy Stanek and Randy Withee in terms of those - do we

have the final plans and specifications that will be incorporated in these agreements, and if so are they what the County anticipated.
Randy Withee - regards to the set of drawings - they briefly went through them on Friday and basically what they have is a complete set except for the design change in the mechanical/electrical related to the rest room rotation and so far they have not received that. That's more or less what's on the drawing. The specifications and addendum - some items he just noticed today, one of the addendum for the Board's knowledge - there was a language in here for the contract method which dated and stipulated - some contract which I believe is part of the addendum - part of the technical specs that's more or less contract language.
Roy Stanek - all I did, Randy, I put that in there because this one called for it being a guaranteed maximum price.
Randy - that's up to the Board whether that stays in there or not, but typically to me it's always in the contract. One of the things he asked Roy to explain and for the Board's knowledge, there was a section in there for scheduled unit prices for excavation and engineered fill and concrete - Roy could explain that as he has a price per yard from Structural Associates on those, so they are aware of that being in the contract, and maybe Roy could explain that further.
Roy said they got from their bids - Shane's company's from our bids but again going into excavation and footers and foundations, if we do have problems I think we wanted to get them up front where our costs are on this - that's why he went back to Shane company and Gerboz to get their cost so we knew if we did have any changes - that's the purpose of that unit cost.
Randy - basically for my clarification and maybe the Board too, the excavation costs are to the limits shown on the drawings - if we happen to run into a problem, then that would be the unit price and the gear. If the excavation is four feet (4') and we had to go another foot, the square footage times whatever comes out to about two hundred and something yards - $2,000 - I want to Board to be aware of what's in here. There's some other little stuff here but another thing he did not see is the Gypsum Wallboard Systems that Elite Drywall - it calls for specs but I didn't have a copy of them - they weren't part of this package. There were new spec sections and they weren't a part of it.
Roy Stanek - that is just part of Elite's work.
Randy - for example spec section 92-40 and there's not a 92-40 in here - that's something he's got to get clarified. The only other thing is some minor stuff that he needs to verify the fire system specifications if there were any.
Roy - as a matter of fact.
Randy - so that would be incorporated in it.
Roy - yeah, it should be.
Randy - so in my brief overview, that's what I found.
Don - Randy, do you believe then by 4:00 p.m. today, a time we'd like to sign contracts, that you're going to be satisfied with the specs.
Randy - yes.
4. Question of Costs and What is Needed Available from the County in terms of Cash for Closing tomorrow.
The cash at closing, Don anticipates to be $649,006.54 in addition to that there will be $33,820.51 for building permit costs; and I have received no statement or accounting from Land Title indicating other closing costs.
Roy said he didn't think there was any - Margaret wants us to give her that spread sheet that we put together.

Don - have you paid taxes to current, when do you anticipate doing that - or are you going to do that out of escrow.
Roy - out of escrow.
Don - so that should account for the full amount of any check from the County then.
Ed Green - is that less the $50,000.
Don - yes.
Chairman Martin clarified that those funds are available tomorrow for closing from Georgia Chamberlain, Treasurer.
Yes.
Don - in terms of final documents, he still needs today Certificates of Insurance from both the Architect and the Contractor.

Roy said he had it from Van Guilder.
Don said he didn't need it immediately and lastly for the closing documents, I do have, Roy over the bill of sale that covers the plans, do you know if Land Title was preparing that because I don't have all of the Exhibits for that. Some of the Exhibits are probably a thousand pages in length at this time and I don't know who prepared what.
Bill Guest - said those Exhibits have attachments.
Don said unless the Board has questions, he thinks we are ready to go and needs the Chair at 4:00 p.m. today and at 10:00 a.m. tomorrow - anyone else from the Board who wants to attend is welcome. The Chair has already been authorized to sign all closing documents as well as the Contract for Purchase.
Commissioner Stowe clarified with Shane that closing at 10 a.m. tomorrow might put him into the dark.
Shane said his understanding was that he couldn't start work until he had this in place, so we will just delay.
Commissioner Stowe said his reasons in mentioning this was due to the start date of 9/5/01.
Don said if they don't have the bond, we still would close, they simply couldn't start construction - that's the reason he wondered if we ought to use Thursday, 9/6/01 as the date to start.
Roy - he wants to start if they can Don, even if it's late in the afternoon.

Core Drilling - Soils Report - Courthouse 1886

Randy Withee said he hadn't seen a copy of those reports.
Roy Stanek said there were no surprises - we know the building's down there - the old Courthouse is down there - the Environmental Phase I even said that - that was built in 1886 - there's a picture of it at the Historical Museum.
Mildred Alsdorf mentioned if they came across any historical documents from the Courthouse in 1886, that she would appreciate these for the County.

Westbank - Oak Lane - Continued Discussion

In addition to the Commissioners, Don DeFord, Ed Green, Jesse Smith and Mildred Alsdorf, Mark Bean and Jim Leuthueser were present.

Don DeFord - what we need to talk about is the road, driveway, whatever it might be, that is - it was discussed this morning between Westbank Ranch and the Prehm Ranch area - Jim and Mark had a chance to go out and take a look at it and what we need to talk about is whether it would be appropriate given their viewing and their position to actually start litigation right now or something else might be appropriate, so given that introduction, I don't know if you need to do this as a matter of advice from your attorneys in executive session or if you prefer to do a public discussion of this.
Chairman Martin - we have a question?
Donna Daniels - Glenwood Post/Independent - Reporter - I've already written my story about Prehm Ranch based on the discussion this morning and perhaps I was incorrect, but the outcome of that, I thought, was that Don was directed to go ahead and begin litigation and I would really appreciate hearing if there's going to be a change in your earlier discussion around that.
Commissioner Stowe - I think we need to keep it an open session now - I don't see the need for an executive session.
Chairman Martin - I don't see the need either
Commissioner McCown - no
Donna Daniels - I know this is very sensitive, but I would
appreciate it if you would speak about it in public - but I need some help with this.
Commissioner Stowe - okay, thanks Donna.
Don DeFord - the sense of the Board is that we do this in public - okay, that's fine. What I handed out to you was a document that was from Mr. Neiley to Mr. Beattie, I guess this was in March sometime, and I would draw your attention to the paragraph that starts at the end of the first page and runs onto the second page - and this generally describes a permissive use of the Cantrell Lot 22 to put on what is described as a private driveway. I'm just going to summarize what Mark and Jim told me and then I expect both of you to fill them in. Both Mark and Jim went out to Westbank to take a look at this - on what's being done on Lot 22 - and they found that what is out there right now can be described as just the very commencement I think of construction, trees have been removed, there is some type of pioneer course across Lot 22 - there are in fact boulders blocking any access at that some location I guess now. Jim or Mark - do either one of you want to comment on what you saw out there?

Mark Bean - it is a pioneered road, it is blocked, there's - between the rocks and the actual driving surface, nothing technically has been done - I mean somebody could drive through that arguably if the roads weren't there - the fence has been removed, there is no fence separating the two pieces of property so I mean it is very apparent that there appears to be the intent to create the road there - but really at this point it is not there.
Commissioner Stowe - Lot 22 itself, is there any gravel or base or anything?
Mark Bean - no - the gravel is - improvements to that road is on the portions of the Prehm Ranch that I believe is intended to serve that one lot that's on the far south end of the Prehm Ranch itself where they wanted that one building envelope down by the river. I believe if I remember correctly there's a part of the initial contention or controversy when they brought some heavy equipment to do that one - so I guess that may have actually used this access to get there or something, is that right?
Chairman Martin - well I think if you'll look on the map that supplied with this letter, and that intersection is there on Lot 8 which also shows the road that comes across to the cul-de-sac and through Lot 22 and there is a road that goes to Lot 22 and comes across Lot 22 as well as the intersection that is finished and does go to the main Prehm Ranch along that existing road bed - I think if you went a little farther you'd see that intersection is there and that road.
Commissioner Stowe - you're talking about this intersection, John?
Chairman Martin - correct -
Commissioner Stowe - but that's entirely on the Prehm Ranch at this point.
Chairman Martin - I understand that, but I'm saying that it is not just to access to Lot 8 or to Lot 22 but it is the access that goes into the entire Prehm Ranch.
Mark Bean - I agree with what John's saying, is that if you take that cul-de-sac that's right here and this loop all the way back, this is all improved in this area all the way back and it's obviously it's been approved all the way back to, I'm assuming, all the way back to Glenwood. It's - from this point, it's basically pioneered up to just short of the actual cul-de-sac itself - they've cut out a significant amount of vegetation, somebody could go in and they could lay the gravel base course down and they could put a road in there - I mean ...
Commissioner Stowe -but at this point they haven't, it's just been grubbed.
Mark Bean - Yeah.
Jim Leuthueser - correct and it's impassable at this point. Right now you can't get through there.
Chairman Martin - because of the rock?
Jim Leuthueser - rocks and questionably right now a car ..
Mildred Alsdorf - Jim, please come up to the mic.
Jim Leuthueser - a car with normal clearance could not get back
upon the cul-de-sac. Certainly a four-wheel drive or a construction vehicle could.
Mark Bean - I mean, it is apparent that the intent is there - I mean as I said, the fence is down, I mean you can look straight through and you can see from the end of the cul-de-sac over to the Prehm Ranch and the improved road that's on the Prehm Ranch.
Commissioner Stowe - but realistically should they never decide to come that way, at this point, we don't know - I guess from a legal standpoint - and I don't know, I'm not an attorney but it seems to me that we might be a little premature in trying to shut it down until they actually throw gravel on it - I don't know.
Don DeFord - that was certainly the impression that Jim and Mark gave to me when they came back after what seeing what is out there - what I'm suggesting at this point, is it might be more appropriate right now to write a letter to Cantrell as the lot owner simply stating that we're aware of this correspondence that there's an indication that you anticipate access across here and looks like you have commenced that and to advise Cantrell of, the County Attorney's Office has been authorized to commence litigation if they do not follow our regulatory process which is get a driveway access permit and to amend the plat for Westbank Ranch - and do that right now rather than initiate litigation because it may be in fact premature at this point. We could initiate litigation but we might just get thrown, immediately thrown out and say come back when it's initiated.
Commissioner McCown - wouldn't they also have to come and amend the plat at Prehm Ranch?
Don DeFord - no, that is not subject to your regulatory control.
Mark Bean - that is not a subdivision plat. The roads that we're talking about on Prehm Ranch - there'll all thirty-five (35) acre tracts - that's not a lot to a road that part of a subdivision plat per se.
Don DeFord - I am concerned as I told Mark and Jim that this access will be used at some point for construction purposes - it wouldn't require finishing the road - it would require moving the rocks of course.

But, it may be that if they're going to construct a finished roadway there, they won't do that until they've finished construction on Lot 8 in Prehm Ranch so we might have to take action if it comes under actual use but apparently that hasn't been done yet either.
Mark Bean - it doesn't appear to have, at this point - I mean it's very easily done - as John's represented, all you have to do is pull the rocks up and away they go through, I mean it's there, the fence is gone, it's a pioneered road and construction equipment could very easily go through there - as Jim was saying, it's a little tougher if somebody wanted to put a regular car on there.
Commissioner Stowe - and once they start running construction equipment Don, are we then in a position to shut them down or not?
Don DeFord - we're in a better position that we would be right now.
Commissioner Stowe - would we have to wait until they actually put the road in?
Don DeFord - I think if they're using it for - I don't know, you guys speak up too - it seems to me if they're using it for access, that's the driveway -
Commissioner McCown - once the boulders go away and it's being used, that's what drops the trigger to me.
Mark Bean - sure, in terms of that it is being used as an access point to the Prehm Ranch at that point when that occurs.
Ed Green - is a driveway permit even a relevant issue?
Mark Bean - sure
Commissioner Stowe - it would become a public road though.
Don DeFord - we require driveway permits for public roads when, for instance a new, don't we Mark?
Mark Bean - sure
Don DeFord - in a new subdivision I think they require those - Rose Ranch is a good example where we required access permits for all of those roads.
Mark Bean - and Road and Bridge made their decisions based on the Highway Access criteria that are in the Highway Access Manual and that's typically what they use in making all their judgments in terms of driveway permits, as I understand it.
Commissioner Stowe - it's a driveway to that lot - that's the whole point, I mean.
Don DeFord - It is a driveway for Lot 22 if it does not provide access to other lots as well, but in any event before ...
Mark Bean - it's when it becomes the multiple access and provides access to the Prehm Ranch property by way of example then, as Don represented this morning, you then get into what we call our primitive roadway standard which is basically the equivalent to a shared driveway - which is a subdivision road.
Commissioner Stowe - and we have to approve that and that has to be re-platted through Westbank which would require - wouldn't that require a vote of the Homeowners Association majority to re-plat?
Mark Bean - I don't know how that works with their covenants, but in terms of your actions, I believe it would just be approving an amended plat and going through that process.
Commissioner Stowe - and if we didn't approve it, it wouldn't happen.
Mark Bean - that's correct.
Ed Green - so that needs to be reflected in the Cantrell letter that in fact you may have two purposes, one being a driveway and the other might be something else.
Chairman Martin - I think you're missing the point on what has been built here - it is not an access to Lot 22 - because the lot - to get to Lot 22 on this road, you have to go into the Prehm Ranch make a right hand turn and come back across the property line onto Lot 22 - it is not a direct access into Lot 22 building site - it is right into the Prehm Ranch, into their intersection and for Lot 8 and their other.
Commissioner Stowe - couldn't you just pull right off this and you're into Lot 22?
Chairman Martin - at that point this road isn't necessary.
Commissioner Stowe - well, I know that, but can't you - what if they mean to park their camper or something?
Mark Bean - what it amounts to - the fence is down.
Chairman Martin - no, I disagree. What it amounts to - and the driveway has been cut for Lot 22 off of the Prehm Ranch off of the road that's on Prehm Ranch road - and I think that's what you're overlooking.
Commissioner Stowe - I don't overlook a thing...
Chairman Martin - okay.
Commissioner Stowe - I fully realize what I feel their intent is, what I'm trying to decide is whether there's a legal argument - until they move those boulders, their legal argument basically is - they're just doing

landscaping and there's nothing you can say to prove that's different - if they were just doing landscaping, why did they put boulders there - they put boulders there to stop access - as soon as we go in and say they're trying to build a road, they're going to say, no we're not, if we were we wouldn't have those boulders there - then we've had our day in court and then we come back six (6) months later with the second day in court and we're subject to get thrown out on our ears. So I think Don's point of sending a letter to the owner of Lot 22 indicating that they have a right to a driveway access for the building on that lot, but they - in order to get a granted easement through that, we'll require a re-platting of Westbank Subdivision which is a matter for the Board of Commissioners ultimately to decide. And a letter to that effect pretty well puts us in good standing, I think -
Mark Bean - and arguably you could point out in the letter the
fact that the Board recently just revoked or rescinded the public right of way identified on the original plat.
Commissioner Stowe - correct.
Don DeFord - that's exactly where we're going with this Walt. So ..
Commissioner Stowe - I don't necessarily disagree with you John, I just - I know these legal loophole battles too many years.
Chairman Martin - yeah - again I think we're afraid to get our feet wet on this particular issue and say no for the third (3rd) time and mean it - we have said no twice and they go around us - at this point I think no is a no and they stop what they're doing and that's my position.
Commissioner McCown - I don't think we can legally stop them doing what they're doing as long as they don't touch that intersection on Oak Lane. I think they can do whatever they want to - whatever they have agreed to do with the Cantrell property - that's a separate agreement between the two of them and as long as they don't encroach on Oak Lane with a driveway access, they can do whatever they want to on that lot - they can level her whole lot if they want to.
Mark Bean - under our regulations we do not require any kind of cut-fill grade permitting - that's correct.
Commissioner McCown - any excavation can take place on that lot without a permit.
Mark Bean - and the Homeowners apparently had some other requirements of their architectural control but that's something that we do not have jurisdiction over.
Chairman Martin - they need to address that.
Commissioner McCown - that's some of the recourse they have as well.
Commissioner Stowe - and really there's nothing, since I used to be a resident out there, I don't believe there's anything in Westbank Homeowners covenants about cut and fill - you can dig and cut and take all the trees out and stuff out you want - there are some things subject for review such things as the building design, color, fence, that's it.
Commissioner McCown - pretty normal HOA stuff.
Commissioner Stowe - so at this point to me they're not in violation until they start using that road to transgress - to drive into Prehm Ranch.
Commissioner McCown - I'm sure the neighbors are going to keep a close eye on the first vehicle that - when those rocks are moved and they go down that roadway to the Prehm Ranch, we're going to know about it.
Chairman Martin - well, I think we're burying our heads in the sand.
Commissioner McCown - and then at that time that's when we make our move.
Don DeFord - if you want to follow the course of action that
Walt's been discussing that I introduced to you - I would like a motion authorizing the Chair to sign a letter to the owner of Lot 22 - the Cantrells as copied to Marlin, Inc. informing them that without issuance of a driveway permit and compliance with the County Subdivision Regulations, they are not authorized to construct a shared driveway although they are entitled to access Lot 22 with the issuance of a proper permit and keep in mind, they have not sought any kind of a permit to this point.
Commissioner Stowe - and they are already in violation since they have not - we might even mention that in their letter.
Don DeFord - they're not in violation yet, even for that, because they still haven't accessed the road.
Commissioner McCown - they came off of the Prehm Ranch so they're not in violation yet.
Chairman Martin - no, they're using the Prehm Ranch road.

Motion

Commissioner Stowe - I make a motion that the Attorney direct such a letter and the Chair be authorized to sign it and delay our earlier perhaps premature decision to jump into litigation at this point, until such matters warrant that litigation.
Commissioner McCown - second.
Don DeFord - before you vote on that and Walt brought up a question I'd like to ask before the Board - before instituting litigation, is it your anticipation that the County Attorney's Office would come back to you for additional authority?
Commissioner McCown - I would given the fact we're meeting next Monday I don't anticipate that changing prior to that.
Don DeFord - that's fine.
Chairman Martin - all right.
Mark Bean - excuse me, I guess I maybe would suggest that you want to still authorize the attorney to basically say that upon activities indicating and indications of activities, the attorney's are authorized to immediately file the appropriate injunctive action.
Chairman Martin - well I think otherwise we're just again.
Mark Bean - I agree with what John is saying in the sense that the intent appears to be very obvious that they intend to do this, so we're sending a letter saying we recognize that what your intent is but at this point, we're recognizing that you may not be in violation and until you actually and when you actually and if you actually do it, our attorney's are to proceed forward with the appropriate action immediately.
Commissioner McCown - I guess the reason I said that, I heard the County Attorney say earlier, given the current work load with the Courthouse Plaza and all that, it would probably be Monday before any action was filed anyway. So....
Commissioner Stowe - I want to revisit this Monday.
Commissioner McCown - I don't at all mind him having the authority to act, but having the authority and not being able to
Chairman Martin - I think the he needs to be able to do that if
it's necessary, if he needs to use it in his letter, etc. I think that we are either behind the County Attorney or we just bury our heads and go away and tuck our tail between our legs and let them do what they want.
Commissioner Stowe - hold on - if they move rocks on September 18, we're not back in session for two weeks.
Chairman Martin - I know.
Commissioner Stowe - I'd be satisfied with giving the authority to the County Attorney to proceed immediately upon indications that this has become a roadway into the Prehm property.
Commissioner McCown - I agree.
Chairman Martin - so we have an amendment to motion, and to amend the second to go along with.
Commissioner McCown - actually I think he was given that direction earlier today.
Commissioner Stowe - so we're just behind you.
Don DeFord - well, I wondered after what Walt said I wanted to clarify that so ...
Chairman Martin - for clarification yes you have the authority to do that and now the motion is to send the letter that has been worded by Mr. Stowe, all those in favor.
McCown - aye
Stowe - aye
Martin - aye
Don DeFord - thank you.

Continued - Courthouse Plaza - Architect - Professional Liability
Don DeFord said that Roy Stanek presented the insurance coverage and asked him to discuss it with the Board - this is something that needs to be place this afternoon - his insurance as Architect - as professional liability insurance that the County is requiring in our agreement with him for errors and omissions - it's like that but it's different. Don said the Board would remember discussing this because it was originally proposed at $1 million and we discussed whether that was sufficient or not - and the Board suggested that it should be higher than given the value of the building. The list Roy gave Don indicates prices between $9,000 and $85,000 depending upon what the Board selects - it's anticipation that this in addition to the $30,000 - to obtain $5 million dollars of insurance with a $25,000 deductible will cost $85,000 and $2 million is at $40,000. Since it's a $30,000 contract he's not anticipating paying for that. The $9,000 gives you $1 million of insurance with a $25,000 deductible.

Ed Green said if you look at the project from a cash flow basis would $1 million do it?
Discussion was held.
Don said obviously if there are no design flaws, sure. It's a function of the magnitude of a mistake and you don't know that until it happens, obviously to cover the full cost of the building which is a total design failure is $85,000. Don added that it wasn't his anticipation that the Board would be paying any of these because it was encompassed in the original agreement.
Chairman Martin said this was Mr. Stanek's bill.
Don - the builders risk was always in the contract as their responsibility.
Commissioner Stowe felt the $1 million in insurance would cover it.
Ed agreed that normally you would do a structural inspection
Don asked if it was the consensus of the Board to go with the $9,000 figure and tell Roy Stanek that this is part of his contract with us?
Commissioner McCown asked if that was a single source outlet for that insurance for the errors and omissions?
Don DeFord said no, he has two prices - one from Ramco and one from Lexington - Lexington is far higher at $25,000 for the same amount, same deductible, same reporting period. So if the $1 million is adequate, he will tell Roy that's what it will be, keep in mind too that he's insuring not just the $30,000 under this services contract but also the design itself which really is being purchased separately through that assignment as part of the $199,000 soft costs. If that's adequate, he will tell him that - if the Board wants to do it higher, he will tell him that.
Commissioner McCown clarified in his contract as the architect that the Board signed, weren't there guarantees on behalf of the architect or is he totally resolved of any responsibilities in the design and structure.
Don - no, we specifically included that in his contract, so that's why it was important to get insurance to support it since your contract is with Stanek LLC. The insurance will be your only source of recovery for design failure.
Commissioner McCown - so he bears no responsibility and we're buying the insurance?
Don - not at this point, it's going to be based on what he's hearing from the Board, he's going to have to include that in the $30,000 contract cost but that's what he raised with Walt, the $30,000 is in addition to the roughly $185,000 that's included in the soft costs for purchasing the design, so it's not his only source of funds.

Rural Resort Summit Meeting

Commissioner Stowe said he intended to attend - the cost is $75.00.
The Board agreed it would be covered.

Executive Session - Letter from Treasurer - Internal Personnel Issue

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session.
Don explained that the Commissioners, Ed Green and Mildred Alsdorf should remain with him for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session and resume in a regular session. Motion carried.

Westbank - Oak Lane - Road Connecting to Prehm Ranch

Don said just handed to me from Trish indicates that Tom Russell is out of site at Westbank and they are connecting the Road as we speak.
Mark Bean, Jim Leuthueser were present.
Don said his understanding is that based on the public session that we had, we probably need to forthwith sent a letter but my office is still authorized to act.
The Board agreed that Don was authorized to act and nothing has changed on that.
Don will need to speak to Jim and see if they can get something going.
Commissioner Stowe clarified that the Board will also to proceed with the letter that we indicated and we will also be proceeding with the restraining order.

Adjourn

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

Attest: Chairman of the Board

SEPTEMBER 10, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 10, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Joe Hass - County Fair

Joe said he was born and raised in Garfield County and has attended the Fair since he was a small boy when it was the Apple Pie Day and then the County Fair. He wanted to inform the Commissioners that this was the most disastrous fair he's every attended in his life in Garfield County. He was on the Fair Board for practically 20 years - he was a 4H member, 4H leader, a contestant in the Rodeo, put on Rodeos and this was the worst - there was no entertainment, compared to what other counties put on - went to Eagle County - theirs was way above us - Grand Junction was the same way - he did a magazine and read about the various County Fair - it was a joke - our Arena for the 4H Horse Show and the Junior Rodeo was a joke - it was a dust bowl - there's no reason why it should be that way. We've got some of the best facilities in the State and why not use them - that's his opinion. With the County at one time in the Race Association, put a lot of money into the Race Track to make it legal - they dug it up for a Mud Hole - that boy said, I can't get it back in shape for a year. We had no entertainment whatever - I did go cheaper for what I wanted to see, than I could have bought a ticket for $25.00. It was a disaster - we used to have a big show - a good show - some years it paid, some years it didn't but the County always came in and cut the slack and went on with us. I've been here through a lot of county Commissioners in my time - I've never lived anywhere except Garfield County - I'm 87 years old - I rode my first calf in the Rifle Rodeo when I was 15 for money. I think the facilities that we've got in our County we can put on just as big a show and better than Eagle County or Grand Junction or any of them - and have a good show like we used to have - it was a disaster.

Colin Laird - Healthy Mountain Communities - Affordable Housing Issues
Colin presented the Commissioners the proposal under Local Governments to build under the Affordable Housing Issues in the Roaring Fork Valley for Model Ordinances - some municipalities do not have these. This is to add to the regional effort. It could be an extension of Garfield County Housing Authority or a separate entity. He requested to be on the Agenda September 21.
Colin said he will be meeting with the Mayors in Rifle next Tuesday.
Chairman Martin stated this was a good step forward - it's something we want to continue funding is always an issue, but I think we need to look at that - Randy Russell from the Planning Office has been working with you folks. He added that he would like to see support on this movement to help our citizens out there.

COUNTY MANAGER UPDATE: ED GREEN

- ***School and Park site Funds for Re-2 School District***
  Ed reported on funds for RE-2 - in June we provided RE-2 notification that we had $3,066 in School and Parkside funds that we were holding for them - they subsequently responded that the funds should be transferred to them - Jean has an update.
  Jean Richardson, Deputy Treasurer and Public Trustee - stated that it was more than this - there was another $600 in there, but they are also requesting that as we get the money - we send it on to them

Ed requested the Board to authorize us to transfer those funds - the question is - do you want to transfer future funds as they become available?

Jean said they give them their tax money every month so it makes no difference.

Mark Bean added that the concern is whether or not we can transfer without specific projects because this money has to be dedicated specifically to capital improvement projects - he suggested that Don DeFord provide input to make sure we can do the automatic transfer. The statute requires that it be for specific projects or capital improvement projects.

Mark said they are collecting $200 per dwelling unit or subdivisions and for exemption lots in the RE-2 area.

Jean added that the Treasurer keeps one percent (1%).

Commissioner McCown - they are in the process of doing some capital projects.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to transfer the $3966 to them and then let the County Attorney review if we can do an automatic transfer as these money come in or if they have to be listed for a specific projects. Commissioner Stowe seconded but had a question - he was unsure of what the exact amount of money was to be transferred.

Jean said the $3966 should be after the Treasurer's one percent (1%).

Commissioner Stowe clarified that it should be $3960 versus $3966.

Commissioner McCown told Jean to just include the exact dollar amount and he would amend my motion to allow her to do that. Commissioner Stowe amended his second.

Motion carried.

- ***Courthouse Plaza Occupancy***

Mildred Alsdorf - Clerk and Recorder, Georgia Chamberlain - Treasurer, and Liza Gunderfelder - Deputy Assessor were present.

Ed mentioned the new location does not meet the needs of the Elected Officials and therefore Administration is planning to occupy the space.

Mildred Alsdorf said she did not have a problem with where she is located, but she needs new carpet, paint, and some remodeling if she stays in the same location.

Ed confirmed that Rob Hykys will be moving and Mildred can have his space.

Discussion continued regarding the Court’s space and future locations of the elected offices.

Commissioner McCown inquired as to how long it would be before the Courts take over this entire building and at that point, will the elected officials become fragmented in outlying offices that we would have to acquire for them.

Ed said presently there is a study to determine the level of usage of the courts but I think we are going to take a hard look at this and assess what the schedule of improvements should be for this facility based upon that usage. For a decade at least this facility will be more than adequate for the courts.

Commissioner McCown - but in 10 years we could be looking at the new building is full, everybody is in place and the court needs another floor - and there's only one left after we give them the 3rd floor. We are either going to displace people that are currently in that building or find satellite locations - we know there's nothing else available around this facility.

Ed agreed this was a possibility and/or change our approach in terms of the courts or change some of the court locations. We talked about the possibility of eventually putting in an administration/courts facility down valley.

Chairman Martin said there was some talk about legislative procedures on how the courts are provided facilities, etc. that in front of them this year. Also, the District Attorney has an issue of discussion and facilities as well as funding and how we go about it - so there are some possible changes statewide - we're not the only one having trouble with the courts on facilities because of their demands.

Ed said he had discussions with Judge Ossola and with Jim Bradford, the Court Administrator and they seem very receptive to doing this study and doing a graduated and thoughtful expansion of this facility.

Liza Gunderfelder said they would like to have Rob in their office and being a head of that department fingering down to the mappers that are in place in the Assessor's Office - this means we have to make some changes as it is presently - reevaluate the way we're using space.

Mark Bean definitely supports the need for a mapping room and additional discussion was held.

Ed said they will explore this fully Wednesday with Herman Miller to see what the spacing is and what makes sense.- he also mentioned the office across from the Assessor where the accounting department is located would become available.

The discussion was held with respect to Rob being able to do a lot of this work from his home.

Chairman Martin asked for input from Georgia regarding the elected officials being located together or in the new facility, etc.

Georgia Chamberlain thinks the Treasurer, Assessor and Clerk & Recorder need to be located together on the same floor in order to effective and she would love to have windows in her office, but at the new facility it was never demonstrated that she would be on the same floor with the Clerk or the Assessor since she is the one that collects the money for the County but the configuration of her office - there could be changes in her office now that would make better use of the space - the hallway between the Clerk's and the Assessor's office is wasted space in her opinion - and the hallway that goes down the east side of the building is very large and we could use that to go from office to office if need be.

Chairman Martin was supportive of Georgia having some type of wall covering with scenic material to compensate for the lack of windows. He thought for a few hundred dollars this could be accomplished - possibly even a change of scenes. They are still working on it.

Georgia said that Shirley Boulton has been working in Rifle and as people see that they are there, the public will be used more often.

Dale, Jesse and Ed were directed to work together on these space issues. The offices that would be moving to the new Courthouse Plaza would include everyone that reports to the Board, as well as the Commissioners, and Social Services.

Mildred inquired if she needs extra space that she talk to Dale?

Chairman Martin said they will have that in the inventory - we need to make a consensus that we take of the administrative staff and the people under the County Commissioners in the new facility.

Mildred asked a list of what offices would be moved to the new facility.

Ed said it would be everybody that reports to the County Commissioners that are in this building; and the Commissioners and the meeting room - all Social Services as well.

- ***2001 Garfield County Fair - Profit and Loss Statement***

Dale Hancock submitted the 2001 Garfield County Fair Profit and Loss Statement showing the total income at $39,844.00 with a profit of $9,600 - this is 100% higher that the last several years. The Fair Board meets Tuesday to do a review and evaluation of the Fair this year.

Ed said they had changed some of the events - no concert this year - it had to be on a weekday and it couldn't survive. A motor event was held instead - these bring in money.

Dale said the shorter event schedule also made it more successful. He attended and thought it went very well in comparison with Joe Hass's view.

- ***Annual Papers for Year 2002 - Budget Request - Colorado Office of Emergency Management***

Guy Meyer submitted the Annual Program Paper that begins October 1, 2001 required by the State related to Emergency Management Program - included in the information is a budget request that goes to the federal government - very similar to the budget as last year - this is about $22,000 and all indications are that Congress is going to reduce the budgets but the amount in unknown - we currently receive about $15,500 from the State as reimbursement and he suspects it will be somewhat less that that. He requested that the Board be authorized to sign the certification form for the program.

Motion

Commissioner Stowe made a motion that the Chair be authorized to sign the Colorado Office of Emergency Management Annual Program Paper to continue the funding as described by Guy Meyers. Commissioner McCown seconded; motion carried.

- ***Balloon Festival***

Ken Maenpa reported that the 2nd Annual Balloon Festival in connection with an Airport Open House to be will be held on Saturday and Sunday - they anticipate approximately 10 balloons to launch both on Saturday and Sunday - The Open House will be held on Saturday. This event starts with a pancake breakfast sponsored by the New Castle Lions Club and a barbecue in the afternoon. There will also be vendors, small aircraft will be flying in and music will be provided. Posters will be posted in the Courthouse as well as other locations. One or two balloons will take passengers for rides. This is sponsored event to benefit Affordable Housing but it is not connected to the County Affordable

Housing - these proceeds will go to a real estate fund to be available for those who are in need to put a down payment on a house.

DHL - Office Space

Ken reported of the offer by DHL out of Akron, Ohio - they currently rent a 300 sq. ft. space at $555 per month - they would like to continue leasing but would like a 2-year lease with an option for a 3rd year. Ken agreed with the possibility of a 2-year but no extension. It would commence on November 1, 2001.

Discussion was held and Commissioner McCown said he would prefer to keep it at a one year's lease - Ken agreed this would be better for the Airport - there are big plans and the space may be needed for expansion.

Ken will discuss this with Carolyn Dalghren present the outcome of this discussion to them regarding a year to year lease and get back to the Board

- ***Road and Bridge - Kinder/Morgan - Gas Line CR 102***

Tom Russell presented a letter request from Jim Krohe of Kinder/Morgan to run a gas line on CR 102 in Missouri Heights. The portion of the project is along CR 102 and in the roads located within the King's Row Subdivision. The pipeline in CR 102 will be a 4" PE line and the lines within King's Row are to be 2" PE. Tom said they have obtained the necessary permit from Eagle County for the rest of the project. Garfield County's portion of CR 102 will be the link with most of it in Eagle County.

The contractor that we have for the project is Temple Petty Construction. The expected start for the project in Garfield County is September 24, 2001 and an end date of November 15, 2001, weather permitting.

The Commissioners did not have problem, they do require the pipeline be placed in the right of way.

Don suggested they verify their legal right to cross ditches - something they misunderstand and think our right of way takes precedence over ditch crossings - this is not always the case.

Tom said he would get further information and get back to the Board.

- ***Update - Road and Bridge Cattle Creek - New Courthouse Plaza - Riding Arena Drainage Project***

Ed apprised the Board that this week we will probably receive a design for the Cattle Creek Facility and will begin reviewing that and passing final judgment on it - the Herman Miller review for the new Courthouse Plaza and also begin the final stages of the Riding Arena Drainage Project this week as well.

Chairman Martin inquired if Ed was able to get with Mr. Russell on the potential of another steel building available for Road and Bridge.

Ed said he has not - he will talk to Tom about it this week.

COUNTY ATTORNEY UPDATE: DON DEFORD

EXECUTIVE SESSION - ***Discussion of Intergovernmental Agreement of Rifle Waterline Extension - DOE; IGA's City of Glenwood Springs, Litigation Issues: Garcia v. Ossola and Intermountain Resources***

Don said this can be the subject of an Executive Session as it involves direction to your staff concerning the terms and conditions of that agreement.

Also, an executive session to discussion direction to the staff on the IGA's pending with the City of Glenwood Springs - appointment of individuals to the Garfield Finance Authority and two active cases in litigation - Garcia, et. al v. Ossola et. al and the Intermountain Resources case.

Motion

Commissioner McCown moved to go into Executive Session to discuss the items aforementioned by the County Attorney. Commissioner Stowe seconded.

Don clarified the items on litigation are clearly attorney-client; the items for discussion of appointment is personnel and the discussion of the IGA - is attorney client involving the staff - Jesse Smith, Ed Green and potentially Mark - this session will need to be split in terms of recording - litigation matters first and at the conclusions of those, then the Clerk to the Board keep the necessary record under the current statute.

Motion carried.

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

Action - Motion

Commissioner McCown stated the County Attorney needs to waive service on Garcia v. Ossola and go ahead and accept it and proceed as directed. Commissioner Stowe seconded; motion carried.

Courthouse Plaza - Schematic of First Floor
Ed presented the layout of the first floor and asked the Board to review a potential change.
CONSENT AGENDA

i. Approve Bills
ii. Sign the Subdivision Improvements Agreement and Final Plat for the Sunlight View II Subdivision
iii. Sign the Subdivision Improvements Agreement and Final Plat for the Powerline Subdivision

Commissioner McCown said that given information received from the Planning Director, Item "c" needed to be withdrawn from the consent agenda for lack of a financial agreement.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - b and that the Chair be authorized to sign the Midland Point Amended Plat a-2 and a-3 to be specific. There was a breakdown of communication between the applicant and the attorney. Motion carried.

COMMISSIONER REPORT

Commissioner McCown - City/County Meeting - Tuesday, September 11, 7:00 A.M.; County Rural Resort - 9:00 A.M.; Picnic - Thursday, 11 A.M. till 1:00 P.M.; Open House/Balloon Fest - Airport - Saturday and Sunday.
Commissioner Stowe - Next week - Thursday and Friday - Rural Resort Summit Meeting - Snowmass Village.
Chairman Martin - Wednesday, Noon - CMC - Greg Rippy; CCI - Denver on Friday, Public Lands; 9/13/01 - Thursday - Emergency Preparedness - Statewide - 8:30 P.M. Hotel Colorado. Community Corrections Thursday Noon - 9-13-01.
Greg Rippy explained the meeting on Wednesday at CMC of the Colorado Reapportionment Committee - the Plan for the Western Slope is the one adopted by the Commission and they also thought it appropriate to reunite Garfield County to add the Precincts back out of Carbondale, 1, 2, and 3 and add back into the 57th District. There is an amendment that has been floating around that has not been introduced to the Commission and as such is not on the Web site - the Fletcher 12 Amendment would split Garfield County between Silt and Rifle and add the eastern half of Garfield County to 61st District which would put us in with Lake, all of Pitkin, all of Gunnision and clear down to Hinsdale County. The Commission did a good job not splitting Garfield County and urged participation at the meeting. One of the driving reasons of the amended plan is that it reunites Eagle County - currently under the Plan, Eagle County is split three ways into the 56th, 61st, and 57th Districts. The split looks bad on the map, it really speaks to community of interest - what would happen, the proposed plan that we have out there right now, the part of Eagle County to come under the 57th District would be El Jebel, Blue Lake, and those parts of the County in the Roaring Fork Valley that are really part of Garfield County community; the parts that would go to the 61st District include the Ski Area of Vail into the Ski Area of Summit County - there are a lot of mountain ridges that divide our counties more than lines on a map. It is Garfield County's best interest to keep it whole.
Greg added that under Fletcher Amendment the magic number is 66,200 - It takes 29,000 people out of Garfield County and puts Glenwood Springs into the 61st District - Garfield County is 45% of that 61st District - then you have a strong population based in the 61st which is currently disbursed. Besides the obvious reason of why Garfield County's split is not desirable, it puts a burden on the Clerk and Recorder to try and deal with the new split as proposed by Fletcher. The message from Garfield County should be, thank you, you did your job, resist Amendments, you drew a better map than we had before.
Commissioner McCown inquired if this was put in the form of a Resolution, would it be of benefit to the Reapportionment Committee.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a Resolution of support of the proposed House Reapportionment Committee keeping Garfield County whole including Rio Blanco and Moffat Counties in the 57th. Motion carried.

REGULAR AGENDA

TREASURER'S SEMI ANNUAL REPORT

Georgia Chamberlain presented the Treasurer's Semi Annual Report December 31, 2000 through June 30, 2001 and explained the collections were in line with the same time frame as last year. The sale is scheduled for Thursday, October 15, 2001 and the mobile homes taxes that are not paid as well as the personal property will be published the end of this month and then mid-October they will start publishing for three weeks, the delinquent real estate.

The County owned property in Aspen Crystal Estates - TeKeKi is scheduled to be placed in the sale this October; Mildred has published according to the information given her by Don DeFord; Georgia will be the person in charge of the sale instead of having an auctioneer. It is all lots and blocks and will be sold to the highest bidder.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner to approve the Treasurer's Report as presented and direction for the Treasurer to publish said statement; carried.

Trustee's Report for the first 6-months of 2001 - we are in line with the same as last year. In September fees went up, foreclosure sale before September 1 was $100 now it will be $150 and the releases were $10.00 and now they will be $15.00. The fee increases are statewide.

ADOPTION OF INVESTMENT POLICY

Garfield County, Colorado - Investment Policy

1. Georgia Chamberlain and Jesse Smith were present. Georgia explained that the Treasurer's duties include receiving and paying moneys belong to the County as well as investing the County's funds in accordance with applicable Colorado State Statutes, CRS Title 30, Article 10, Part y, "Treasurer" and CRS Section 30-10-102, "All Money Delivered to Treasurer." Georgia highlighted the proposed Investment Policy, (I) Introduction and Scope saying it addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal and investment management of the County's funds. This policy shall apply to the investment management of all funds which are designated as investment funds with eligible public depositories, and any other funds not specified in agreements which may become available. This proposed investment policy replaces any previous investment policy or investment procedures of the County.

Georgia reviewed the proposed Investment Policy highlighting the sections addressing: (II) Investment Objectives - safety of funds, interest rate risk, Liquidity of Funds, Yield; (III) Delegation of Authority; (IV) Prudence; (V) Ethics and Conflicts of Interest; (VI) Eligible Investments and Transactions; (VII) Investment Diversification; (VIII) Investment Maturity and Liquidity. (IX) Competitive Transactions; (X) Selection of Broker/Dealers and Financial Institutions Acting as Broker/Dealers; (XI) Selection of Banks and Savings and Loans as Depositories and Providers of General Banking Services; (XII) Safekeeping and Custody; (XIII) Performance Benchmarks; (XIV) Reporting; and (XV) Policy Revisions. Under the policy revisions, Georgia stated the Investment Policy shall be reviewed each calendar year and may be amended as conditions warrant. Annexes to this policy may be updated by the Treasurer as necessary, provide the changes in no way affect the substance or intent of this investment policy.

This was reviewed by Don DeFord, Jesse Smith, two representatives from the Firm, Ernie Gerboz and Georgia Chamberlain in a couple of meetings.

Motion

Commissioner Stowe made a motion and Commissioner McCown seconded to approve the Investment Policy subject to the review and approval of County Attorney Don DeFord and the Chair be authorized to sign. Motion carried.

WILDFIRE MUTUAL AID AGREEMENT

Carbondale, Rifle and Glenwood were represented; Guy Meyer, Sheriff Dalessandri and Jim Sears.

The purpose of the Wildfire Mutual Aid Agreement is to cover the gaps and holes in the existing Fire Districts. This is an attempt to find a solution.
Tom said this has been discussed the last several years - a number of discussions around the State regarding the Sheriff's Department and the Fire Districts. There are increasing concerns with the various fire districts with increased population and demands.
Guy Meyer said he spoke to the other Fire Districts not present - Burning Mountain and Dave from Grand Valley.
Mike Piper - Glenwood Springs - the Porcupine Creek south of the Rifle Fire District - they met with the Sheriff's department after the fire in the Spring. A lot of these areas have a vast amount of concerns. The taxpayers didn't understand why the fire was burning - $130,000 to put out. The terrain requires air support as well as ground crews. Neighbors of the fire districts were able to deal with it. There was no way the Rifle Fire District could handle it. In the past, handshake agreements had been made. The concern is that in the past they have handled the situation with a handshake - there are no mutual aid agreements and each Fire District is having trouble covering their own territory, if they go outside of the boundaries and something were to happen within the district this would be a major problem and concern with the taxpayers.
Chairman Martin suggested to have a legal description of the various fire districts, then putting this into a central map that we all share - and to go ahead and put together a review of all of the mill levies and revenues that are coming in and making sure the districts are being taken care of well enough, then the review process which Mike from Glenwood Springs has done to send back to the Commissioners saying this is the impact and this is what we need to have in place for fire protection for these subdivisions and developments coming in line. Also, look at improvement on communications. If it needs to be in reports so the Sheriff knows how to handle certain things and the fire districts know the responsibilities and if there is an emergency and a request other than just a telephone call, then we have something backing us up to protect the districts and the personnel from liability. Therefore, he favored formalizing it and asked everyone to do that.
Sheriff Dalessandri requested the motive behind the "mutual aid agreement" - liability, financial, back-up on the part of the fire district in terms of supporting the Board. It is important to say that the Sheriff and the fire districts have never had a substantial problem. His department does communicate, and works jointly with the fire districts all year and have for years and his concern is not to have the opinion that anyone's at issue with another. When there is a problem, they work it out and move on. In discussions with each of the Commissioners over the last year, the burden is in increasing upon each of the Commissioners within their districts and the pressures are on also about conflicts about fighting fires outside of districts and their professional obligation and ethics versus your Board's ethics about increasingly stepping outside the district, particularly the conversations he's had with Ron - from the Sheriff's standpoint, he said they have always enjoyed a good working relationship and there has never been a problem There are Statutes that regulate that the Sheriff request a district chief assistance to fight a fire recognizing that the Sheriff doesn't have the capabilities to do that himself - both inside and outside the district - there are statutes that regulate a district's responsibility to fight a fire as well as the Sheriff's responsibility - so he didn't feel they were as far apart. If the Commissioners feel that they need something more specific that the annual operating plan to support your district, then the Commissioners need to talk to the fire chiefs, but again from his standpoint, the annual operating plan covers their needs.
Discussion continued with issues such as EMS - responsibility to the district and the cities - to take manpower out to fight a fire outside the boundaries for a wildfire is not feasible - different than in the past when they had a full volunteer staff; now they have paid firefighters - liability issues regarding mutual aid agreement when the Sheriff calls them out that has some documentation with workman's comprehensive to do these wild land fires - but what do we do with these things. The Porcupine fire was on private property - they are not assessed any mill levy to pay for the fire district - called upon Carbondale, Glenwood, as well as the Western Districts to fight the fire - like to get a formal agreement to understand how they are going to approach the issues in advance of an event happening.
Guy Meyer said the Statute provides for the Fire Districts to put out fires - Counties were not included and need to be in order for fire districts to be reimbursed for the costs incurred.
Commissioner McCown - the county was the ultimate responsible party in the Porcupine Fire - we as a County do not want to go into the Fire fighting Business. What they are hoping initially is to come to some unilateral agreement within the districts and County. If this one was within the District they would have

been the responsible party and could have re-cooped the cost of the fire. Districts have more flexibility - when a fire gets to the level where the need to fight the fire is evident - this is the issue.
Tom Dalessandri stated that for fires on Federal lands - Sheriff no responsibility - mitigation, letting it burn, even though it borders personal property - if it threatens their property - they are cooperative. The areas of real concern are those properties outside the boundaries that are private property. The State assists with financial help and there are no problems. If it's about contracting with the Fire Districts to fight the fire, then so be it. Everybody deserves fair compensation and agrees with this. Under Annual Operating Plan - they are responsible for their own personnel property - these are the concerns - the bottom line here is to put the cards on the table - if it's about contracting with the County to provide service outside the district, so be it - several sheriff's around the state and particularly a couple on the western slope take a defiant step in opposition to that - they're relying heavily on the Statutes that say, if a fire happens, where we can request assistance - everybody deserves fair compensation for the opposition outside the district and the Commissioners have obligations to their district people that financially and from a manpower position support that - the Sheriff has to rely on those people who know how to fight fires - Don needs to clarify how much teeth there is in the annual operating plan - with the exception of monetary compensation - clearly states who is responsibility for what when they respond to a fire - under the liability section of that it talks about each agency being responsibility for their own personnel be it they respond.
Commissioner McCown - How do we address the private property parcels outside the Fire Districts? Some legislation is needed - Garfield County is not the only County facing this issue - the source of revenue is the problem. Private property in-holdings within a Fire District. The resource and capability and a mechanism to get reimbursed. The landowner can be billed. This needs to be addressed for all districts.
Mike Morgan felt he was not sure they had an obligation to come to assist with a fire when the Sheriff did call them - what is the obligation - what to they owe the Sheriff - an engine and 2 guys - 5 guys and a truck - what is it? What is their liability of saying, Tom, I can't help you out, I've got EMS calls to run and fires to fight here - what happens if I don't send you anything, or say no, I don't.
Commissioner McCown - mutual agreements between districts is needed.
Mike Morgan - this is not defined as far as I know he'll send me what he can and I send him what I can but there's no obligation. Another thing being referred to is auto aid - these are signed contracts that says this district in this certain area will come with this amount of manpower. Mutual aid - we help each other.
Sheriff Deputy Jim Sears - one of the benefits of that annual operating plan that benefits the fire protection districts is that annual operating plan with the County from the Forest Service, BLM, EFF and if there's a fire in their district that turns into EFF then the County becomes that annual operating plan and the money come through and they get reimbursed.
Commissioner McCown focused on the private property outside these fire districts - there is BLM, Forest Service, everything else is covered - it's how do we address some sizable private property parcels - no problem suggesting legislation to address this if that's what needs to happen.
Commissioner Stowe - our biggest thing is a mechanism whereby we can get reimbursed so the County doesn't supply a $100,000 bill either and therefore the potential of encompassing the entire county into a fire district in one form or another.
Chairman Martin summarized that there needs to be something in place before next fire season and something we can agree upon that the fire districts can work with the Sheriff and a means of reimbursement back to the county just in case there is a huge fire - as well as expanding the responsibilities of review on subdivisions, PUD's - some kind of clout that the fire districts have to say - this is in an area that is dangerous - it needs this kind of protection - the Commissioners need to look at this as well as the planning tools and include the Sheriff in on that - an area not in a fire district - what is the Sheriff able to do, how can he respond, what are the agreements that will back him up other than the State Statute.
Ron Leach provided input into the Spring Valley 30 square miles of development - none of this is in a fire district and no one will get a fire response - this needs to be the focus when developments come before the Board.
Suggested remedies were to prioritize and incorporate education regarding the lack of fire protection into the building process - some landowners are never informed of the lack of fire service and they need to understand they are at their own risk.
Commissioner McCown felt they should be informed prior to purchasing property.
Chairman Martin - we need legislation to get this included before the land is sold.
The Next Step is to schedule a meeting while this is fresh, identify a list of priorities, determine some options, overall revamp the Emergency Wildfire Mutual Aid Agreement and come back as a group -

restructure the Public Safety Plan - look at dollars by Mill Levies increased - work with Guy Meyer, Sheriff's Department, Commissioners attend and provide direction or assistance.
BUILDING & PLANNING ISSUES: PUBLIC HEARINGS:

REQUEST FOR REVIEW OF A PRELIMINARY PLAN FOR NATIVE SPRINGS SUBDIVISION.
LOCATION: ON CR 221 AND CR 210, LESS THAN TWO MILES EAST OF THE CITY OF RIFLE.
APPLICANT: JIM AND PAUL LUGINBUHL

Kit Lyon, Jim Leuthueser, Jim and Paul Luginbuhl, and Ron Liston - Land Design Partnership were present.
Jim reviewed the public noticing requirements and documents with the applicant. He determined they were timely and in order - the Commissioners were entitled to proceed.
Chairman Martin swore in the speakers.
Kit entered the following Exhibits into the record: Exhibit A - Certified Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Subdivision Regulations; Exhibit D - Garfield County Zoning Regulations of 1978 as amended ; Exhibit E - Garfield County Comprehensive Plan; Exhibit F - Application Materials; Exhibit G - Planning Reports with attachments; Exhibit H - Staff Memorandum dated - ; Exhibit I - Letter from the Rifle Fire Protection.
Chairman Martin entered Exhibits A - N into the record.
Kit Lyon - This is a request for review of a Preliminary Plan for an eleven (11) lot subdivision on sixty-six (66) acre parcel that lies less than two miles east of the City of Rifle Along County Roads 210 and 221. The suggested density according to the Comprehensive Plan of 2000 is one dwelling unit per two acres. She continued to review the staff report. A letter was received from the State Engineer's Office after she had completed the staff report which essentially reversed the 'no material injury' finding unless a legal source of water was acquired to fill the fire protection water storage tanks and to water the proposed three heads of livestock. The Planning Commission moved to recommend approval with some amendments to the staff conditions.
Recommendation:
The Planning and Zoning Commission recommend Approval of the Native Springs Subdivision Preliminary Plan application to the Board of County Commissioners, with the changes to the staff recommendations:

1. That all representations made before the PC and Board by the applicant in the application and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning Commission.
   "Change Planning Commission" to Board of County Commissioners."

Access/Roads

2. The recommendations of the Road & Bridge Department (including moving the fence and obtaining an access permit), shall be followed. A copy of an approved access permit shall be submitted prior to approval of any final plat. The historic agricultural access along the eastern boundary of the property shall be abandoned, removed, and restored.
3. All roads and addresses shall be clearly marked so that they are visible from the road. The covenants shall also state this.
4. The covenants shall be amended to clearly state that the HOA may assess moneys for road maintenance, and the HOA shall conduct said maintenance. The following correction shall be made to plat note #4: 'That all street maintenance and associated expenses shall be furnished by the Native Springs Subdivision Property Owners Association, Inc. not by the County of Garfield."

Revegetation/Wetlands

5. Prior to approval of the preliminary plan by the Board of County Commissioners, the section of covenants that addresses revegetation shall be amended so that a particular party, such as the Homeowners' Association shall be amended to state: "The individual lot owners shall be responsible for control of noxious weeds on their property. The Native Springs Subdivision Property Owners Association, Inc., shall be responsible for control of noxious weeds on all common areas." "*Change preliminary plan" to "final plat". Add - noxious weeds on their property vs. on all common areas." The Native Springs Subdivision Property Owners Association, Inc., shall be responsible for control of noxious weeds on all common areas."*

6. The location of all wetlands shall be surveyed and shown on the plat and construction plans as necessary. A note shall be included which prohibits disturbance of the wetlands, and protections shall be put in place to prevent disturbance during construction.

Drainage

7. Prior to approval by the Board of County Commissioners, the drainage plan shall be amended to include provisions for ditch blockage and to specifically address flood potential on the alluvial fans. All of resource engineering concerns -
8. Prior to building, each lot owner shall obtain a professionally prepared (by a licensed engineer in the State of Colorado) grading and drainage plan which ensures positive drainage away from built structures, and to provide protection to the ditch - 3300

Geotechnical

9. All recommendations made by Hepworth-Pawlak shall be followed. Site specific studies shall be conducted for individual lot development, and a plat note, and in the covenants: "Site specific studies for individual lot development shall be conducted by a registered professional engineer within the State of Colorado. These studies shall include drainage and grading plans, Individual Sewage Treatment Systems design, foundation design, and under-drain system design. The cost of these studies shall be borne by the individual property owner."

Fire/Emergency Access

10. Prior to approval by the Board of County Commissioners, written approval of the proposed project shall be obtained from the Fire District. If the Fire District has additional recommendations or suggested changes, they shall be followed.
11. All recommendations made by the Division of Wildlife shall be followed.
12. No more than a total of 3 cattle and/or horses shall be kept on each lot. The covenants shall clearly state this.
13. All applicable fees shall be paid prior to approval of the final plat.
14. The covenants/plat notes shall be amended as follows:

    a) Plat note #13 states ownership of the mineral rights lies with the Greens. This note, and the covenants, should be expanded to disclose the future possibility of mineral exploration and recovery on the property. This disclosure must also be provided at the time of closing.

    b) The covenants should clearly state that no more than 500 square feet of lawn or garden shall be watered with the domestic well water. All additional landscape irrigation must be achieved from legal sources.

Water

15. Prior to approval of the final plat by the Board of County Commissioners, the applicant must provide a letter from the State Engineer's Office of "no material injury" in light of the questions raised in the staff report, and shall provide proof of adequate irrigation water rights to support the proposal.
16. Wells will be prohibited. A central water system shall be provided which meets the subdivision regulations (specifically section 9.50 and 4.91B). The design of said system shall be submitted for review at least 2 weeks prior to the public hearing before the Board of County Commissioners, OR, Each and every well shall be drilled, pump tested, and water quality tested (for nitrates, nitrites, bacteria, phase II and V inorganic, radiation, and dissolved solids). No final plat shall be approved until the results meet the subdivision requirements and satisfaction of the Board of County Commissioners.

Strike the first three sentences and the word "or", and add a statement that reads, "Wells shall be properly designed and constructed so as not to draw from shallow groundwater". The revised condition should read, "wells shall be properly designed and constructed so as not to draw from shallow groundwater. Each and every well shall be drilled, pump tested, and water quality tested (for nitrates, nitrites, bacteria, phase II and V inorganic, radiation, and dissolved solids). No final plat shall be approved until the results meet the subdivision requirements and satisfaction of the Board of County Commissioners."

17. The covenants shall be amended to clearly state that property adjacent to the subdivision is zoned commercially. The adjacent commercial zoning shall be disclosed to potential lot purchasers at the time of closing, who should be fully prepared to accept any impacts the commercial zoning may present.
18. Conventional ISDS shall be prohibited. ISTS - Individual Sewage Treatment Systems) shall be used. The Covenants shall be amended accordingly. Similar provisions shall be made regarding maintenance of the ISTS as in other approvals of ISTS in the

County.

1.

Applicant response:

Ron Liston discussed the fire suppression system regarding condition 14b - and Tom Zancanella mentioned sprinkler systems and water storage systems.

Commissioner McCown is interested in fire hydrants and spacing requirements.

Tom Zancanella said about 500'. There's no line coming out of the 30,000 gallon storage tank. The fire department will arrive with their tankers and would have the ability to refill with the 30,000 gallon tanks that are in the cul-de-sac and that's their standard rural fire situation for a small development. And the fire suppression is an additional thing they have offered because they are so effective and get a much better fire rating because they can control the fire.

The applicant cleared the concern of the Board.

Motions

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

A motion was made by Commissioner McCown and seconded by Commissioner to approve the Preliminary Plan for the Native Springs Subdivision with the conditions as recommended by staff 1-18 with corrections to the ones noted previously also to 16 added that no well is to be drilled to a depth shallower that seventy-foot (70') and ISTS systems will be used and the normal boiler plate of all usual statements made by staff.

Commissioner Stowe seconded the motion.

Discussion

Chairman Martin inquired of Kit as to reference of the Housing Authority, the ADU's are they rent restricted, deed restricted, or any kind of affordable housing issues.

Kit said this was not part of the proposal and the comments back from the Housing Authority Affordable Housing saying they recognize the accessory dwelling units will help with the housing shortage found in Garfield County.

Ron Liston asked for clarification on the number of ISTS - The Board clarified that was mentioned in Condition No. 18.

Paul Luginbuhl asked if the seventy-foot (70') minimum well depth were to push you into the bed rock, and asked if it could be greater than forty-foot (40').

Commissioner McCown - test holes were drilled - that whole thing is on a slope and felt the gravel and rock would be at the same grade. He added he didn't feel that comfortable with a forty-foot (40') well.

Chairman Martin stated public testimony was being taken after the public hearing was closed and if there was to be a change in the motion then the Board can consider that.

Commissioner McCown said he wanted to leave the well depth at seventy-feet (70').

Vote on the Motion

Martin - nay

Stowe - aye

McCown - aye.

Motion carried.

REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING UNIT IN THE A/R/RD ZONE DISTRICT. LOCATION: 4280 CR 331 SOUTH OF SILT NEAR THE CHIPPERFIELD ESTATES. APPLICANT: DEBRA KAY ENGLEHARDT

Kit Lyon, Don DeFord, Debbie Englehardt and Michael Englehardt were present.

Don reviewed the public noticing requirements and the Post published this on August 28, 2001. The authority to act without that notice being timely published, if the Commissioners did proceed and someone challenged it, then it would not be legal. The notices to property owners were timely and adequately. Don determined that public noticing was only 14 days.

Commissioner McCown stated the date the applicant submits the legal to the paper does not always mean that it will be published timely, therefore he felt comfortable proceeding. Commissioner Stowe agreed.

Chairman Martin swore in the speakers.

Kit entered the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution as amended; Exhibit D - Staff Report and Project Information; Exhibit E - Staff Report with Attachments ; Exhibit F - Application and Materials.
Chairman Martin entered Exhibits A - E into the record.
This is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district located south of Silt near the Chipperfield Estates Subdivision on a parcel of approximately 5 acres. The applicant proposes to place a 1,383 square foot second dwelling unit on the eastern portion of the property for aging relatives. Kit continued to review the staff information and project information highlighting sections addressing the Comprehensive Plan, Major Issues and Concerns, Suggested Findings and Recommendation.
Recommendation:
Staff recommends Approval, with the following conditions:

1. 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;
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, (including but not limited to the live stream setback) and shall meet all building code requirements; That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;
3. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet; That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased;
4. That it is the applicant's responsibility to comply with any applicable covenants of Homeowners' Association rules; The special use permit will not be issued until proof of written approval of the accessory dwelling unit by the Homeowners Association, or proof that no covenants area applicable, be submitted to the Planning Department;
5. That, prior to issuance of the special use permit, that the following information be provided:
   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 two (2) dwelling units;
   5) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
   5) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
6. That this approval shall be valid until 9/10/02. If the applicant fails to meet these conditions by 9/10/02, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

1. Debra Englehardt said she has the pump test and the water quality testing and submitted Exhibits F & G for the record.

Chairman Martin admitted Exhibits F & G into the record.
*Motion*s
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a special use permit for Debra Kay Englehardt with the recommendations of staff 1-6; motion carried.
CONTINUED PUBLIC HEARING FOR THE MAYFLY BEND RANCH (MBR) PRELIMINARY PLAN. LOCATION: 1.5 MILES EAST OF THE TOWN OF CARBONDALE. APPLICANT: GEORGE AND FARLEY KILBY.

Kit Lyon, Don DeFord, and representative for George and Farley Kilby and Attorney Jim Larson were present.

Kit provided an update saying since the meeting on July 9, 2001, the applicant has submitted materials in an attempt to meet many of these conditions, and has met with staff to discuss the

conditions in detail. The applicant has also submitted his own set of suggested conditions. As a result of the new materials submitted, and direction from the Board of County Commissioners at the last meeting to work with the applicant towards resolving the suggested conditions of approval, staff makes the following recommendation.

Kit explained that Exhibits A - L have been previously admitted into the record.

Exhibit M - is a staff memo dated September 9 and Exhibit N - the new supporting materials submitted after the last date of the hearing.

Chairman Martin entered Exhibits M - N into the record.

Kit - the Planning commission did recommend denial, however Attorney Jim Larson did opt to go forward and has submitted additional materials and staff is now comfortable with the 14 listed conditions listed in the staff report.

Recommendation:

1. All representations of the applicant made in the application and at the hearings before the Planning Commission and the Board of County Commissioners shall be considered conditions of approval, unless approved otherwise by the Board.
2. The recommendations of Hepworth-Pawlak Geotechnical shall be followed. Site specific studies shall be conducted for individual lot development, foundation design, and any scour mitigation that is warranted. The need for site-specific studies shall be disclosed in the covenants and on the final plat in the form of a plat note.
3. Without exception, all proposed roads shall be built to Garfield County Subdivision standards.
4. Prior to final plat approval, the applicant shall submit documentation in the form of easements and dedicated public roads, consistent with the Garfield County Subdivision Regulations and acceptable to the County Attorney, that MBR has provided appropriate, required, public access from County Road 100 and appropriate, required, emergency access serving MBR.
5. All wetland/riparian areas shall be surveyed and mapped to enable protection and a fifty (50') foot setback, consistent with the DOW's recommendations. Prior to final plat approval, the applicant shall provide evidence that all building envelopes are consistent with the recommendations of Beach Environmental and DOW. The developer shall ensure wetland/riparian areas are protected from disturbance or destruction during construction, and shall include an appropriate note on the plat and construction drawings.
6. The Subdivision Improvements Agreement (SIA) shall include a revegetation provision for the areas disturbed by the subdivision improvements, and a security guarantee that the revegetation has been successful.
7. Accessory dwelling units are not approved as part of this subdivision review.
8. The recommendations of the Carbondale and Rural Fire Protection District shall be followed.
9. The recommendations of the Colorado Division of Water Resources shall be followed. Prior to approval of the final plat, each and every well shall be drilled, pump tested, and water quality tested (for nitrates, nitrites, bacteria, dissolved solids, and standard state drinking water tests). No final plat shall be approved until the results meet the subdivision requirements and satisfaction of the Board of County Commissioners.
10. Individual Sewage Disposal Systems (ISDS) shall be engineered by a registered professional engineer within the State of Colorado and be maintained adequately. In the event Individual Sewage Treatments Systems (ISTS) are proposed, they must be proposed prior to final plat. For ISTS the HOA covenants shall level of detail concerning maintenance as past County approvals of ISTS (such as the adjacent Roaring Fork Preserve subdivision which required limiting the ISTS to no more than tow (2) types, and using a Class "C" operator, amongst other details.)
11. The restricted deed for the Open Space parcel shall be included in the final plat submittal with the SIA.
12. The Articles of Incorporation of the Mayfly Bend Ranch HOA shall be filed with the Secretary of State before the final signing of the final plat by the Board of County Commissioners.
13. All utilities shall be buried.
14. All applicable impact fees shall be paid prior to final plat approval.

Applicant:

Attorney Jim Larson has reviewed the staff report memo from Kit to the Board and with the discussion today he referenced Condition No. 5 - Wetland Riparian Area and would like to get a slight modification

regarding the building lot for lot 3 is eighty-feet (80') away from the Riparian and thirty-feet (30') from the wetlands - the applicant has submitted protection of wildlife and covenants attaches the 11 DOW conditions to the exhibit. The wetland setbacks of 30' were approved by the Commissioners for the Roaring Fork Preserve a few weeks ago and those proposed for Mayfly Bend are very similar to those in that they have a minimum of at least 30' set back from wetlands and think the standards should be very similar to what was approved for Roaring Fork Preserve and in a meeting with Kit Lyon last month, indication were that she probably would have no problem in recommending a setback from wetlands of a minimum of 30' which is what they are proposing; therefore he would like to suggest some slight changes to language to Condition No. 5 "*strike the reference to Riparian and say what we can define on the maps here so that it says, all wetland areas shall be surveyed, as they have been done, and mapped as has been done, to enable protection and a minimum 30' setback." "Strike any reference to DOW in the first sentence since we've dealt with that as well as strike any reference to DOW in the second sentence on Number 5."*
Commissioner McCown - inquired that other than the protective covenants, if the Board strikes the DOW on those, where are those referred to anywhere else in the conditions of approval? The County can't enforce covenants - you are taking DOW completely out of the picture if you strike them from that sentence.
Jim Larson commented if there is a way to work this out, we can, but DOW seems to combine the phrase Wetlands/Riparian areas and that's what they are trying to get some clarification on.
Since there is clear delineation of what Wetlands is on the plat, he said their recommendations have been incorporated into the documents being submitted. There was a Riparian Corridor that Matt Thrope was concerned with and that's what they have tried to address here.
Kit - said she did not agree that a lesser setback was appropriate, rather she stated during the meeting was that it was an issue that the Board of County Commissioners would decide.
Matt Thrope - Colorado Division Of Wildlife (DOW) - in this case it is a situation where the Wetlands and Riparian are together. Mr. Kilby and he did go out and ran a tape from the wildlife perspective the best thing this parcel has to offer to wildlife is the Riparian Corridor and the Wetlands along side the ditch - plants and he made the recommendation that if we are going to continue to encourage wildlife to use this property, we need to try and scoot those building back as far away as possible and try and maximize that buffer. His concern is that the closer the house is to this wetlands and Riparian area then it could have some impacts on utilization by wildlife - if there's a lot of activity such as a deck where people are constantly out there looking into the Riparian, it could impact how wildlife use the area.
George Kilby pointed out on the submitted plan where the wetlands, Riparian area, irrigation ditch and the road lay.
Matt added that strictly from a wildlife area, he would like the building site moved back as far as possible and justified his recommendation of 50 - 100 feet setbacks.
Jim Larson asked to have Condition No. 9 - addressed - water quality testing particularly to dissolved solids and requested an open-ended matter staying with the state requirements for safe drinking water.
Chairman Martin requested dissolved solids be tested since 1997 due to the hardness of water - some water is not useful, not drinkable for animals and deadly on some plants.
Kit clarified that this was probably misstated here and basically she intended to get the standard tests that are normally required - the nitrates, nitrites, bacteria, dissolved solids and Phase II inorganic.
Jim Larson - said with those changes he agreed with the Conditions.
*Commissioner Discussion and Motion*s
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Preliminary Plan for the Mayfly Bend Subdivision with the conditions of staff leaving No. 5 as was written and in Condition 9 correcting the standards safe drinking water test - striking that and adding in a Phase II in Condition 9 inorganic to be included and all other recommendations to stay the same.
Commissioner Stowe - second.
Motion carried.

PUBLIC MEETINGS:

REQUEST TO AMEND THE PLAT FOR ASPEN GLEN, FILING NUMBER 1, LOT A-7 OF THE PENINSULA NEIGHBORHOOD. LOCATION 0404 RIVERS BEND. APPLICANT: LESLIE AND JERRY BEINSTEIN

Don DeFord, Mark Bean and Keith Howell were present.
This is a request to amend the Plat for Aspen Glen, Filing Number 1, Lot A-7 of the Peninsula neighborhood. The lot size of this parcel is approximately 1.126 acres in size, which designates this property as a 3/4 acre site per the Aspen Glen Covenants. The minimum setback per Aspen Glen Covenants from the property line to the building envelope is thirty-five feet (35').
The owners have received approval for this amendment from the Aspen Glen Homeowners Association, Design Review Board, based on the information they were presented. Based on these representations, the County staff finds no reason to deny this request and therefore asks the Board approve this proposal.

Commissioner Stowe made a motion and Commissioner McCown seconded to approve the request to amend the plat for Aspen Glen, Filing Number 1, Lot A-7 for Leslie and Jerry Beinstein. Motion carried.

REQUEST FOR AN AMENDMENT TO THE FINAL PLAT OF ANTLERS ORCHARD DEVELOPMENT PLAT NO. 1, TRACTS 29 AND 36, PORTIONS OF TRACTS 28, 30 AND 37. APPLICANT: TOM AND CECILIA LAFRENZ

Jim Leuthueser, Tom and Cecilia LaFrenz, John Taufer and Mark Bean were present.
Notice was required and Jim Leuthueser reviewed the submittals and posting with John Taufer.
Mark explained this request consists of amending the lot boundaries of the five (5) platted Antlers Orchard Development Plat No. 1 that are owned by the LaFrenz's. The purpose of this proposal is to provide a better overall lot configuration that is more suitable to the existing topography, thus offering more suitable building sites. The new tract sizes will be 6.806, 6.818, 6.731, 6.428, and 7.957 acres more or less in size.
Recommendation:
Staff recommends Approval, with the following conditions of approval:

1. That all representation of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. An Amended Plat of the Antlers Orchard Development for Tracts 29 and 36 and portions of Tracts 228, 30 and 37 shall be submitted, indicating the legal description of the parcels, dimension and area of the lots, access to a public right of way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. A plat note should be included that requires lot owners to obtain engineered foundation and septic system.

1.

John Taufer explained the amendments saying these were originally platted in 1906 and due to some topographic changes, the amended lots make for better use.
Commissioner McCown asked about the transfer of irrigation water to these smaller parcels. The Project Water is reluctant to turn in like if one lot owner would get presumably 8 shares of water, they will not turn in that 8 shares.
Cecilia LaFrenz - we just sold our house on the ones the Board did a couple of months ago and closed on it Friday - and they transferred 5 acre feet of water to the new owner - first they told her that was too much and she couldn't do it, but then was told she was correct and they can transfer 2.78 acre feet of water per for every irrigated acre on the property. The lady had called the Bureau and received their approval.
Commissioner McCown - said it was not so much the transference, but when you call and tell them to turn in your 5 shares of water, they will laugh at you because they have no conveyance water to give that to you.
Tom LaFrenz said they are actually on their own head gate, so there is no other parcels coming off - we are head gate number one on the east lateral of that division so they meter the waters that come in and have actually ordered 5 shares.
John Taufer said there is a actual existing underground irrigation system on this particular property that serves the lower lot with distribution and delivery.
Commissioner McCown - in the Antlers Orchard Subdivision much further west of you that have been conveyed water landowners have been conveyed water rights and couldn’t collect.

Tom LaFrenz said they did own some property there and did have some problems, but truly feels their system is different than that being right on the ditch.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for an amendment to the final plat of Antlers Orchard Development Plat No. 1, Tracts 29, & 35, portions of tracts 28, 30, & 37 as displayed with recommendations of staff. Motion carried.
REQUEST TO REVIEW AN AMENDMENT TO THE PLAT OF COOPERTON TOWNSITE, BLOCK 12. LOCATION: LOTS 1, 2, 3, 4, 5, AND b, BLOCK 12 OF THE COOPERTON TOWNSITE. APPLICANT: CHARLES MOORE

Jim Leuthueser, Mark Bean, and Charles Moore were present.
Jim reviewed the noticing requirement of certified property owners adjacent to the property and the posting of notice. He determined this was timely and in order and advised the Board they were entitled to proceed.
Mark Bean - This is a request for an amendment the old Plat of Cooperton Townsite AKA Sutank, Block 12. This portion of Block 12 is currently platted as five (5) individual lots. The request is to amend the plat for lot number 1-5 and lot B to be redrawn as one (1) parcel. The new parcel will be approximately 0.50 acre in size more or less. The purpose is to allow him a good building envelope - the erasing of lots is to meet the applicants needs.
Recommendation
Staff recommends Approval, with the following conditions of approval:
1. 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.
2. An amended plat, Cooperton Townsite, Block Number 12 shall be submitted, indicating the legal description of the parcel, dimension and area of the lot, access to a public fight-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

Applicant Input:
Charles Moore suggested it would be great if the Building Department could have some discretion in moving lot lines but he realizes this is not possible.
Chairman Martin commented this was for checks and balancing purposes.
Charles said this was at one time known as Yellow Dog as well as Cooperton and Sutank.
Motion
Commissioner Stowe made a motion to approve the lot line changes as proposed on the plat. Commissioner McCown seconded. Motion carried.

Recess
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until 7:00 AM, Tuesday; carried.

Next Meeting
October 29, 2001 - Spring Valley Preliminary Plan

Attest: Chairman of the Board

_____ _____

SEPTEMBER 17, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 17, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE: ED GREEN

- ***Smart Growth/Affordable Housing Proposal***

Colin Laird was present to inform the Commissioners about the Smart Growth/Affordable Housing Proposal. Colin mentioned that Aspen and Carbondale had canceled their respective Commissioner and Town Meetings due to the events of September 11, Terrorist Attack on America, therefore he could not submit a complete report at this time.

This proposal is called a Regional Housing Proposal as that is the way it is in the law. The next steps will be discussed this week. This is not meant to interfere with the Garfield County Housing Authority. They are hoping to get a question on the ballot this November 2001 - it is a way of focusing on timelines, etc. realizing that each entity will have the final say as to whether or not this is on the ballot. Today the purpose of his appearance before the Board was to gauge the Commissioners' feelings.

Discussion was held and Commissioner McCown asked why do we need another Affordable Housing Authority. He sees this as an overlap - authority, scrambling for funds and Garfield County does not operate the present Affordable Housing Authority and they could probably operate better if they had more funds.

Colin responded that no ones wants a duplication of services. This is not to create another entity.

Mark said it's a way to expand the current entity. What is the best way to make this work.

Chairman Martin - cities need some support in this endeavor.

Colin said the rough budget includes a 25% local match - a contribution of $3,000 from the County will be requested.

Mark Bean mentioned that he has $4,000 in the budget - other things in Healthy Mountain Communities - Planning Staff supports this.

Colin - this commitment on the part of the Commissioners is dependent upon getting this approved - if the County doesn't support it, they will need to look for additional resources.

Therefore, Colin needs a financial commitment from the various entities before he submits the proposal.

Motion

Letter of Support and Commitment for Budget 2002

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to draft a letter of support and in-kind and no more than $3000 financial commitment to Healthy Mountain Communities. Motion carried.

- ***County Road 102 - - Kinder-Morgan***

Tom Russell and Mike Morgan with Kinder-Morgan were present.

Tom submitted this to the Board last week for review - he reiterated that the approval of the request requires Commissioner Approval - the Commissioners has requested right of way drawings and additional information in order to make an informed decision.

Tom completed the research on CR 102 and reported that this is a proposal to put a 4” gas line on the north side of CR 102. The Kings Row Subdivision shows a 15’ utility easement - Kinder-Morgan asked to join in the same ditch as Quest for a 15’ pipeline.

Tom hasn’t been out to do a physical inspection - Quest has a line along CR 102 - just off the side of the road. Kinder-Morgan would dig to a 2’ depth to place their pipeline. Allowing this along with Quest would mean no winding on the road on the north side.

The Commissioners voiced concern over any future expansion plans on the County Road 102.

Tom assured the Board that there is a provision in the permit - also scheduling - details that can work out with Mike.

Motion

McCown and Stowe

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Agreement for placement of a 4 inch gas line on the north side of the right of way on County Road 102 as presented and discussed by Tom Russell for Kinder-Morgan.

Don mentioned some suggested conditions would be to have a provision in the permit that usually is disclaiming any title to the property on behalf of the County - we will not warrant that the County has title to the road for your benefit and also an indemnification for any claim for damages including any claims by Quest.

Commissioner McCown - I would include that in my motion.

Commissioner Stowe - included also in his second. Motion carried.

- ***Walsh Report on Glenwood Springs Road and Bridge Facility***

Ed submitted the Phase I Environmental Site Assessment on the Glenwood Springs Road and Bridge location at 1015 School Street in Glenwood. The report indicates that the site consists of an irregularly shaped 3.46 acre parcel with maintenance shops and modular offices. The assessment was performed to provide information regarding the environmental condition of the Site prior to a proposed sale of the property. Walsh submitted the conclusion for this Phase I Environmental Site Assessment based on information by available public records, discussion with selected personnel and governmental agencies, and site conditions determined by a visual inspection that no activities on the Site or on surrounding properties have occurred that may have impacted the environmental quality of the Site except for possible contamination originating from the previous underground storage tanks that are listed on the closed list compiled by the Oil Inspection Section of RCRA/Hazardous Waste Notifiers. Based on the findings of this environmental site assessment, Walsh recommends performing additional environmental investigations of the Site, and preparation of a spill prevention control and countermeasure plan for both the above ground storage tank and the waste oil tank. Walsh recommends changing the status of the three registered UST's at the Site from out-of-service to permanently closed. This will require submitting a closure report for the UST's. If the former closure report cannot be located, Walsh recommends sampling soil beneath the former UST's and preparing a closure for the

Site. Samples would be collected by excavating at and immediately down gradient of the former UST location (current AST location). Soil would be analyzed to determine if petroleum hydrocarbon contamination exists, and subsurface soil sampling is also recommended at the waste oil tank.

Ed stated that no costs were submitted and he asked permission from the Commissioners to proceed with Walsh, get an estimate and if it's not prohibitive to proceed. We absolutely have to have this before we can offer the property for sale.

Commissioner Stowe mentioned there were tanks on adjoining properties as well so if we start finding there is an underground problem, then we may have to do some additional drawing to verify it's us or them - just like Rifle.

Motion

Commissioner McCown made a motion to authorize the County Administrator to proceed with negotiations with Walsh to see what the closure reports and necessary sampling would cost to bring closure to this particular property.

Commissioner Stowe seconded.

Chairman Martin added that he would also explore the possibilities of past employees or whatever to see if that report was done - make inquiries of some of the older folks who were not interviewed - go a little bit deeper.

Motion carried.

Don interjected on the same property - do you have a timing from Walsh as to how long this will take.

Ed said there was no time indicated.

Don said he finally received the O&E and Title Commitment Thursday of last week and as soon as he reviews it he will forward it to the appraiser - do you want me to advise the appraiser to wait until this is completed, or do you want to complete it with it with a condition that this report hasn't been completed.

Ed preferred to do it with the conditions so that we can move forward.

- ***Project Agreement with Forest Service for Buford Road - Mag Chloride***

Ed submitted a Project Agreement with the Forest Service for maintenance of Buford Road.

Tom Russell described what needs to be done here saying this is the standard annual agreement with the Forest Service for applying Mag chloride on the lower section of Buford Road - it's an agreement we have to sign every year with them - it's for an amount of up to $1,000 - we have not put the Mag chloride on this year but they are hauling gravel to Buford this week and next week and then we'll be applying the Mag after this is completed. This is more or less a housekeeping item.

Discussion was held as to whether or not this application of Mag chloride could be delayed until Spring - have the Forest Service obligate the money to the County and then we would hold the funds until it was applied. This might be a good idea every year.

Tom will talk to the Forest Service - their budget runs from October to October.

Motion

Commissioner McCown made a motion authorizing all three Commissioners to sign the Agreement with the Forest Service for $1,000 for Mag chloride - hopefully it is applied next Spring.

Commissioner Stowe seconded. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***5th Amendment to Subdivision Improvement Agreement - Four Mile Ranch***

Don DeFord, David Rippy - DRT2 Construction and Joselyn Wood of Leavenworth & Karp were present.

Don submitted information on the Four Mile Ranch Project. Joselyn prepared this draft for the 5th Amendment.

Joselyn - 5th Amendment - the paving finally is completed. The road is also completed at the Intersection. This references 3 sheets of the as-built plans done by High Country that addresses changes that were done and were to be delivered to the County Engineer - Randy Withee. She attested to the fact that everything was done according to the County Engineer. There was a walk-through on Wednesday by Jeff Nelson, Tom Russell and members of the Construction team - they did a punch list and there were some items left to do - by Friday afternoon these things were complete and they were finishing paving Midland Avenue Intersection and they felt they were going to complete that Friday - all that was left was the striping but basically it is complete.

Don asked if this includes a Release of Funds except for the landscaping and how do you want to work this.

Joselyn submitted an Acknowledgment of Satisfaction to Don on Friday - Don did not receive it on his e-mail. Joselyn made the representation that they are what they are and if the Board would prefer to wait until Randy review the three sheets, that was okay with her.

Discussion

Don suggested on the 5th Amendment Release that Joselyn has explained of the covenant which we can't explain and the Release of Funds is that the Chair would be authorized to sign these documents upon Randy Withee reviewing and approving the final as-built drawings which would be the sheets he hasn't had a chance to see yet.

Motion

Don DeFord framed the motion -

5th Amendment - Release of Restrictive Covenants - Acknowledgment of Satisfaction of Subdivision Improvements that the Board acknowledges that it has been done and the only outstanding and remaining item the security of the Revegetation and Landscaping and a letter from Joe Hope stating that everything has been completed and done and that the collateral held by the County should

be reduced to an amount of $83,000 which will secure the revegetation and landscaping until such time as a year from now to determine this as successful.

Don asked Joselyn in terms of the revegetation does that secure the revegetation as to the road and the project, or the road only.

Joselyn said it does and in fact it's broken down in the engineer's certification - the off-site landscape and revegetation is $75,000; the on-site revegetation is $8,000.

Don - this seems consistent with what we've done in the past on landscaping and it doesn't appear that the landscaping within the Subdivision is complete, but assumes the $75,000 includes any funds necessary to complete.

Mark Bean added that this needed to be completed.

Don - the 5th Amendment that Joselyn has presented to you, the County will hold the landscaping for one year pursuant to that Agreement, if it is viable at the end of the year, then we release the remaining funds - if it's not we use those funds to replant whatever needs to be redone - both on and off-site due to some extensive earth moving that had to occur on this project.

So, with that, what we're looking for is a motion authorizing the Chair to sign the 5th Amendment to the Subdivision Improvements Agreement, the release of funds as explained by Joselyn and the Release of the Covenant on Sales subject to Randy Withee giving final approval to the as-built drawings and also completing the few punch list of the few items remaining on the project.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

Randy is to let the Board know when he has reviewed the drawings and the Board will release the funds, etc.

David Rippy - Grand River is to do this.

- ***Current Status - Department of Energy and City of Rifle - Drinking Water Constraint Zone (DWC)***

Discussion was held with respect to the public hearing and the time line necessary to have this complete. Don requested the Board set a special meeting for Monday, September 24, 2001.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set a Special Meeting for Monday, September 24, 2001 at to hear the request to add Section 3.14, Drinking Water Constraint Zone to the Garfield County Zoning Resolution of 1978m as amended and rezone an area from Agricultural/Industrial (A/I) to Drinking Water Constraint Zone (DWC).

Discussion

Ed will contact the other entities to be present.

EXECUTIVE SESSION - ***Attorney/Client Litigation -2 Issues Update - Personnel Issue Involving County Attorney Staff***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the items involving Attorney/Client litigation and personnel. Motion carried.

Don requested Mildred Alsdorf, Jesse Smith, the Board and himself for the session.

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

Direction to the County Attorney and Motion - Personnel Issues

A motion was made by Commissioner McCown to direct the County Attorney to go forward with attorney and offer his deputy the compensation discussed and make other necessary personnel changes in his office. Motion carried.

Motion - LaPlata Oil and Gas - Letter of Support

Commissioner Stowe made a motion that we draft a letter of support to LaPlata County absent to joining the suit but supporting their efforts and endeavors on oil and gas issues and authorizing the Chair to sign. Commissioner McCown seconded. Motion carried.

COMMISSIONER REPORT

Commissioner McCown - Communication Board - Wednesday; ACS - Silt Fire House - 9:30 Friday and Rural Resort 19th - 21st.

Commissioner Stowe - Rural Resort same as Larry - Sessions in Snowmass; Tuesday, Salvation Army is meeting with the Catholic Charities at the CMC Blake Center, Room 3G in Glenwood Springs at 9:00 A.M. to discuss the temporary housing building they are trying to put up.
Chairman Martin - Eastern Slope - CCI - Legislation - Subcommittee Reports: discovered there was a lot of legislation coming forward - subcommittees on Public Lands - first discussed was the back county designation for off-road vehicle coalition - pending - also requested to review it, input or make a stand by the next meeting which is in October; a move to make sure that CCI held firm with full Pilt payment and not the new designation and formula but to keep that in place; *CCI Wilderness Proposal* that went forward - it is being drafted at this time - no sponsor at this time; the vote for the CCI Public Lands and CCI on Wilderness for Garfield County and Eagle - Deep Creek was passed unanimously and in San Miguel County who was a sponsor by the Green Party by a positive step forward. There has been full support throughout the State from Allard's office all the way down to each community. A discussion on GoCo on the requirements they are no putting on every conservancy easement and that is they must have public access - a disagreement with that in the Public Lands Committee saying that it is a contract between individuals and GoCo and not necessarily support a public access easement - this is going to be heavily debated. Natural Resources on Land Uses - handout from the Governor's Office on the new Growth Package - these will be discussed at the Special Session of the Legislature; legislation coming up for antiquated and obsolete subdivisions - this is going to be tried once more; new one - a requirement for School Districts and Special Districts to follow the local land use rules and regulations - currently they do not and there has been conflict throughout the State and they are pushing real hard to require the schools and special district to go through the land use process. Ruling on the Attorney General on Oil and Gas Rules adopted on the 303A - Legislation on Impact Fees - coming back - new legislation being drafted to allow certain areas for impact fees - includes the standings now, laws in place and what is not allowed; a discussion on 1041 - to do away with the 1041 powers throughout the State - that will be fought vigorously to keep those powers in place with the Counties; a request and draft legislation on building regulations throughout the County so that we would be able to regulate builders and have requirements in place such as the test program like the municipalities and the Home builders Association are pushing for this as well - a possibility that it will go through this time - then we could proceed to upgrade our building requirements - currently Garfield County is using the 1994 Building Code - [licensing contractors] - also legislation attached to that is what regulations each public entity such as the cities/counties building complexes and going through each others jurisdictions - what are we required to do and won't be required to do - if the County wishes to build within a municipality, what building codes do they really have to follow and vice versa. Agricultural and Rural Affairs - the creation of a non-point source fund on water pollution - the reason that is coming forward is because of the impacts on the new law on the confined feeding - it deals with every confined operation including 4H animals if you have horses to chickens to any type of confined feeding near an irrigation facility - ditch, river, stream, spring, whatever will come under the new law - this is a very big item that will be discussed.
Additional, Wednesday - redistricting at CMC - Mildred and John attended - we're up against a real challenge - Garfield County could be divided in half in the Senatorial Districting and we would have everything from New Castle to the East in a different district that the west.
EMS Preparedness Group - a 2 day seminar in Glenwood Springs - Thursday and Friday - Martin had the opening address and attended part of the seminar. Jail House Rock is another issue that the Board needs to look at - we need to put together an invitation list for the opening of the jail - BOCC - October 26, 2001 - 5:00 P.M. And, a pat on the back to the Employee of the Month Committee recognizing their hard work on the picnic - it was a very good outing. Jail House Rock committee meeting on Thursday.

CONSENT AGENDA

a. Approve Bills
b. Sign the Final Plat and Subdivision Improvements Agreement of the Power line Subdivision
c. Sign Mylar for Amended Plat of the Kennedy Exemption
d. Sign an agreement for Recurring or As-needed Planning Services for Jeff Laurien

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda; motion carried.

Public Finance Authority - Request for Nominations

Don DeFord - Jesse received late last week a request from Peter Whitmore regarding financing issues on capital fund projects - there are several issues that need to come to the Board - the first is one discussed previously - the need for folks for the Public Financing Authority - Commissioner McCown did nominate Jay Rickstrew; but we still need two additional members.
Chairman Martin nominated Ken Krantz - recently retired from Wells Fargo; Commissioner Stowe nominated Dan Like.

Road and Bridge Maintenance Facility - Rifle
Jesse Smith indicated they did not have the design drawings - no cost figure - no schedule - will do Cattle Creek first, get that out of the way and then turn to this one.
Sam Phelps was in the process of surveying the breakout of the 2 acres for the Road and Bridge Facility out of the total acreage.
Jesse Smith committed to following up with Sam Phelps.

REGULAR AGENDA

PUBLIC HEARING: - COUNTY ASSESSOR - ABATEMENTS

Shannon Hurst stated they had an Assessment Audit and received a raving report - no recommendations were submitted.

Chairman Martin swore in the speakers.
Shannon Hurst, County Assessor presented the Commissioners with their 2001 Assessment Study - the results of the audit - during the reappraisal and received a raving report and they made no recommendations in the procedures currently used in the Assessor's Office.
Shannon presented the following Abatements.

- John D. Lindsay - Abatement

  Shannon stated this is in a Subdivision Block 1, Lot 11 - Commercial Property - West Glenwood Industrial Park - property overvalued due to overhead power line easement and building setbacks - abate taxes $1,222.98 and she recommended approval. This was re-appraised - they protested this year and so they went back to last year because the same conditions existed. They did not appear before the Board of Equalization - this was lowered in office.

  A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Abatement of $1,222.98 for John D. Lindsay; motion carried.
- Alan F. Wheeler - Abatement

  The State of Colorado Department of Natural Resources received this property in August of 1999 as tax exempt therefore there should have been no taxes owing. There was some problem with the Title and there was a lag time by the time they got this processed. Shannon recommended approval for the abatement for tax dollars in the amount of $186.32.

  Commissioner McCown inquired if this was a sale to D & R? Division of Wildlife or who bought it?

  Shannon - yes - Department of Natural Resources

  Commissioner McCown - we need to tract it because DOW does pay us in lieu - it will transfer from one role to the other - we need to make sure it is identified as to where it went.

  Shannon shows the Department of Natural Resources but agreed to research the deed to be sure it didn't state DOW on it.

  A motion was made by Commissioner Stowe to approve the Abatement for Alan F. Wheeler for $186.32; Commissioner McCown - second. Motion carried.

  9-17-01

Sean McCourt, Oil and Gas Appraiser presented the following Abatements.

- Tom Brown, Inc. - Abatements (4)

  Sean McCourt explained the conditions for these abatements requests on:

  1. Schedule 908506 - Rulison - Abatement for $73,016.00.
  2. Schedule 901800 - South Canyon/Carbonera/Dry Fork for $47,345.00.
  3. Schedule 903900 - Parachute/Rullison for $9,705.00.
  4. Schedule 901400 - Bulls Fork/Logan Wash for $12,522.00.

  These four abatements are for the 1998 - 1999 tax years - basically what happened is the oil and gas industry is getting sharper every year as to how they can cut back on their taxes. Certain companies

are out there that are willing to help them - in this case Yearnston/Young - they spoke to Tom Brown, Inc. and told them they weren't taking all the deductions you're allowed - why don't we file for abatements - Sean has been working with them this last winter dealing with spread sheets, identifying what their deductions are and his efforts were not successful from where they started - it's something that not only Garfield County is dealing with but some of the other Counties are having to deal with Tom Brown as well - the other Counties all met in Grand Junction and held a big meeting with the Yearnston/Young people with the Department of Taxation and this is the outcome.

Commissioner McCown requested for the benefit of the press for Sean to explain how the Net-Back works.

Sean - basically what Net-Back works for these oil and gas companies to deduct all their costs associated with gathering, processing and manufacturing - and in the past most have just having given us just a straight wellhead price and not taken these deductions - well when you start figuring out all the things involved in getting the gas from out of ground to the point of sale these deductions begin to add up to a very significant amount that they get to not be taxed on - it's probably almost upwards to 40% in some cases of the gross price - they take about 40% off of that amount and that's really what the County ends up taxing them on - if you look through the laws, they have a very strong lobby and getting all the breaks they can take advantage of - Net-Back has been in place probably for 6 - 7 years but the County didn't see it in this County until the year 2000 - 3 different companies did Net-Back in 2000 and one of those companies - Tom Brown has decided to go back and apply that for 1998 and 1999. They have two years to apply for abatements, so obviously some other oil companies have the opportunity to file before December 31, 2001 for 1999 and after that we're all good - everyone's pretty much Net-Backed for 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Net-Backs Case 908506 - $73,016.00; 901800 - $47,345.00; 903900 - $9,705.00; and 901400 - $12,522.00. Motion carried.

Communication Budget

Commissioner McCown suggested to move the presentation of the Communication Budget to the front of the list so Bob Kibler won't have to sit through the public hearing so he can get back to work

Bob Kibler, Communication Director presented the budget saying that according to the IGA his board is required to submit their proposed budget for 2002.

Chairman Martin accepted them into the record to be processed in the budget review hearings.

Bob summarized the content of the wage increases at 5%; Health Benefit increases; Utilities and Rent increased for Hazmat; the 911 telephone increase; US West is .605 cents on 911 calls; and the building equipment they have to repay the on the $395,000 line of credit.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the receipt for the submittal of the Garfield County Communication Budget for 2002; motion carried.

BUILDING & PLANNING: PUBLIC HEARINGS

REQUEST FOR REVIEW OF A FLOODPLAIN SPECIAL USE PERMIT REQUEST CONCERNING THE RIFLE SOUTH WASTEWATER TREATMENT FACILITY. LOCATION: SOUTH OF RIFLE. APPLICANT: CITY OF RIFLE

Don DeFord, Kit Lyon and Louis Meyer were present.

Don determined adequate and timely notifications and posting were in order with Louis Meyer and advised the Board they were entitled to continue.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits for the record: Exhibit A - Green and White Returned Receipts; Exhibit B - Notification of Published Notice; Exhibit C -Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Staff Report with Attachments; and Exhibit E - Application.

Chairman Martin entered Exhibits A - E into the record.

This is a request for review a floodplain special use permit concerning the Rifle South Wastewater Treatment Facility by the City of Rifle at their existing location which was expanded in 1997 from 100,000 gpd to 250,000 gpd. The City of Rifle recently obtained Garfield County's approval of another expansion to a capacity of 331,000 gpd - as a result of that review, it was discovered that the City never obtained the

necessary floodplain special use permit for the 1997 expansion to place the existing improvements in the flood plan. This application is a request for approval of existing and proposed improvements to be placed in the floodplain.
Kit continued to review the proposal including the zoning regulations and staff comments, finding and recommendation.
Recommendation:
Staff recommends the Board of County Commissioners approve the City of Rifle's floodplain special use permit application concerning existing and proposed improvements with the following conditions:

1. That all representations of the applicant, either within the application or stated at the public hearing before the Board of County Commissioners, shall be considered conditions of approval;
2. That the Garfield County Zoning Resolution of 1978 , as amended, and any other applicable state or federal laws concerning the 100 year floodplain, be complied with;
3. That all State and Local Health Standards be complied with;
4. That a flood elevation certificate, signed and stamped by a licensed (in the State of Colorado) engineer or surveyor, be submitted the Garfield County Planning Department within sixty (60) days of completion of the proposed construction activities.

Applicant Input:
Louis Meyer accepted all the conditions as presented by staff. No other comments.
Motions
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a floodplain special use permit for the expansion of the Rifle South Wastewater Treatment Facility for the City of Rifle with the four (4) recommendations made by staff; motion carried.

REQUEST FOR CONSIDERATION TO ADD SECTION 3.14, DRINKING WATER CONSTRAINT ZONE (DWC) TO THE GARFIELD COUNTY ZONING RESOLUTION AND CHANGING CERTAIN LANDS WEST OF RIFLE FROM AGRICULTURAL/INDUSTRIAL (A/I) TO THE DRINKING WATER CONSTRAINT ZONE. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Chairman John Martin - our next public hearing is a consideration of approving the addition of Section 3.14, Drinking Water Constraint Zoning otherwise known as DWC to the Garfield County Zoning Resolution and Changing Certain Lands West of Rifle from Agricultural/Industrial to the Drinking Water Constraint Zone. Applicant: Garfield County Board of County Commissioners.
Mark Bean and Don DeFord were present.
Mark Bean - Mr. Chairman, Mr. DeFord has been given the notices.
Don DeFord - that's correct, this is a noticed public hearing so I have some questions of Mark Bean. Mark Bean did you identify both the property owners subject to this change as well as the adjacent property owners through use of the Assessor's records.
Mark Bean - I identified all the property owners subject to the change.
Don DeFord - yes, within the District.
Mark Bean - that's correct.
Don DeFord - Based upon that, first of all, when did you check with the Assessor's Office?
Mark Bean - the week prior to mailing notice that's included there.
Don DeFord - all right and did you mail to every property owner as I just described?
Mark Bean - yes.
Don DeFord - have you given me proof of that through returned receipts and proof of mailing?
Mark Bean - yes.
Don DeFord - were all of these mailed on the same day?
Mark Bean - yes they were.
Don DeFord - all right. And did you include all public land owners?
Mark Bean - yes.
Don DeFord - all right. Mr. Chairman I believe notification is adequate, it was published on the 15th of August which is more than thirty-days prior to today's date and the mailed notifications while there's not an

exact date for mailings set forth, they all were mailed more than fifteen days prior to the date of today's hearing based upon the actual date of receipts on the returned receipt, therefore, I think notice is adequate both as to the Text Amendment and the Zone District amendment.
Chairman Martin - thank you Mr. DeFord - any challenges to the notification?
Commissioner Stowe - no.
Commissioner McCown - no.
Chairman Martin - hearing none we'll go ahead.
Chairman Martin - all right. For all those who wish to give testimony, please raise your right hand - do you promise to tell the truth, the whole
Audience member - may I ask what this is about, I'm late getting here - I did try to listen to all.
Chairman Martin - okay, this is a public hearing on Drinking Water Constraint Zone west of Rifle. For all those who wish to give testimony - promise to tell the truth, the whole truth and nothing but the truth?
Audience - I do.
Chairman Martin - thank you very much - exhibits Mr. Bean.
Mark Bean - Mr. Chairman I'd like to enter as Exhibit A the Proof of Notification; Exhibit B - Returned Receipts from the property owners affected; Exhibit C - would be the Application which is the proposed zone district text and identification of properties; Exhibit D - would be the Project Information and Staff Comments with attachments; Exhibit E - is the Garfield County Zoning Resolution of 1978 as amended; and Exhibit E - would be an e-mail that's included in the packet from Don Metzler, Department of Energy.
Chairman Martin - all right, we have Exhibits A - F. We'll go ahead with the staff report.
Mark Bean - Mr. Chairman for the benefit of anybody that's here that's interested in this - this basically is a proposed rezoning of property and creation of a zone district to deal with what the Department of Energy refers to as institutional controls - the intent of the regulation and the intent of the institutional controls is to basically try and make sure that people that use the ground water or are looking for domestic water in this affected area, do no drink it without it being properly treated - the concern being that there is a certain level of radioactivity that's not considered to be healthy for human consumption so as a result of that the Department of Energy has requested as a part of a cooperative agreement with both the City of Rifle and Garfield County to develop institutional controls and in return for that the Department of Energy will also be funding extensions of a water line out to the West Rifle Interchange and which will also make available water from the City's water supply system once they're out there to property owners north and south of that area and then there are properties that are west of the Rifle Interchange and in the interim between the time that the City actually puts the water line in that would be required by this regulation to use reverse osmosis systems - the cooperative agreement, just by way of explanation not necessarily a zoning issue, does include provisions for payment of the cost of the RO system for installation so that people that do not have to absorb that additional cost that they would normally not have to absorb should they be drilling their own well, but the RO Systems are considered to be efficient in terms of taking out any of the radio activity that would potentially be in the drinking water if somebody was using these wells. Also, by way of explanation, the proposed drinking water constraint zone basically is the same identical zoning that people have existing presently on their properties in terms of the uses they are allowed to have - special and conditional uses setbacks and everything else - the only difference basically in the language is in the third page of the staff report here and I'll read it for the record so that people that have concerns would be allowed to comment on this issue - it says that all of the uses listed as a use by right, conditional use or special use will be allowed provided any use that includes human consumption of ground water shall have an approved domestic water supply and a proven domestic water supply shall be either, an approved community water system as defined by the Colorado Department of Health and Environment Drinking Water Standards, or from a ground water source on the property that is treated by reverse osmosis water treatment system. Now, I would note for the record that the Department of Energy has asked and the Planning Commission in their recommendation has agreed to include some additional language that would require that the property treated by reverse osmosis treatments systems be maintained at a water quality in the equivalent to the standards promulgated in the Colorado Revised Statutes that establish drinking water standards - just for further explanation here, the word equivalent is used there is technically there are no standards for individual wells as far as drinking water goes - but DOE would like to have, since they will be responsible for making sure that the systems continue to function which I neglected to mention - they need to function for a hundred years - that they're functioning at a level that is consistent with the drinking water standards that a normal community drinking water supply would have to meet as far as that goes. So, the Planning Commission has reviewed the proposal here - I have as you know sent letters and notices to property

owners that would be affected by this zone - as I said, we're not changing the zoning per se in terms of the usage allowed there - all that is being done here is basically saying that if you're going to have domestic water or need domestic water for any use on your property that is not there already, you would be required to have either an RO system or hook into the City water supply system if it's available to your property at that time. The Planning Commission has reviewed this application and has recommended approval - they did also recommend that we add the language I noted from the Department of Energy and Mr. Metlzer's e-mail memo. I'd be glad to answer any questions you or the public has.
Chairman Martin - thank you Mr. Bean, any questions?
Commissioner McCown - yes. Mark, under the Colorado Safe Drinking Water standard is noted under that Statute, I believe if you check for community system, it does require a minimum of a class D operator to operate that system, if that wording stays in this agreement, each property owner to meet the criteria would have to hire or would have to be a class D operator under this same agreement, the water has to be tested quarterly for bacteria, annually for nitrates and nitrites, semiannually for microscopic particulate analysis - this testing would run approximately a thousand dollars a year - is the homeowner or the user of the well going to be responsible for all of those particular regulations that are being mandated or it is Department of Energy paying all that?
Mark Bean - my understanding is the Department of Energy will be responsible for making sure they are meeting the standards - in terms of - and the standards I refer to, and maybe we need to be more specific in the language, is literally the water quality standards, not the requirements for operation.
Commissioner McCown - but if we site the conditions, I think that are mentioned in that Colorado Revised Statute that pertained to the Colorado Safe Drinking Water Standards, and it applies to the community water system, which have fifteen houses or twenty-five people,
Mark Bean - correct
Commissioner McCown - the criteria that I mentioned does apply.
Mark Bean - I think all our intent was there, and I believe all the intent from DOE's requirement was that these be operated meeting the drinking water standards for, in this case, alpha and beta which is your radio active counts that would go into water as well as the other criteria that would relate to bacteria, dissolved solids, those types of things.
Commissioner McCown - and I know that they agreed to help with the disposal of the membranes and all that but I don't want these people on wells to get surprised and even thought they help, or they assure the maintenance of these standards, that responsibility may fall back on the particular well user.
Mark Bean - I guess I'd have to refer to Ed and Don on that and then ..
Don DeFord - I think to be safe to - what we advise people - we've have to tell them that you're right Larry that to the extend the system needs maintenance to comply with 23.8.202 the homeowner will have to bear that, unless there's some other agreement with DOE. I haven't heard them say that they're going to pay for ongoing maintenance other than assist and disposal.
Ed Green - No, I have not either. Monitoring and disposal
Don DeFord - yeah.
Commissioner McCown - well, the monitoring would be the landowner would have to take those tests that I mentioned annually and supply a copy of the results of those tests not only to the State but to DOE.
Ed Green - no, my understanding is that the DOE was actually going to do the monitoring.
Commissioner McCown - okay
Ed Green - of those systems, now they have their own time table as to how frequently they want to do that, but they assured us they would do the monitoring.
Commissioner McCown - I think as long as the verbiage includes maintains water quality to the equivalent standards promulgated in Colorado Revised Statute 25.8.202 it's going to have to meet the testing schedule from the Department of Health.
Don DeFord - that would be my reading on it too. That's what it says, whether that's what we intend is a different questions but the language itself would require they meet that statutory provision.
Ed Green - I agree, you're right.
Commissioner McCown - and the Colorado Department of Health will then come back and tell us on what regularity they want that testing done and what I quoted you is what I have to do as a private well user and I don't think it would be less than that - and it is about a thousand dollars a year in tests that will be born by the individual.
Ed Green - okay.
Chairman Martin - for the next hundred years.

Commissioner McCown - yeah or however long.
Don DeFord - and if that's what they're asking for, I mean, we have to make a decision whether we'll include that or not.
Mark Bean - that was the DOE request if that's something you don't feel is acceptable, certainly we're not obligated - at this point, we've only proposed the language that I noted initially that basically says they will have an RO system.
Ed Green - so your preference would be that we either strike the language or get DOE to agreed to fund the .. maintenance ...
Commissioner McCown -well, along with the cost of membranes these systems are very expensive and then when you throw another thousand dollars in testing on there, they become very cost prohibitive to use and again we're not sure to the extent of water the City of Rifle is going to provide if they're off of that little ... pole...
Ed Green - right
Commissioner McCown - we haven't closed the public hearing.
Chairman Martin - oh, well I beg your pardon, then
Audience - I wasn't giving testimony, I just want to ask a question.
Chairman Martin - all right, if you'll identify yourself
Audience - the alpha and beta - if there's just the radio active elements
Chairman Martin - you need to identify yourself before we hear you and have a seat there.
Audience - is that all in the statutes - I'm **Richard E. Simms**, I'm one-eight of one-fifth owner in the land, and the gas and mineral rights in the property you're talking about. Is this thing turned on, can you hear me now - but I just didn't necessarily come for this meeting, but I just felt I'd better be involved - I did work at Carbide when they were - there's more elements in that water than just the radio active elements and that's really all that I have to say - but it will just arouse your curiosity so you'll find out.
Chairman Martin - thank you very much Mr. Simms. All right, anything further - Commissioner McCown?
Commissioner McCown - no, I just wanted to raise the question if that's - if we want to leave that verbiage in there - it's going to be the individuals landowner's responsibility to bear the cost of that and the operation of these units.
Ed Green - you know the DOE may discriminate too between RO Systems outside of the service area and inside the service area.
Commissioner McCown - well, I think the zoning only affects the service area anyway.
Mark Bean - that's correct.
Ed Green - okay.
Chairman Martin - that's the area
Ed Green - I don't know but
Mark Bean - you're correct, I mean in the maybe, this is Jim Neu, City of Rifle, he's also had, along with Don, numerous discussions with DOE on some of these issues.
Chairman Martin - Mr. Neu, go ahead.
Jim Neu - Mr. Chairman, we've been negotiating with the Department of Energy, and they take the position they don't want to force the landowners to pay any money - they're taking total control of this, and I recommend, and we have another week of negotiation on this Cooperative Agreement so I recommend that if they don't pay for it, maybe you could conditionally approve that language if it gets into the Cooperative Agreement that they pay for it - and if they don't then drop it out, because DOE is always represented that they don't want the landowners to have to pay anything - and that's their role with the Act that they're working under - so, unfortunately, we're pushing this kind of fast and we have about another week to wrap up the agreement and the cart is in front of the horse - we trying to adopt this zoning, but that's just what we have to do to get through this.
Don DeFord - Jim, can I ask a question, if the other issues are resolved do you see any problem with DOE if we would just defer final action on this institutional control until the 24th?
Jim Neu - no, I think that would probably be a good idea - cause then we could wrap it all up.
Commissioner McCown - can you speak for the City of Rifle - is there any reason in this district - you have access to this map?
Jim Neu - yes, I've seen that.
Commissioner McCown - is there any reason they wouldn't supply water to people inside of that district?
Jim Neu - no not at all.
Ed Green - in other words, it would be their prerogative not to hook up - that's the problem

Jim Neu - yeah, we're worried if there's a landowner that doesn't want to hook onto the City water.
Commissioner McCown - no, I will address that later, but there is no reason that the City of Rifle will not supply water to people in this checked area?
Jim Neu - not at all, we want to.
Commissioner McCown - okay.
Chairman Martin - other questions of Mr. Neu?
Commissioner McCown - no.
Chairman Martin - anything further?
Jim Neu - Nope, that's it, thank you very much.
Chairman Martin - all right, thank you very much. Ms. Schultz, come on. Make sure you state your name for the record.
My name is Gail Schultz - I did not receive notification of this meeting, but there are some problems that might have been involved with that - my, I'm the landowner but my stepmother is - gets all the income from the land for her lifetime - she's eighty-eight - so she may have gotten a notice and not mentioned it to me - may have thrown it away - but our land is five (5) acres, five point nine (5.9) acres immediately adjacent to the west of the City limits of Rifle and we've been working since probably April to try to annex - I was going to just listen and not speak, but so far we've probably put out about two thousand dollars ($2,000) in surveys - three surveys to try to meet this City of Rifle Planning and Zoning Rules and Regulations - after meeting on August 20, they told us we had everything in place - and we were set to go - on the 29th they came back and said, well it's a multi-user area - which is absolutely the silliest thing because since 1970 there's just been - Gary Swallow has stored some of his business things on it, Dick Gilstrap recently a couple of years ago started storing things on it - Amerigas since 1970 has stored several propane tanks - the result of that is that my stepmother gets about six hundred ($600) a month in storage for the leases but at any rate after the August 20th meeting they came back and said well it's a multi-user property and we probably would need you to subdivide and then agree that you can not use access, the County Road, anymore and do not ask for access on the County Road that runs through that property - we have - it runs right just to the north of our property but it's through our property and so consequently we dropped the annexation agreement, or annexation process and we're just going to try and go back and maybe drill a well or get some kind of water just so that Gilstrap can wash his trucks - that's all he's asking is to wash trucks there. But it was our feeling that we weren't even going to be given water at any point and time unless we agreed to subdivide and do another survey and start the whole process over again, so
Commissioner McCown - that's why I asked that question, Gail.
Gail Schultz - oh, really - you knew about that?
Commissioner McCown - no, I didn't know about your particular case, but I didn't want annexation to have to be a condition to get water.
Gail Schultz - now it's ..
Jim Neu - they will have to sign pre annexation agreement, I mean that is a requirement.
Commissioner McCown - so that people could be refused water if they don't wish to
Jim Neu - no
Commissioner McCown - if they don't wish to have
Chairman Martin - I believe that's directed toward you Mr. Neu
Jim Neu - that's correct
Chairman Martin - I think we better have an explanation from the City of Rifle on their say on that.
Jim Neu - it has no problem with providing out of City water service - they've never really asked for that - the Schultz' property - they started the annexation process and in order to annex to the City we'd like to see what the development of the property is going to be and that's where I think that process tangled up - but if they came in with an application just for out of City water knowing that they're in the hot zone, we'd be more than willing to provide it - and this hasn't happened yet.
Chairman Martin - All right - proper request in other words.
Jim Neu - yes.
Commissioner McCown - And that's at a different rate too, isn't it?
Jim Neu - it is
Commissioner McCown - Double
Jim Neu - Yelp
Commissioner McCown - Yelp
Chairman Martin - And that would be up to the rate - they set their own rates, we can't regulate that either.

Commissioner McCown - Nope - but we're building the water line, or we're not - DOE is.
Chairman Martin - Other questions. Anyone else in the audience wish to have any testimony? All right Mr. Simms.
Richard Simms - how far do they figure that, Mr. Simms again, I'd like to know how far they figure the pollution might go on that gravel bed - does it go clear to outer perimeters excepting nothing down the river?
Mark Bean - actually it goes all the way past the intersection actually to Ideal.
Commissioner McCown - yeah, Ideal Cement.
Richard Simms - how about north - does that go to the bedrock on the little hills to the north?
Mark Bean - Uh huh, that's my understanding
Commissioner McCown - into the slope, cuts across back at the West Rifle Exit and then it's on the south side.
Chairman Martin - Un huh, goes to the island
Richard Simms - I know they're trying to do something about it - I wouldn't - if I can be of some help I'd try do - if I might know something you folks didn't - thank you.
Chairman Martin - thank you Mr. Simms. Anyone else? All right - back to the Commissioners, do we have a motion to close the public hearing?
Mark Bean - Mr. Chairman, I guess I would concur with what Mr. Neu suggested earlier that at a minimum, depending upon where you want to go with this, that you continue this public hearing to next Monday at nine o'clock (9:00) and make this a part of your final decision - a part of that particular decision - does that make sense Don?
Don DeFord - it does - hopefully we'd have more information that you could include in the public hearing record on DOE's position on maintenance costs.
Commissioner McCown - I think that's very wise.
Chairman Martin - and I had another verification - in the project information, on the first paragraph, it says that, starting about half way down, "the plume that goes west of the site to the Colorado River and just west of Floyd Hill", would that be Webster Hill that we're talking about?
Mark Bean - that would be Webster.
Chairman Martin - all right, I just wanted to make sure that
Mark Bean - we're getting close to Denver with this thing right now - you can tell I was on I-70 when I wrote that.
Commissioner McCown - I bet there's some over there too - but a different site.
Chairman Martin - there may be but it's not in our zone area.
Mark Bean - we shouldn't go into that one.
Chairman Martin - all right - then that we have a motion then to continue the public hearing until next Monday.
Commissioner McCown - so moved.
Commissioner Stowe - second.
Chairman Martin - all right - all those in favor?
Commissioner McCown - aye
Commissioner Stowe - aye
Chairman Martin - aye. Thank you.
Don DeFord - that's set at nine o'clock (9:00) on Monday.
Chairman Martin - yes.

REQUEST FOR REVIEW OF A FLOODPLAIN SPECIAL USE PERMIT IN RIFLE VILLAGE SOUTH SUBDIVISION. LOCATION: PARCEL A, RIFLE VILLAGE SOUTH SUBDIVISION, RIFLE, CO. APPLICANT: FIRST AMERICAN FINANCIAL, LLC.

Kit Lyon, Michael D. Roberts and Don DeFord were present.
Don determined adequate and timely notifications and posting with Michael Roberts; he advised the Commissioners the proof was in order and said the Board they were entitled to continue.
Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits for the record: Exhibit A - Green and White Receipts; Exhibit B - Proof of Notification; Exhibit C - Garfield County Zoning Regulation of 1978 as amended; Exhibit D - Project Information and Staff Report; and Exhibit E - Application with attachments.
Chairman Martin entered Exhibits A - E into the record.
Kit explained the staff report - the project site is about 6.5 acres in size and it located within the Rifle Village South Subdivision - a proposed home location was surveyed and the finished floor elevation must be constructed a 5,335.7 feet in order to be one foot above the floodplain. Kit continued to review the zoning regulations and staff comments, recommended findings.
Recommendation:
Staff recommends the Board of County Commissioners approve First American Financial, LLC's, floodplain special use permit application concerning proposed improvements with the following conditions:

1. 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;
2. That the Garfield County Zoning Resolution of 1978, as amended, and any other applicable state or federal laws concerning the 100 year floodplain, be complied with;
3. That all State and Local health standards be complied with;
4. That a flood elevation certificate, signed and stamped by a licensed engineer or surveyor (in the state of Colorado), be submitted to the Garfield County Planning Department prior to issuance of a Certificate of Occupancy;
5. That all building improvements be installed consistent with the Garfield County Buildinig Code and that the lowest floor elevation shall not be lower than 5,335.7 feet.

Applicant Input
Michael Roberts said they agree to all 5 conditions as presented by staff.
Motions
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a floodplain special use permit Rifle Village South Subdivision, applicant First American Financial, LLC, with the 5 recommendations of staff; motion carried.

PUBLIC MEETINGS:

REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATION: ADJACENT TO AND NORTH OF HIGHWAY 6 APPROXIMATELY 1 MILE WEST OF CANYON CREEK SUBDIVISION. APPLICANT: ROC & MARY GABOSSI AND CONRAD & MARSHA WAGNER.
Don DeFord, John Taufer for the applicant and Mark Bean were present.
John Taufer on behalf of Conrad and Marsha Wagner, Roc and Mary Gabossi application.
Don DeFord asked John Taufer if he identified the property owners within 200 feet of the property through use of the County Assessor's records - when did he check with he Assessor to verify that ownership 8/27/01 - based upon the information John provided, Don inquired further if the notice of today's hearing was mailed to every property owner that was within the 200 feet of the subject property owner - did he include in the mail notification any public land owners if they were within that 200 feet - BLM - and did he also include in the notification any mineral owners or lessees of the subject property - did he post the property given notice of today's hearing - 9/2/01 Hwy. 6 - based on the testimony he advised the Board they were entitled to proceed.
Mark Bean gave a summary of the staff report - this is a request for an exemption from the definition of subdivision on a 61.5 acre tract of land approximately one mile west of Canyon Creek adjacent to and north of Highway 6. The applicant plans to subdivide the acreage into four parcels of 20.47, 2.76, 20.84 and 17.37 acres. He highlighted the relationship to the Comprehensive Plan, description of the proposal, major issues and concerns, suggested findings and recommendation.
Recommendation:
Staff recommends Approval with the following conditions of approval:

1. 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;

2. A Final Exemption 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.

3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

4. That the applicant shall submit the applicable School Impact Fees for the creation of the exemption parcels.

5. That the following plat note shall appear on the Final Exemption Plat and in the Covenants:

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

"Control of noxious weeds is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit 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. sew., 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."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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."

"Each subdivision shall have covenants requiring that all exterior lighting will be the minimum amount necessary and all exterior lighting will 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. Final approval is subject to verification that this property is in fact in the Glenwood Springs Rural Fire Protection District and that the suggestions made by them be followed.

7. Prior to the approval of an exemption plat, the applicant shall present copies of the new well permits to the Planning Department and drill each new well demonstration the following:

1) That a four 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 result of the four 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) Omitted
7) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

8. Prior to approval of an exemption plat, an access permit off of Highway 6 will be issued for 1 and 2 as well as an agreement for access through an easement must be finalized.

Commissioner McCown inquired of Mark on these roads, since both of them are accessing other lots through another lot, for what standards do we build those.

Mark Bean said under the primitive road standard - it actually requires a 30' easement and a 10' driving lane. The letter was included in your packet. These would maintain the private drive status.

Chairman Martin voiced his concern on the property - it is a beautiful piece of property, historically it's been there, picked many an apple off those orchards - they need a lot of attention and it's going to take a lot of money to do a lot of things with that piece of property - I hate to see it disappear but I know that hopefully these folks will do a great job of developing that and historically that's the only piece of property that's had water - you're controlling a lot of things with the water, the springs, and the wells and everything else that's out there - so I hope that this will be distributed equally and someone wishes to keep that pasture the way it is now or just put something to the north of there, it would be great, but it's very scenic. I hope they will hold it in the highest esteem - it's a beautiful piece of property - hate to see it destroyed.

John Taufer - we have some property owners and they are long term residents.

Norman Hansen - adjacent property owner to the east of the proposed site; they were trying to go up my road there and contracted a lawyer and wanted to find out how that would work out - it sounds like they have changed that plan. He is concerned with one road up to Lot 3 and 4 so there's not going to be any instances of someone coming up and trying to do the access to the well or ditch - I guess they've got access to the ditch - I've never seen anyone over there - and I've been up there for over 10 or 11 years - not recently but I was real curious as to how the new road was going to go and how close the adjacent property is going to be. We've got a lot of people going up to the top, my property ends up being, as noted by the new owners of the property next door, is that his property is not worth much because it's got a road on it - so if I've got one road on it and that's real close, he was concerned with what the primitive road conditions but what kind of a base does that need - is that going to create more dirt because the predominant winds blow towards his property and it's pretty dusty out there as is - another consideration might be that - it looks like they are clear down to the entrance of CR 138 - the way that road winds over like that, do you think there's a possibility that can be blowing a lot of dirt towards the other residents.
Chairman Martin - probably during construction.
Mark Bean clarified that it doesn't require gravel - it allows for native base - the primitive surface standard is native material.
John Taufer - maximum grade - not to exceed 10% - we're having it surveyed - they went up there with a hand instrument and roughed in some grade stakes - in the process of surveying it right now - Sam Phelps will do this within a day or two.
Mark Bean addressed a concern that Norman Hansen had saying that a house can be constructed within 10 feet of the property line - it's allowed by zoning, 10 feet on the sides and 25 feet front and rear and technically their front lot lines on both of these Lots 3 and 4 will have to be 25 feet but the lot lines on the east and west would be their sides which allow them to be 10 feet.
Commissioner McCown - to answer those concerns, if that road were to swing back to the west, it's going to encroach on that other lot line.
John Taufer - this is based on existing topographic conditions out there and this is the way we're perceiving this roadway going.
Pat Fritzgerald - I live at 0600 County Road 138 which is probably four or five hundred feet east of the proposed subdivision - a disclaimer, I didn't sell this property to the Gabossi - just a neighbor - he has talked to the other three lot owners in Senor Mesa Subdivision which adjoins and those are Tom Gambel, Deeter Sander and Kay Williams and none of us have any problem with this application. From a quality control standard, this is the best thing that can happen to this little 61 acre piece of property - I hate to see it developed at all, but if it's going to be, I like seeing it developed at this super low density - it will conform to the neighborhood - it's good for the wildlife - elk herds and wild turkey - good for taxes from farm taxes to probably a total of $8 - $12,000 per lot for the four lots and it's little impact on the traffic - lastly, I know the Gabossi and they will be good neighbors - they're good people.
Mary Gabossi - for the record, she wanted to say thanks to John Taufer and Mark Bean and for the consideration of this exemption and we highly esteem this property as well and it's true that we have lions, tigers and bears out there - thanks for all the hard work put into this.
Applicant:

1. John Taufer - agreed to the deletion of Condition 7 (6) and Condition No. 8 since we've changed our point of access and actually access alignment - revise that particular condition that refers to the prior point of access.
2. Mark Bean suggested that Condition 8 be modified to say prior to the approval of the exemption plat and access permit off of Highway 6 for Lots 1 and 2 and the County Road permit issued for Lots 3 and 4 with the roads to be built to primitive road standards with 30' easement and not to exceed 10% in grade.
3. Commissioner Stowe - sprinkler system - No. 6 - Fire Protection
4. Mark Bean said this was left pretty open in terms of fire protection - it provided Chief Piper - prior to final approval, is verification of the properties in Glenwood Fire Protection District suggestions made by them be followed.
5. Commissioner McCown - what if he's not within their district.
6. Mark Bean - then we have no jurisdiction that he's aware unless it happens to be something in New Castle/Silt - Burning Mountain Fire Protection.
7. Commissioner Stowe - so are we going to put a plat note if they were outside a Fire District indicating that.

8. Commissioner McCown - then it's no mans land - our primarily concern is that there is some type of fire protection - with 200 gallons of water storage is not enough - you might as well have nothing as to have 200 gallons unless you're going to have sprinkler system and then that will help.
9. Mark Bean - charge it and keep it charged.
10. Commissioner McCown - I guess I would go with the recommendations of the Glenwood Springs Fire Department but then when we find out you're not in their district, it's going to be New Castle's and we don't know what they're going to recommend, maybe it would be a little cleaner if we recommended or made a condition of approval, because of the remote nature of this particular property - I would include that if it does recommend sprinklers along with a minimum of 250 gallons of water minimum storage which is pretty standard practice - and that's bare bones minimum. If it does fall back within a Glenwood Fire Protection District and going to need - it's now shown and it's an exemption, so it wouldn't but it's not showing any turnarounds for emergency equipment or anything on these access roads - that would be a recommendation of the fire department as well.
11. *Motion*

Commissioner McCown made a motion we approve the exemption from the definition of a subdivision with the conditions that we have just gone over and corrected and amended.
Commissioner Stowe - second. Motion carried.

REQUEST FOR EXTENSION OF TIME TO COMPLETE IMPROVEMENTS TO THE ROSE RANCH PUD, PHASE I IMPROVEMENTS AND THE AMENDMENT OF THE SUBDIVISION IMPROVEMENTS AGREEMENT. TIMOTHY THULSON - BALCOMB AND GREEN.

Don DeFord and Attorney Tim Thulson submitted a letter of request for an extension of time. Tim explained the reason for filing the Third Amendment was that Rose Ranch was unable to complete the improvements within the anticipated one year period. Therefore, he requested to extend the date to September 1, 2002 but said this should be changed to March 1, 2002 because the Letter of Credit expires by its terms March 1, 2002 and they will need to do a renegotiation with Key Bank if they extend past that date. One other comment, we did mail the Power of Attorney to New York City for their signature; I talked with Bill Hatch today and it is literally sitting on a dust covered desk in the World Financial Center - she had signed it Monday and Marguerite Brogan mailed it, then we're all aware of what happened Tuesday - we're going to have to re-mail it to her when we get an address for her. With that he asked that the Board extend the date in the SIA which is an SIA Amendment because it's contained in the body of the Agreement.
Don DeFord stated that they had agreed to a date of March 1, 2002 rather than September of 2002; and asked Tim if he would redraft this to reflect that - the Letter of Credit, the original SIA should have required that the Letter of Credit be in effect 6-months beyond the date of completion and improvements.
Tim said he would talk to Ron Jacobs to make sure he has the complete Letter of Credit - he may have to get that reformed by Key Bank - it should not be a problem.
Don - we have a Site Specific Development Plan approval as part of this project.
Tim - agreed and they were within the Phasing Schedule as set forth in the Development Agreement - that would not need to be amended.
Tim Thulson mentioned that the golf course would be opened by August 2002. Richard Nash is the project manager on Rose Ranch.
Mark noted the application was made before the drop dead date and is a valid request.
Don asked if March 1st gives you efficient time to finish those Hwy. 82 improvements.
Tim said he would talk to Joe Hope about it - he will be talking to Bill Hatch about extending that date today anyway.
Motion
Mark said the request to the Board would be to authorize the Chairman to sign the Amended Improvement Agreements once verified by Don and myself that it is consistent with this discussion.

Road and Bridge Issues

Chairman Martin said he had received a couple of phone calls - one from the Massingers in reference to CR 117 - they are afraid that the dirt berm is not sufficient and would like to meet with Randy Withee and be able to express their concerns about a potential 1 to 2-foot retaining wall instead of an earth berm around their property.
Ed Green said that Randy had mentioned that as well.

Chairman Martin said the other phone call was on the Coryell Ridge Road - the new construction - the road has been improved to the corner that it is a parking lot on the roadway on the crest of the hill and citizens are concerned that they can't see coming up or down any on coming traffic and would like to have no parking in that area if possible. The parking lot and the new business has put an entrance onto the roadway.
Don DeFord commented on the no parking - this takes action by the Board. It's a public road but not a County maintained road
On the Massinger request, Don suggested Randy determine the schedule for completing that parking pad we have an agreement with them to do as part of the property we acquired.
Commissioner Stowe added that we need to find out who engineered the road - High Country and Randy signed off on the road - this is not part of the Four Mile where the County is responsible - look at and make sure the County is okay with this.
A decision was made to wait to hear from Randy.

Committee - Redistricting
Mildred Alsdorf announced the meeting for Wednesday, September 19, 2001 - a committee addressing redistricting - 2:00 P.M. in Room 301. She explained this was based on the 2000 Census where District 1 has a population of 14,331; District 2 - 10,676; and District 3 - 18,784. The Committee will be looking at moving District 2 down through Silt and that will give 3600 more into District 2 - and they may have to look at splitting Precincts 18 and 19 - she added that the growth at Stillwater may change this. Mildred submitted a layout to the Board and answered questions from the Board.
Chairman Martin said the split of Precincts 18 and 19, west of Silt would be CR 229.
Mildred added that she did have maps that showed the potential split, but she did not bring those to the meeting today.
Commissioner McCown inquired if they allow Mildred to split the Precincts and registered voters or is in on the Census.
Mildred said the redistricting of Commissioner Districts is not allowed flexibility - it is based on the Census numbers. She was amazed to see the growth numbers in that western portion.
Commissioner McCown - There is a perceived notion that New Castle had a 900% growth is off the map but it went from 900 to 2000 - it didn't grow that much.
Mildred invited the Commissioners to drop in on the meeting Wednesday. She said they have made points on redistricting the Senate seats - she doesn't want to have to split those districts.

HUMAN SERVICES COMMISSION - YOUTHZONE

Debbie Wilde, Edie Vanderhoof, and participants in the Youthzone Programs - David, George, Armando and Steven gave the presentation to the Board on the Youthzone program. Debbie mentioned they decided to change the name due to the fact that they service other areas beside Garfield County.
Youthzone is a nonprofit organization operating in Colorado dedicated to providing opportunities for all youth to be responsible, contributing members of society and working with their families and the community towards this end. Through prevention, advocacy and direct services, Youthzone strives to enhance the quality of life in our communities.

The organization provides services to youth ages 6 - 18 years. They have a variety of programs designed to meet the needs of youth in crisis as well as mentioning through the Pals Program and Teen Advocate Program.

Debbie had a lot of good things to report on Restorative Justice and submitted a newsletter dated July 27, 2001 that gave the history of how this started and the success of 31 youth who were included in a tracking program. This is an alternative program and the purpose is to resolve the negative behavior of the juveniles, while comforting the victims and teaching both sides a lesson of right and wrong.

The youth presented a slide show depicting many of the activities associated with Youthzone.

HUMAN SERVICES COMMISSION - DEFIANCE THRIFT STORE

Lisa Pavlisick and Sheila Markowitz were present. Lisa submitted a letter stating the Human Services Commission was not able to fund the Defiance Thrift Store's $5,000 request for a capital purchase. The Commission does not allow for capital projects.
Sheila requested the Commissioners consider support for the Defiance Thrift Store with a contribution of $5,000 - local support is very important. The City of Glenwood Springs has approved a $5,000 grant which they can multiply many times. We are located in West Glenwood Springs and Garfield County is where they serve the residents. Through Lift-Up through the Family Visitor Program and through the voucher services they do, we know we serve Countywide residents and are soliciting the Board's help to secure this building.
Commissioner Stowe clarified that this would be a match-type fund.
Sheila said they will be asking for $145,000 from the Department of Local Affairs - Tim Sarmo has discussed with us that getting local support is very important in order for them to consider the funding. They went to the City of Glenwood Springs to request they be the pass-through agency and at the same time asked them for $5,000 which they were very supportive and did agree to and after discussing with Tim because we do serve residents Countywide that getting your support will be very important as well.
Shelia said they will submit the preliminary grants sometime by the end of September, then the Department of Local Affairs looks at our original grant which is the shorter grant and then the funds will be distributed in 2002 - but by the first quarter of 2002 they will know whether or not we will be considered.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to provide a letter of support for Defiance Thrift Store and to commit a $5,000 grant in the budget for 2002. Motion carried.

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

BOARD OF HEALTH

HEALTHY BEGINNINGS

Lisa Pavlisick submitted her monthly report and verbally gave account of the number of participants in each segment of the department showing 212 enrollees since January 1, 2001 - her report gave the breakdown of deliveries, active patients, trimester enrolled, birth outcomes and the number of women provided postpartum tubal ligations. She added that funding was available effective 4/1/01 for 15 patients.

PUBLIC HEALTH

Sandra Barnett provided the Board with an updated report that included a State Audit on the WIC Program saying the program was very good. She mentioned the flu vaccine would be available in late October, early November due to delays - seniors over 65 and high risk individuals would be vaccinated first.
Sandra added that Sarah Hartert is the new State Public Health Director.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

SOCIAL SERVICES

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

Monthly Certification

Lois Hybarger submitted the month certification and requested approval of the Board.

SOCIAL SERVICES

Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the monthly certification for Social Services. Motion carried.

Reports
Margaret Long was not present - she was attending the first meeting of the child care allocation committee. Carrie Podl and Wendy O'Leary were present to submit the report.

Carrie requested approval and signature from the Board on a letter that is going out as part of our five county child care market survey. Staff has worked very had to get the better product within very tight timelines - there is no county money in this project but requested all five Boards to get credit for sponsoring this important project.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the letter with respect to the five county child care market survey.

Motion carried.

Sexual Offenders

Wendy O'Leary discussed the increasing difficulties the department is having placing specific sexual offenders and an opportunity that may open locally. Wendy is the intake supervisor and also an expert in sexual abuse increasing treatment needs and public safety issues.

Wendy introduced and briefed the Commissioners on the Hands Up Homes for Youth, Inc., a 12-bed Residential Treatment Center in Mesa County, Colorado established in September 1999. It is a containment treatment with sexually abusive youth and their families from the Western Slope.

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

CODE ENFORCEMENT - BUILDING AND PLANNING DEPARTMENT

Donna Stewart - Valley Dog Rescue - Code Violations

Steve Hackett, Donna Stewart and Ursula Shepherd were present.

Steve Hackett submitted a Zoning code Violation for Donna F. Stewart at 7579 CR 226, New Castle. Steve's report indicates that Jim Sears, Deputy Sheriff has investigated the potential of an illegal kennel at the Stewart residence due to some neighbors reporting barking dogs creating a nuisance.

Steve received the report and wrote Ms. Stewart giving notice, that pursuant to the Statutes - CRS 30-28-124 and 124.5 Zoning Regulations, to operate a kennel without a Special Use Permit having been issued by the County is a violation.

Ms. Stewart wrote the Commissioners on September 17, 2001 requesting an extension of time to comply. She stated her case saying she provided a haven for homeless dogs in the County until such time as Valley Dog Rescue can find them homes. Valley Dog Rescue is affiliated with the Humane Society and is a subsidiary of PAWS of Aspen. She had a current license to operate in the State of Colorado. She was advised by Steve Hackett that it was also necessary to have a special use permit from the County. Her request for extension included a plan and a request from the County for financial assistance. She also indicated that Valley Dog Rescue has saved and found homes for approximately 8,000 dogs during the past 14 years. Without this valuable service in Garfield County, many animals will die needlessly.

The Board heard the matter and decided to allow Ms. Stewart a two-month reprieve adding that an improvement plan is required. This reprieve did have conditions including revocation if there was any noise or at-large complaints about kennel dogs within the 60-day period.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to give Ms. Stewart an extension until November 19, 2001 to comply with the plan to upgrade the facility including installing a device to eliminate noise from the kennel, to allow no more than six (6) dogs at one time to be kept on the premises, to keep all dogs on a lease when they are outside, to submit the plan with costs associated as well as timelines and to continue working with Steve Hackett. Motion carried.

Sheriff Department - Letter of Request for Grant - Electronic Fingerprint Machine

Jim Sears, Deputy Sheriff presented a request for a letter of support from the Commissioners for a grant for an Electronic Fingerprinting Machine.

Jim explained that in the future both CBI and the FBI would be requiring this type of fingerprinting equipment - some times the traditional method does not yield an accurate fingerprint.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter of support for the Sheriff Department request for a grant to secure an electronic fingerprint machine to be installed in the new jail facility; motion carried.

Meeting - Fire Chiefs, Sheriff and Commissioners - Out of District Issues Related to Wildfire Mitigation

Jim Sears, Deputy Sheriff announced the meeting was scheduled for October 2, 2001 from 1 - 3 PM here at the Courthouse in Room 301.

Adjourn

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

Attest: Chairman of the Board

_____ _____

SEPTEMBER 24, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, September 24, 2001 with Chairman Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, County Attorney Don DeFord, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

PUBLIC COMMENTS
CORYELL ROAD - DISCUSSION
Don DeFord, Ken Kriz and Tom Russell were present.
Estimates for the Coryell Road were submitted and discussion - five (5) options.
Tom Russell and Ken Kriz met last week regarding Coryell Road - Tom mentioned this was discussed last year - the original estimate of $82,041.99 was determined to be very expensive. They went back and reevaluated the improvements to determine a way to cut expenses but to improve drainage and improvements of the .40 miles. No matter which Option is selected, it does not provide for a large turnaround for the winter maintenance. Tom listed the 5 possible options: **Option 1** - $3,199.00; **Option 2** - $5,340.00; **Option 4** - $6,640.00; and **Option 5** - $1,040.00.
Tom Russell stated this is mostly drainage improvements and road improvements and does not include a turnaround at Roto-Rooter driveway - no right of way has been obtained. Neither does any of the options include fence rebuilding.
Commissioner McCown voiced concern about improving the road without having a turnaround for the Road and Bridge maintenance trucks.
Chairman Martin favored **Option 4 - $6,640.00**, later added Rotomil on the .2 mile of improved roadway for an additional $1,040.00.
Motion
A motion was made by Commissioner Stowe to approve **Option 4**, in the amount of **$6,640.00** for improvements on Coryell Road and then we direct staff to proceed as soon as they can and proceed with obtaining the turnaround. Commissioner McCown seconded the motion.
Discussion - Commissioner Stowe clarified that this was only for the .2 mile of road - this is what we will plow and maintain. Motion carried

COURTHOUSE PLAZA - BRICK SELECTION
This was canceled - the same color brick will be used as with the jail.

PUBLIC HEARING CONTINUED - CONSIDER APPROVING THE ADDITION OF SECTION 3.14, DRINKING WATER CONSTRAINT ZONE (DWC) TO THE GARFIELD COUNTY ZONING RESOLUTION AND CHANGING CERTAIN LANDS WEST OF RIFLE FROM AGRICULTURAL/INDUSTRIAL (A/I) TO THE DRINKING WATER CONSTRAINT ZONE. APPLICANT: BOARD OF COUNTY COMMISSIONERS
Don DeFord, Jim Neu Attorney - Leavenworth & Karp for the City of Rifle, Don Metzler from DOE and Mark Bean were present.

DEPARTMENT OF ENERGY (DOE) STATUS WITH CITY OF RIFLE
Staff Report
The Project Management Plan - Cooperative Agreement for the Rifle Water Line Extension have been in active consultation and study for more than three years in an effort at defining appropriate institutional controls for the West Rifle area. Western Slope Consultants has played an important part acting as meeting moderator and coordinator, evaluating land use policy options, and maintaining communication among the participants.
The City of Rifle has been growing with a demand for housing and the need for farsighted planning of elected and appointed officials in securing ample water rights, financing and construction of ample municipal infrastructure to support the population growth of 3-4% per year.

The notice of Financial Assistance Award Cooperative Agreement No. DE-FC13-01GJ79492 was submitted. The scheduled articles outlined in Amendment No. A000 discussed by the Board. The award, administration, evaluation and approvals required by the Agreement will be accomplished at the Grand Junction Office by the DOE Contracting Officer or the duly authorized representatives.
The total estimated costs of Phase I - $1,516,000 and Phase II - $2,333,333 with the total amount obligated of $2,100,000 plus the State obligation/contribution of $233,333 for a total actual funding of $2,333,333.

Chairman Martin - the next item is the continued public hearing to consider approving the addition of the drinking water constraint zone - Mr. Bean.
Mark Bean - Mr. Chairman, a couple of things I'd like to add if we could to this continued hearing - Nick Goluba was not able to attend the meeting and Mr. Goluba has provided a letter to my office which I make Exhibit G - Mr. Goluba owns property that is in what I would describe as the north half, of the north half of section 18 of the Township 6S, 93W basically an area north of the County Road as well as north of the 6 & 24 - he was noticed as a property owner - in his letter and he correctly notes that staff made an error in the location of the proposed district - I identified the north half of the north half in Section 18 and not the south half of the north half - he is correct in the sense that the north half of the north half should not be included as a part of this zone district - I would agree that's outside of the area identified - look at the small map that we have here - I some additional smaller maps that maybe helpful if you want to look at this further of the area that is north of 6 & 24 - Rob gave us a copy of it - the USGS Quadrant Area that actually shows the sections. The south half of the north half is still also north of the 6 & 24, or Hwy. 6 and includes a lot of the commercial area that I believe some of the folks that are here, so technically, that area is not under consideration for the time being - we have to make a decision as to whether we re-notice and include those areas or whether we presently exclude - but staff's recommendation is that depending upon where you go with the decision on this particular drinking water constraint zone, that you would at a minimum eliminate the request or proposal to rezone the area in the north half of the north half of Section 18 to this particular zoning. It would all remain agricultural/ industrial as it presently is - this is, I believe, at least, for the time being eliminate some of the concerns of some of the folks that are here right now because I believe a lot of those properties are in that south half of the north half - so even though they received written notice, I guess, public notice would be deficient in terms of the notice in the newspaper - am I not correct Don? Or, I guess I'd have to refer to Don as to whether or not notice is adequate and the Board obviously make a decision on that.
Don DeFord - Well, let me ask you a question Mark, let me see if I understand this - the south half of the north half was not included in the legal description of the property to be rezoned, is that right?
Mark Bean - that's correct
Don DeFord - And so notice, no notice was technically given regarding that property?
Mark Bean - No notice was published in the newspaper - notice was sent out to property owners within those areas.
Don DeFord - All right - so in that regard then, notice would be defective as to that portion of property - you can't proceed on that piece of property.
Mark Bean - I agree. I guess then with that we still are back to the question of the other issues in the Drinking Water Constraint Zone - I would note one of the issues that we were talking about at the last meeting was the requirement in terms of compliance with the Drinking Water Standards of the State of Colorado - to address that issue and after further conversations with Don Metzler, who I believe is here from the Department of Energy - what we've done is identified CRS 25-8-204.1 & 2 which are just the standards - it makes no reference to testing requirements - it always says that these systems would be operated in compliance with those standards, period. In other words, they have to meet those criteria for certain, what would be the equivalent drinking water standards for a water system, but it does not go into all of the testing that's required of other community systems in terms of that - I think you said it was four times a year - relatively a thousand dollars minimum, thousand dollars a year expense - additionally in conversations with Mr. Metzler, and speaking for him here, and I'm sure he'll correct me if I'm wrong, I understand that they will - DOE will actually be doing the testing themselves in terms of testing the water during this period of time - so basically the RO systems, if they are to go into that area, would actually - they would be paid for out of the moneys being proposed here but the testing of that water, once the systems were in, would be done by the Department of Energy through their monitoring program that would at least presently be a hundred years long - it could be less than that, if flushing is deemed to be adequate in a shorter period of time. So that I think addresses part of the issues that we talked about in terms of how we

would deal with the RO systems themselves and the drinking water quality issue itself - the other issues, I think, may fall back into the discussion that perhaps Don and representatives from the Department of Energy may want to come forward here and talk to the Board about which is the Cooperative Agreement issues.
Commissioner McCown - clear up for me again, on this south half of the north half of the north half - I'm looking at a map with 6 & 24 going down it - the railroad clearly defined on it - where does the south half of the south half of the north half show up on that map?
Mark Bean - where does it physically show - the south half of the north half probably if you're going to take literally, see where the eighteen is, that would be the middle line there so, you would go half way up from that point roughly to the what I'm going to say, is roughly a line that would be close to what the County Road is there that -
Commissioner McCown - 264
Mark Bean - just north of that would be roughly the south half of the north half, so that area included there is presently not properly noticed so could not be considered for rezoning.
Commissioner McCown - but everything south of CR 264 is?
Mark Bean - no, no what I'm saying is the area between the eighteen and the county road, is not included - I incorrectly noticed the north half of the north half which is technically the area above the County Road which should not be included and I would recommend that any decision made here, not include that area also.
Commissioner McCown - what was the intent?
Mark Bean - I'm sorry.
Commissioner McCown - what was the intent, even though you failed to properly notice it, was the south half of the north half intended to be in there?
Mark Bean - yes, yes it was.
Commissioner McCown - okay.
Mark Bean - it was intended to be included in that area rather than literally go through and identify all of the specific properties within that area we chose to take, or attempted I should say, to take the more simply descriptions of sections and quarter sections than in this case half of half sections. Now, that doesn't exclude the areas that we had in section 13 - that were there that are north of 6 & 24, but it does, all of those areas within Section 18 basically, a portion of that would include a portion of the UMTRA property itself and then obviously everything north of 6 & 24 between the County Road and 6 & 24 is presently not properly noticed.
Commissioner McCown - and that particular area is the area I've been contacted by citizens that had some concerns, so I guess I don't know how we're going to proceed today with the problem at hand.
Don DeFord - there are, as Larry, I think alluding to a number of issues that have to be addressed - one thing I thought I should probably comment on - there are provisions in the Cooperative Agreement that are tied to the zoning Mark's talking about because what he's discussing really are referred as the Institutional Controls in the Cooperative Agreement - as sort of a general proposition, one of the things that's being required by the State is that they be allowed to participate in any amendments to this zoning once it has been adopted pursuant to a newly enacted State Statute - they've put that provision in the Agreement - requires that their participation not only be allowed but that it be accepted, however, they did agree to a change first suggested by Jim Neu and to which we all agreed, that any recommendations they make will be no more stringent that the current regulations that are being adopted - that actually now has been reduced to writing and is included in the Agreement - so it does significantly limit the ability of the State to alter what you're doing. I don't know if there are other questions on where we go, but that's the one issue I thought should be addressed.
Commissioner McCown - I read through this Agreement and it's really some interesting reading - it mentions, or it schemes the Agreement with the City, the County and the DOE - it doesn't mention, or at least I didn't find it or I missed it, an Agreement with the City and the County. Are there separate agreements with the City and the DOE that have been reached exclusive of this Agreement?
Ed Green - not to my knowledge, I think Don can probably answer that.
Commissioner McCown - okay, as I read through here, I found nothing about the pre-annexation requirement in this Agreement on its face.
Don DeFord - I don't believe that is within this Agreement - it relates literally, that would relate to the Institutional Controls that Rifle is required to adopt, that is part of this Agreement but the actually form of that Institutional Control I don't know - has than been included as an exhibit?

Chairman Martin - we need to have you identify yourself?
Don Metzler - I'm with the US Department of Energy in Grand Junction, I'm a Project Manager, and
Sherry Barkey - I'm contractor support to DOE.
Chairman Martin - thank you very much, you go ahead Don.
Don Metzler - we don't have that separate Agreement, we did have discussion last Thursday with the County and we realized we do need that - when I say we, what we agreed to loosely on Thursday was that it would be between the County and the City and DOE wouldn't be a party to that - right now this is a Cooperative Agreement - it would involve five entities - you named them all except for the State, so you add the State and it's the five - includes the City and County - but the one thing that the Cooperative Agreement in the way they're set up, we can only help we can only have one recipient - that's at least the way it works from the people above me that are telling me certain things I have to adhere to - and so we've identified that one since there's five parties here it gets a little awkward on well, who's going to be the recipient so with much discussion we've determined that would be the City. Because they're going to be the ones that are really going to manager this construction project - and so however of the moneys that go from DOE to the local government part of that goes to the County of Garfield and so with the City being the recipient the thought was well how's the County going to receive their moneys - and so that's where we concluded, if there's a simple cooperative, or a MOA -memorandum of Understanding or Agreement - between the two entities there, then they can work out how that would work. And then DOE wouldn't necessarily be a party to that - I guess we could if we had to but at this point I'm saying that we probably don't have to.
Commissioner McCown - I'm not sure that's the avenue I'm taking - having read the Agreement that the County has with the DOE, I don't have a particular problem with the Institutional Controls we're placing on it because it allows what's happening there now to continue to happen - nothing's changed - when this Agreement is signed or approved or whatever, absence the Pre-Annexation Agreements, we don't know as a County, what's going to be required of the people wanting to tie onto that Don by the City to meet their constraints. The City may not allow them to tie onto that line number one and I know they won't if they pre-annex. Once they pre-annex we don't know what the conditions of that pre-annexation is going to be - is it going to be a blanket that's going to be the same used in every property owners condition or is it going to vary from property owner to property owner depending upon on the different conditions that property owner presents. We've got one large property owner with about thirteen thousand acres and we've got other small property owners anywhere from five to fifteen acres - are the situations going to differ? We don't know that - right now those folks are in the County and they are our constituents - I know there has been in the past the line that runs out to the propane place was put in with DOE funds initially
Don Metzler - that's right - and I think that some of those, that was some of those properties were in the County and I believe they did sign some pre-annexation agreements.
Commissioner McCown - whether or not they have or haven't, some of the property owners are here that can clear that up, but in addition to signing those pre-annexation agreements, to get water to their properties so they don't have to use an RO system or contaminated water, there are constraints placed on them that they have to approve County Roads adjacent to them and things like that which I feel go beyond the scope of this Agreement which is to provide them safe drinking water.
Don Metzler - right
Commissioner McCown - now, that's where we are and as far as I'm concerned, we're still quite a ways apart on this.
Don Metzler - between the City and County?
Commissioner McCown - I may be just speaking for myself, but I don't see that we're on the same page yet - I think it is our primary interest, as is yours, and is the State to provide a safe potable drinking water to those people that are in that contaminated part. Then when we come back with the City there are other conditions to get that water through the pre-annexation that I personally didn't envision when we entered into negotiation on this water line. Now, maybe the problem we need to address is with the City of Rifle cause apparently that's where the rough is starting to happen.
Ed Green - well we had some discussions with Jim Friday and thought we had resolved the issue of the road
Chairman Martin - need to come forward Jim
Jim Neu - good morning Commissioners - Jim Neu, Leavenworth and Karp, PD, City Attorney for Rifle - we have a bigger picture of the pre-annexation agreements in general and then we have these particular property owners, so I'm not sure what to address first - I think the pre-annexation agreement is going to be a

form and what it does is it lays out the conditions of receiving the water service - we've used it for the last fifteen years and it's not going to change substantially with these property owners. And we could attach a form as part of the Agreement but I think that would tie us too much into the pre-annexation agreement, it requires annexation when there's continuity and when annexation is proper - the City doesn't have to annex but if it chooses to, it has the contractual authority to annex those properties and there's a lot of reasons for it and State Statute authorizes it and encourages it - every municipality does it - it has nothing to do with the Cooperative Agreement - it's been in place in Rifle for twenty years and frankly it's not going to change. And I wrote a memo that I provided to Don this morning - six pages outlining why this is the case and why the City has the authority to do this and why it makes sense to do that, and I can go through that later if need be.
Don DeFord - I did hand that out to them.
Jim Neu - In relation to the property owners that are right adjacent to the City's western boundaries and the County Road that's north of their property, we could talk about that, it shouldn't have that much bearing on this Cooperative Agreement but obviously it sure is gaining momentum so I want to resolve it as much as possible, but it kind of in the City's internal planning works - we've had negotiations with those property owners, two of the three property owners that I know of that actually submitted petitions for annexation so, we're not talking pre-annexation, they requested to be annexed by the City. I think in the last few days that's come to a halt, but my planning staff, nor have I talked with those owners - there's things going on that we don't know about - so it's hard for me to discuss. Last thing, I knew they wanted to be annexed, we're working on their applications and discussing that.
Commissioner McCown - this continuity issue, should an annexation go down the 6 & 24 Corridor all the way to the West Rifle Interchange, that would provide the continuity needed to annex all of those parcels.
Jim Neu - that's correct.
Commissioner McCown - does the City of Rifle currently have continuity all the way to second street and let you use the Box Company out there directly across from
Jim Neu - we're currently working on that one.
Commissioner McCown – right now you don't have it though
Jim Neu - I don't know
Commissioner McCown - you don't - I do know that - we're talking, once you annex 6 & 24, the right of way all the way to the West Rifle Exit, that will give you the continuity that you need to therefore annex all these adjacent properties.
Jim Neu - I don't believe it's the City's intent to spread itself as far as it can and be in pureness power over these property owners - we're participating in a Cooperative Agreement with the Department of Energy to solve a potential public problem, it's not our agenda, we were requested by the Department of Energy to participate, and we're a willing participant. We've - annexation occurs when it's proper and to clear up some miscommunication on Monday, pre-annexation agreements allow annexation when there's continuity, however the City will not annex if it's not a proper thing to do for it's land use - I can't give guarantees when that decision will be made but it's within the purview of the Rifle City Council.
Commissioner McCown - but once the annexation occurs, then the zoning gets changed.
Jim Neu - the zoning occurs with annexation.
Commissioner McCown - right
Jim Neu - and usually at the request of the property owner.
Commissioner McCown - but it doesn't always have to once the continuity is there, the City of Rifle can require annexation through the pre-annexation agreement and at that time
Jim Neu - I think the process would happen if a request - then - anywhere out on highway 6 & 24 - we've already annexed that continuity - if they just want water service and do not want to annex, they would sign a pre-annexation agreement to get the water service, once they sign and they would develop in the County - but then we'd be able through the annexation agreement, if we wanted to, force annexation - so they still have the mechanism to develop in the County and that's just the order of events. I don't know how it's going to happen thought, we'd need - it's a public body - the City Council makes these decisions, I really - it's really time to
Commissioner McCown – but as long as the pre-annexation is a requirement to get the water, that possibility is always there
Jim Neu – Yeah
Commissioner McCown – And that’s, and I know, you’ve given us all these cases of why that has to happen

Jim Neu – And, let me just briefly summarize it so – one, this issue hasn't come up just for the Cooperative Agreement – we've required pre-annexation agreements and enforced that on every property owner requesting out-of-city services the last twenty-years. The State Statute authorizes it and encourages it, and case law supports it. That's the way it is today and I've never heard any – I don't think it's going to change. Every municipality does it and we're not going to change that policy, so it's that way today, it'll be that way tomorrow with or without this Cooperative Agreement. That's just what it takes to get City services. And the reason for the pre-annexation agreement – one, that's the way the State set it up, they want it to be set up that way, okay. They call it a pre-annexation agreement, it's really a contract to provide out of City services and it has a provision in there to annex when it's feasible and proper. So the State Legislature saw that as the proper vehicle to do this and one of the ways, one reason that I can think of that would be the case is, we're going to be taking on responsibility for this water line and we're going be in charge of operating it, maintaining it, replacing it, repairing it, and there may come a day when we need district bonds to replace this. Well, all of these out these out-of-city property owners don't pay taxes to the City, they're not going to be subject to these bonds, yet we're responsible and contractually obligated to keep providing the services. The City's going the debt on and these people that aren't in the City, aren't responsible for it. At some point they need to be in the City to be responsible for it if they are going to receive our services. There's a lot of land use reasons too, but I think the debt obligation question defines it.
Commissioner McCown - But conceivably we could be building a two million dollar water line to the West Rifle Interchange that nobody ties onto because they don't like the pre-annexation constraints that's put on them.
Jim Neu - I don't the constraints are the pre-annexation, it'll be at the annexation – I think that's ….
Commissioner McCown – But, that pre-annexation is the first step, once you've got that then you get your continuity, then you don't have a choice.
Jim Neu – No, no, yes you do because you'd have to voluntarily enter into the annexation agreement and if we forcibly annex them, going to court through equity, forcibly annex them, we can't impose anything that's going to be done on our property.
Commissioner McCown – Forcibly, but if you were to cut their water off because they wouldn't annex.
Jim Neu – That wouldn't happen.
Commissioner McCown – That wouldn't? It couldn't?
Jim Neu - If they want to annex
Commissioner McCown – They don't want to annex, let's go that. They've signed a pre-annexation agreement to get the water but they don't want to annex. The City comes along, they've got continuity
Jim Neu – And we force them to annex?
Commissioner McCown – Yes.
Jim Neu – By going to court, we can't impose contractual annexation agreement on them. Therefore, we're going to take the property just as is.
Commissioner McCown – Yeah, but you're going to force them to annex because they've already signed the pre-annexation agreement.
Jim Neu – But there's no detriment because …. what you're worried about is the annexation agreement. They're worried about the improvements to the adjacent roads and additional annexation impact fees and so forth, which
Chairman Martin – Sounds like they've got a little difference here. The original intent was to make sure that there was safe drinking water and to allow service for those that are outside the City Limits, because of that. And, what we were seeking was to make sure that this was allowed without any other agreement other than just the out-of-service, I mean out-of Town rate and no other involvement.
Jim Neu – Yeah.
Chairman Martin – That's what we're looking for.
Jim Neu – Yeah I know and we can't do that and we talked about – it's been on the table for over a year – the City will not provide services without a pre-annexation agreement. Every City in the State does it, Statute authorizes it, and encourages it and we're not going to…
Chairman Martin – I understand that, but you have a very different situation in that the ground water is contaminated so we have another option and that is to go back to the Department of Energy and say we need to pump and treat and do a totally separate – and that's where we are. We're hoping that you will not be quite as aggressive with your pre-annexation agreements but only enter into a contract for service and drop the other and that's what we're asking.
Jim Neu – Okay, I'll bring that back to Council.

Commissioner Stowe – And then your contract for service, could you not include a charge or something for maintenance for those lines? Your whole plan was that the City has to maintain those lines, seems to me there could be a pro-rata charge that is somebody agrees contract for services without a pre-annexation that they would, upon using the water pay so much per gallon, you meter the water and ..
Commissioner McCown – They do pay a different rate for out-of-town.
J**im Neu** – Right. Yeah, it would be a higher rate anyway for maintenance and operation.
Chairman Martin – Yeah, that's what we're looking for – we're hoping that that service …..
Commissioner Stowe – So that's covered then
Jim Neu – That's replaced then – it's the replacement were you want the tax base if you issue bonds.
Commissioner McCown – What is that rate, Jim?
J**im Neu** – Twice.
Commissioner McCown – Twice?
Jim Neu – Yes, twice in Cities.
Commissioner Stowe – So that money would offset some of that.
Jim Neu – Yeah, it offsets the extra expense of maintaining an extended line.
Commissioner Stowe – So you could write into your agreement something if there was a bond posted and approved by the City they would have to pay in part of the bond or something. Those things could all be worked out – we've got …
share the same as any other City user.
Commissioner Stowe – Right, It is a little bit cumbersome but this is a unique situation – this isn't the situation that appears in every City in the State, so.
Commissioner McCown – I think most water line extensions that are done by Towns and Cities, are done with the intent to increase the growth and the service to a particular area. This is completely different because it's a health issue – we all know in this room that this line would not be built if that water plumb had not been contaminated. Everybody in this room knows that because right now there is not a demand for service out there. Utilities are driven by demands of service or future direction for potential growth, but we have such a diverse use of the property west of Rifle now – there's everything from salvage yard to compressor stations to grazing land to whatever, that the demand isn't that great.
Jim Neu – The thought was a few years ago when the DOE approached the County and the City was that we need an institutional control to get back to the statement that Mr. Martin made, the pump and treat scenario for that plumb is nearly three (3) miles long – it's unrealistic – I'm a registered ground water hydrologist and probably aptly qualified to make that statement that it would be very expensive on the order, I'll just use a big round number fifty-million dollars ($50,000,000) – the chances of meeting success as far as goals is probably very small – it'll be extremely disruptive to the whole area, it'll look like you big oil and gas situation right down there on the floor even more disruptive because they do it a lot more often than have, their procedures probably a little more down pat than we probably would. And so when I brought that type of scenario to the City and County a few years ago, the thought was, so let's just pass this institutional control, DOE basically – I mean, I wasn't even envisioning bringing a water line out to the West Interchange, I thought in essence DOE did their part when we did the extension a few years ago cause that's where the obvious need was - in fact, not to go off on a tangent, but even when we did that five (5) years ago, it wasn't even that those homes along Six and Twenty-four (6 & 24) were using contaminated ground water, in fact there was a big debate between the DOE and the State on - well, the State says, well we think it probably is contaminated – DOE said we think it probably isn't and then luckily sanity overtook everything and we said, rather than us spending a lot of Federal dollars to try and prove our technical case, which ultimately would still be somewhat gray in these situation, we just said, look let's run, you know, don't do that, let's just do what we could add value and that's by extending this water line. But anyway to get back to the point, what Russell George and others had said is, DOE, if you ask the City and the County to pass an institutional control without doing something like a water line, then in essence that's a taking on the private citizens in the area and so knowing that's something that DOE wouldn't want to try encourage, that we sat down and said, well how do we avoid a taking. And that's really the genesis of a water line to the west.
Chairman Martin – Well, yeah and we agree with that and we were there – I was at that table as well – what it amounts to is we got back to the same claim and that is to allow service without the annexation agreement. We're hoping that Rifle sees the logic in that and also the protection plus recover their costs of operation by the service charge that they're doing. And that's, I think that's the only issue that's standing in the way right now- which was there again five (5) years ago as well. We need to be able to do that, so.

Commissioner McCown – I don't think there's any real problem with the County's - at the very on set of this negotiation, I had some questions with it, basically institutional controls without some level of comfort of what can take place under those areas governed by them; but I've gotten past that because basically our agreement allows what there's to continue to happen under our institutional controls and all they have to do is make sure they have safe drinking water – and that was our intent anyway. We weren't looking to change the land use, we weren't looking to do anything else other than to provide safe drinking water for these people.
Chairman Martin – And that's still were we are.
Audience – Will that give you long placement
Chairman Martin – Just a minute, okay do you feel you've covered everything? All right, I'll need you to come forward Mr. Schultz, oh, that would be great. Identify yourself and your address so that the record has it.
Gary Schultz and I'm one landowner involved in this area and I just appreciate you've heard from the City of Rifle and how this kind of approach to this thing is going to be. I would like to advise you how it's actually happening, and how the people are being treated out there and what they're having to go through in order to just hook onto this water line that's actually already in place. At this point and time we have expended almost thirty-five-hundred dollars ($3,500) in surveys, re-surveys, now they came back and said no, that isn't enough we need a topo survey – they came along and we had – we met with the City of Rifle.
Commissioner McCown – Now is this to annex?
Gary Schultz – Well first let me – when we first got the letter it says, quoted the letter we got from I think it was Mark, it said that "if you are not where you can be annexed, then you need to sign a pre-annexation but if you are eligible to annex, then you need to annex." So we went and proceeded on that basis that we were contiguous, we needed to annex. So we went on that basis and we were told, no this is just a situation you need to get some water, you just need to sign up for some water, so we proceeded to do this. So we went through many, many, many procedures to finally get to the point that thirty-five-hundred dollars later and they said, okay, fine, we've got everything done – you'll be approved and said discussion at the next City Council Meeting. Prior to the meeting we get advised, no, the attorney is not ready, we will end up postponing it, we'll table it and after tabling it we'll just bring it back up the next time and take care of it. Subsequent to that time, well, then we get to the meeting, and they say, the Schultz's are not ready, they haven't done everything they need to do so we're not going to approve it, they have to just postpone it because of they haven't done what they're supposed to do. So, which was news to us and so then the subsequent date after that meeting, we get this new letter that says, no, you now have to do these things among them of which was, either you agree to close that road that goes through your north end and agree to never access it or you're going to have to put a City street's condition through there - i.e. pave it, put curb, gutter, sidewalks in order for us to annex you. We think that you are into a subdivision, don't ask me how or why, but somebody came to that conclusion, so you'll have to now go with the topo survey all the way through the property and we finally at that point said, stop it. So these are the things that's we've had to go though as a property owner when all we were trying to do was to get water. Thank you.
Gail Schultz – Water and sewer.
Chairman Martin – All right.
Jim Neu – All that has to do with annexation, none of it has to do with the request for water service.
Chairman Martin – Gail, did you have something else to add to that – Gail Schultz – I thank you so much for addressing these things because actually the concern was when I went down after last Monday's meeting and picked up a pre-annexation agreement, you're really, my paranoia concern is that I'm doing the exactly the same thing and that is agreeing to all the stipulations that we're dealing with right now in an annexation process. And I think the pivotal issue in this whole thing is County Road Two-sixty-four (264) – it runs through our property and I don't think the City really wants to deal with that – I don't blame them, but I don't think the City wants to deal with it, nor does the County really feel like they want to maintain it. But I talked to many energy companies since then and there are about seventy (70) vehicles a day that access along Two-sixty-four (264) and my concern is, if we sign a pre-annexation agreement, you are in effect telling the City of Rifle okay, I agree to all the stipulation that you may at any time impose on me including turning the propane tanks that are stored there a different way, so that if they blow, they blow toward the mountain and the fact that all of the storage there right now is oil and gas. The pre-annexation agreement to me is just as binding as the annexation if the City so chooses. So the whole thing, I'm just sort of sitting there in limbo for greater minds than me, and I don't, just as a quick aside, my father and grandfather both were contractors, subcontractors on all the Union Carbide mills and vanadium mills at

Rifle Creek and both mills – they both died very young as a result of breathing what they breath – I never joined a class action suit, I've never sued anyone, I don't want anything, I just want to live peaceably with my neighbors.
Chairman Martin – Okay, you
Commissioner McCown – I think the gentlemen over ….
Chairman Martin – Next, all right, make sure you're identify yourself there, James.
My name's **Jim Slappey** - I'm one of the partners and the manager of West Rifle Industrial Park, LLC - we own 22.5 acre tract that joins the Schultz property on the east and extends down to and joins Bill Clough property on the west and the north and bounded on the south by Colorado 6 & 24. We have an existing business on the property - Columbia Propane - the City of Rifle in conjunction with DOE some years ago extended a water line along our southern boundary to a point in front of Columbia Propane's office and we are indeed served by water tap with the City. To give you a hypothetical situation, suppose that I came in here before you gentlemen and said we have a water line that runs down in front of this parcel of property and I want you to spend $2 million to extend this water line for another mile and one-half (1.5) plus or minus - but the condition to you, to this water line, is that we're going to spend your money to run it out here but it's not going to serve any useful purpose because we aren't going to allow anyone to hook up to it. Now you would either throw me out of this room immediately, or you'd try to commit me to the State Mental Institution. But that in a nutshell is the situation we have. We've tried unsuccessfully for two years to reach an agreement with the City of Rifle to obtain water service. We went before the Planning and Zoning Commission and were lied to in writing in a staff report which denied the existence of the water tap to National Propane - Columbia Propane and that we can prove - if you gentlemen would like to see documentation, I'd be happy to provide it. So my point is, why would you want to do anything to build a water line that people can't use. We've been willing and by the way the Planning and Zoning Commission turned us down on our water service agreement. We went to City Council, City Council overrode their decision, directed the staff to enter into a water service agreement with us. But that, without drawing very, very tight guidelines, to tell the staff to enter into a water service agreement is kind of like telling an octopus to use a tentacle you're going to use to strangle me with. And the end result is nothing has been accomplished - at the present moment I don't see any way that we're going to be able to work this situation out because of the restraints that the City keeps imposing on us. And I would think that the federal government would be remiss in it's duty to the tax payer to appropriate two million dollars to build a water line to nowhere to serve no one and unless you gentlemen can come up with some guarantee that ties the City of Rifle to some very narrow guidelines and some very specific instructions as to the usage of that water line, it's just plain stupid to waste the taxpayer's money to extend it.
Chairman Martin - thanks Jim, any questions?
Gary Schultz - John, could I ask one more question?
Chairman Martin - yes, go ahead.
Gary Schultz - what, besides building the water line, was there any other aspect that was tied, i.e. tap fee to be paid or furnished to the landowners - were they supposed to pay for their own tap fees.
Chairman Martin - yes, they would be responsible to pay their own tap fees and their services.
Gary Schultz - okay, thank you.
Dave Sezark - representing Williams Production and I just want to make a brief statement - we have some concerns about CR 264 and really would like to continue using that access to get to basically access our production facilities in the area - I know there is a number of other energy firms as Gail mentioned - Public Service, Canyon, Quest Star and Ballard, they also have energy production facilities in the area that would not be able to be accessed if CR 264 is shut down in that area. Our only other option would be access from Mr. Clough's land and he's requested that we do not do that due to his cattle wintering operations that he holds there and we do respect Mr. Clough request as a private landowner, and do not intend to use his road, so that's currently our only mode of access to our facilities and we need to continue to use that access.
Chairman Martin - I don't believe we have any consideration on CR 264 being closed at any time. Yes, Gail, got to use that microphone.
Gail Schultz - I'm so sorry, we need to move ahead, I realize but and I have no legal expertise but in a letter from the City, and these were the additional nine (9) requirements that they were asking us to meet some of them, we had already met but it said that we would be required before any kind of annexation agreement would be entered into, but we would have to work with Garfield County regarding the current condition of CR 264 - are you willing - and I had an engineer read it because I couldn't get legal advice in time, are you willing to sign a letter to the City of Rifle stating that you will never request property access

from Garfield County 264 and will you agree that Garfield County 264 will not be annexed into the City - if so, you will not be required to pay for the improvements for this road to become a city street.
Chairman Martin - I think there's a Garfield County policy, is that if there's an annexation that includes a road, whoever is doing the annexation, includes the road in that action, so that's kind of a conflict that you've got going there - but that's okay, it's all right, we like to see those roads annexed into the City if there's access into sections that again annex into a City - so that's a policy that we would have to review.
Commissioner McCown - I think what Gail was saying, and I met with Gail and Jim Slappey and Bill Clough last week out on the ground at this location. Rather than upgrade 264 along the property boundaries that we've talked here today to City standards with streets and sidewalks, they would forego access to that road and gain their access off of 6 & 24, therefore leaving it a County Road and I know - I don't think Gail mentioned it, but I know Jim did that he would be willing to deed restrict his property that there would not be any access to 6 & 24 to guarantee that - basically what this road without access from these properties amounts to is a private drive to Bill Clough property - that's all other than naturally, the gas industry people, but that would the only property that it would serve would be Bill Clough property and the gas industry, so it would not and it is not a thoroughfare - it's a point in ....
Chairman Martin - the point still being is a County Road - that's what we're looking at and really, their responsibility is to the County.
Commissioner McCown - and does it go beyond the cattle guard, or does the County Road stop at the cattle guard there?
Don DeFord, Larry I can't tell you that.
Commissioner McCown - well that does have quite a bearing, because if it's a County Road all the way across Bill Clough property, it comes back out again on 6 & 24, down below this area in question, because it's the old highway.
Don DeFord - I just can't tell you, I don't know what the legal status of the road is.
Commissioner McCown - right now, visibly it stops at the cattle guard and it says clearly, private property beyond that point.
Chairman Martin - it's not unusual that people erect the signs, put the cattle guard up but it still ends up being a public access - I think we've had quite a few problems with that lately. Mark did you have anything that you wanted to clarify - you look like you wanted to say something.
Mark Bean - no
Chairman Martin - all right, thank you. Anyone else in the audience, then I'll get back to Mr. Neu, yes, Jim again and then Gail - you're keeping notes I take it. All right.
Jim Slappey - I'd just like to say one other thing, we've tried unsuccessfully to obtain a copy of what's supposed to be an existing agreement between the DOE and the City of Rifle pertaining to the existing water line on our place and I guess unless I'm willing to spend considerable amount of money in attorney's fees under the freedom of information act, I'll probably never see it - and this is another obstacle that we run up against - we've been - we've already suffered economical loss to our property and then attorney's fees and surveyors, and engineers expense and we're no further to getting this thing resolved that we were two years ago. And I frankly don't know what the answer is - we want to develop it into nine (9) industrial lots ranging in size from two to three acres (2-3) which I believe is a market for that and industrial use is - I believe a historical use of that property - and I don't want to take any more of you gentlemen's time but you know every time we think we've got something resolved, another condition jumps up to bite us and frankly as it exists today, I don't think there's a chance at all of resolving our differences with the City and we do have two (2) driveway permits, which we have obtained from C-DOT allowing us access onto 6 & 24 so that part of the problem has been resolved - what we started out to do was to develop the property as a County Subdivision and obtain the water from the City - since we already had an existing eight inch (8") line that borders our property - but we're still back here at home plate - thank you gentlemen.
Chairman Martin - thank you Jim, Gail, closing comment? No, she's going to pass. Back to you Mr. Neu. Anything you'd like to add to it?
Jim Neu - there are some points of clarification, but I'm not sure that it would be beneficial at this point - so I think we know the issue and
Chairman Martin - I think we need to work on that issue.
Commissioner McCown - the problem with the issue is the September 28th deadline which is Friday
Chairman Martin - to the DOE

Don DeFord - Mr. Chairman, there are just a few other issues involving this agreement - if you're going to discuss the agreement in the context of the zoning, I probably ought to bring those to the surface at this point - they still need to be addressed.
Chairman Martin - some clarification - I think you had some items that you added to or took out of that contract
Don DeFord - yes, at some point I wanted to talk to you about particularly with Jim present and Don Metzler, and Don's already alluded to this too, is that it came to my attention last week, that Rifle would be the single recipient, as Don referred to and hence receive all of the funds that are going to be utilized to - I will say purchase reverse osmosis (RO) systems, we do not have an agreement with Rifle on the disbursement of those funds and I guess I'll put it out there and for some discussion also with Jim, if that needs to be accomplished before we finalize this agreement, or if that's something that can be worked out.
Ed Green - I discussed that matter with Selby on Friday - he's very reluctant to enter into an agreement between us and the City for disbursal of that hundred and eleven thousand ($111,000).
Don DeFord - so as far as we know he doesn't want to serve in that role, then. So that's an issue that still needs to be resolved and I guess that has to involve Rifle as well - one thing also that I'm not sure where we are on the question of maintenance of these systems, the way I'm reading this agreement particularly the attachment, page 27, is that the funds are designed for purpose or acquisition of RO systems, but it is my understanding that the homeowners are responsible for maintenance - that's not at DOE expense, is that right?
Jim Neu - that's right.
Don DeFord - and in that regard I will point out also some language on page 10 of the agreement that we discussed last week that should help in limiting the size of the RO systems that required - does put some language in here that limits them to safe domestic drinking water and the intent is to limit them to a size needed service only - the actual sinks within the facility and not all of the other uses that might occur in a house - and that I think helps a lot on terms of costs of the system and also cost of maintenance. I think the other issues we talked - Don and I talked about are really ministerial so I think those are the issues that I had to bring out on this agreement, and I'll put the question out there as to whether of not we need to continue both the public hearing and consideration of this agreement for later this week - if that's possible - and that's for discussion - I don't know.
Chairman Martin - and sit down and do that by the 28th. Is everyone available Friday? I think that we need
Ed Green - I wasn't, but I will be.
Chairman Martin - I think it's very critical now only for property owners but also down the road on how we approach any development or the ownership of this property and the use of water - and hoping that the Department of Energy can assist us in that and the City of Rifle and the County can agree and come up with terms, so I think, I would like to see a really hard sit down around the table and work out some of these issues by Friday and get back to it with a continued public hearing - do I have any motion to do so, or discussion about that item.
Commissioner Stowe - the only thing, I have a Healthy Beginning's Board Retreat on Friday from 7:30 AM till noon. I would be available in the afternoon.
Chairman Martin - well do you see that there would be any benefit to continue the meeting.
Commissioner Stowe - well I see there's a benefit to continue if it we can get things done, I'm just trying to tell you of a prior commitment.
Commissioner McCown - well, if there's going to be negotiations ongoing until Friday, or are we just going to meet Friday and try to iron out twenty years worth of problems in an afternoon.
Mark Bean - maybe a question of Jim, when is the City Council going to be discussing these issues.
Jim Neu - we've left it open - all week.
Mark Bean - I guess the thought was given with Walt's conflict, move it to Thursday or possibly something like that if that works better for everybody.
Don DeFord - is this anticipated to be a joint meeting with City Council, or is City Council going to discuss it first and bring it back, or
Chairman Martin - I think with our situation I think you guys have a pretty clear picture of where we stand on the issue and how we'd like to go about resolving it - and I think that needs to be presented to the City Council, or representatives and come back and say, we can make these adjustments and we'll move forward - hopefully that's what we're looking for by Friday and we could set that at one o'clock (1:00 PM) - would that work out or Thursday - would Thursday give you enough time?

Jim Neu - I think we should give ourselves as much time as possible.
Chairman Martin - my feeling also. Mr. Slappey, you had another comment?
Jim Slappey - yes, I'd just like to ask how their notice affects this?
Mark Bean - well, I think basically all of your properties are in the area that would not be considered as part of this particular zoning amendment - as far as rezoning your property, so it would affect the zoning and institutional controls at this point as far as that goes, but as far as the agreements with the City to provide service, I think that's a separate issue.
Chairman Martin - no, it would be a separate issue which we need to work out.
Audience - I would question,
Chairman Martin – Yes, young lady.
Audience - Considering there was an error in the notice, does that - do you re-notice people and then go back and address that later, or what?
Mark Bean - we would have to do that if that was the decision of the Board, that's correct.
Don DeFord - to bring that property in, it has to go through the regular notice procedure so it would be, what, Mark - 30 to 45 days out?
Mark Bean - we're going to have to go back to the Planning Commission technically as well as the Board of County Commissioners
Commissioner McCown - and that would definitely put us outside this September 28th -
Mark Bean - no doubt.
Chairman Martin - for that particular property, but the other agreement with everything worked out that would be satisfactory, we could include that property with the changes and agreement which could be discussed. Anything else anyone would like to say in the matter.
Mildred Alsdorf - what time?
Chairman Martin - I was looking at about one o'clock (1:00 P.M.)
Mildred Alsdorf - the room is available, that's not a problem
Chairman Martin - then I would need a motion to go ahead and continue this until then.
Commissioner Stowe - there are a lot of issues so, so moved.
Commissioner McCown - second.
Chairman Martin - discussion?
Commissioner McCown - I think it's going to be staff's duty that if we're still at an impasse on Friday at one o'clock (1:00 PM) - I mean if the City of Rifle clearly is not going to grant access to the water line without pre-annexation I don't see a need for a meeting Friday.
Chairman Martin - all right.
Don DeFord - the only reason for a meeting is we need a final decision on the zoning requests that's in front of you and also on the agreement - the Board has to take action on those.
Chairman Martin - that would have to be on Friday.
Don DeFord - yes.
Chairman Martin - so we would have to do that but it would be a downer of a meeting, that's for sure. So let's go ahead and do that, call for the question, all those in favor?
Commissioner Stowe - aye
Commissioner McCown - aye
Chairman Martin - aye
Chairman Martin - all right, we'll meet here at one o'clock, cross your fingers now - work hard on it. All right, we'll do our share too.
Ed Green - the other issue is the agreement
Chairman Martin - yes, those are the two issues that we need to address. Thank you gentlemen.

DISCUSSION AND APPROVAL OF NEW BOUNDARY LINES FOR COMMISSIONER DISTRICTS

Mildred Alsdorf stated that she posted the map of the precincts and proposed Commissioner Districts for the Commissioners review - she explained that a meeting occurred on September 19 with representatives from the Republican and Democratic Parties present - Georgia Chamberlain, Leslie Robinson, Jon Tindell, Joe Kline, Jackie Ehlers. They were looking at the population that is required to use for redistricting. They tried to get it to the closest numbers based on the Census 2000. District 1 as it was had 14,331 population;

District 2 - 10,676; and District 3 had 18,784. The easiest way to make this close was to move District 2 further into District 3 which would be Precincts 16 and 17 - a set area and take those two precincts out of the west end of the County. This will leave District 1 with 14,331; District 2 - 14,357; and in District 3 - 15,103. And without having to go outside the Precinct boundary lines, the group decided that would be the best way to go at the present time and will continue to look at the situation - from the sound of everything presented, the growth is projected to move farther west all the time. This may require the group to look at changing the Commissioner Districts again - this has to be done in odd year elections. Precinct boundaries can be changed during even year elections.
Chairman Martin mentioned there was one other change and that was to reestablished Precinct 10 as precinct 1 in the southern instead of splitting it in Precinct 1 and Precinct 2 - so we made Precinct 10 as a full precinct.
Mildred said Precinct 10 is a full commissioner district.
Commissioner McCown inquired what data Mildred used if she didn't use the Census data - the DOLA numbers - and if you do it in another odd year prior to a Census?
Mildred - you would probably use DOLA numbers - that would be the only way you are going to come up numbers.
Commissioner McCown - historically, they have been conservative in their number - the DOLA numbers do not reflect the County total number that Mildred has here.
Mildred added that it came out in the group meeting that in ten years we're probably have 60,000 people in Garfield County. Jon Tindell said from the statistics and also from what he has seen out there, he feels that this may what it is and what we will be doing starting in the middle of November, we'll be looking at re-precincting as well. But we will leave the Commissioner line as it is right now with those Precincts. Today, she is asking from the Board any thoughts on this or anything they would like to bring up.
Commissioner McCown inquired about a strange looking notch up on the Rifle Creek Road in Precinct 17.
Mildred explained that it is probably because the need was to find a definite boundary line as they have to go by creeks, roads, etc. One thing that has tied their hands is the fact that once you have all these Census Blocks out there and they do not want to let you do anything to create disruption to their blocks - at first they told us they would go along with our Precinct boundaries. Rob Hykys produced these maps. She also clarified what the A and T stood for in the reports she handed out to the Commissioners - A = active voters and T = total voters. At the meeting last Thursday the reports are showing 30,000 voters - Active & Inactive Voters however, after the first part of the year 2002 when we go on the Secretary of States' system, automatic purging will take place - it may reduce it by 4,000 in-actives.
Mildred said, if the Board agrees with the, she will need a motion authorizing the Chairman to sign a Resolution with the change of Commissioner Districts per the population.

Commissioner McCown so moved. Commissioner Stowe seconded; motion carried.

REQUEST FOR APPROVAL OF A MAIL BALLOT ELECTION - NOVEMBER 6, 2001
Mildred stated that the Secretary of State has changed some rules - a motion is needed from the Commissioners approving a mail ballot election being coordinated with the other entities in the County for the November 6, 2001 election.
Chairman Martin - some of the municipalities have taken action to designate Mildred as their representative on the November 6, 2001 election.
Mildred stated they have to do that according to the IGA.
Commissioner Stowe inquired if these entities reimburse her for expenses on that.
Mildred stated they are all billed - it's just like last year with the fact that the County didn't have any ballot questions, so what the election cost over the regular costs was billed to all of the other entities and some of them found out it was pretty expensive; but she still does their elections. So all others will be billed.
Commissioner Stowe - I'll make that motion for this election for this Fall.
Commissioner McCown - second.
Discussion
Commissioner McCown - will the County have anything on the Ballot this year - there will be School District issues?
Mildred - we'll have School Districts, the Open Space Issue again for the 2.5 mil levy and RE-1 is looking at term limits.
Commissioner McCown - are we sure we have that?

Chairman Martin - on the Open Space question that will need to be submitted to Mildred.
Mildred - my ballots are being sent to be printed right now.
Chairman Martin - we don't have a review of it..
Mildred - the voters authorized them to do a District so it doesn't have to come to the Board - except for the fact of, if they get their 2.5 mil levy, we've asked that they pay their election bill from the 2000 election and that they will pay it this time too.
Commissioner McCown - now, what if it fails again? They can just keep coming back and running up their bill - we don't have ...
Chairman Martin - no
Mildred - they have agreed that they will pay their bill - they didn't because they came before you and got approval not to. They signed an Intergovernmental Agreement with me.
Chairman Martin called for the question.
Vote on the Motion
McCown - aye
Stowe - aye
Martin - aye
Motion carried.

CONSIDERATION OF FINAL PLAT - CERISE RANCH PHASE II

Tim Thulson, Don DeFord, and Mark Bean were present.
Tim thanked the staff and Board for continuing the meeting from September 17th until today.
He requested a motion authorizing the Chair to sign the final plat on the Cerise Ranch. This is Phase II, the last one of two. The documents have been reviewed with staff and they determined them to be acceptable.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Subdivisions Improvement Agreement and the Final Plat for the Cerise Ranch.
Discussion
Don inquired about security and was informed by Tim that it would be in place by Tuesday or Wednesday.
Don instructed Mildred to hold the Final Plat recording until that security was in place.
Commissioner Stowe amended his motion to include holding the recording of the Final Plat until the security was in place. Commissioner McCown amended his second. Motion carried.

d. Road and Bridge - Temporary Road Closure - County Road 154 at Rose Ranch

Tom said he was approached the Board for a temporary road closure during construction on CR 154 at Rose Ranch and would like to have it closed until September 21, 2001 due to work being done by C-DOT on Hwy. 82 and improvements to CR 154.
Motion
Commissioner McCown made a motion to grant the request for closure of CR 154 for construction improvements until September 21, 2001. Commissioner Stowe seconded.
Discussion was held regarding the damage to Hwy. 82 when a huge rock fell bouncing across the northbound lane onto the southbound lane hit and continued onto the old Hwy. 82, fell into brush and finally into the river.
Motion carried.

MARK GOULD - CR 154/HWY. 82 - EXTEND ROAD CLOSURE

Mark Gould and Don DeFord were present.
The request to extend the road closure at CR 154 and Hwy. 82 was submitted and discussed - focus was on the progress of the project stemmed by Rose Ranch.
Mark mentioned they will do the paving today and tomorrow - open road by Friday September 28th - make sure the stripping on the road - the road has both the excel and decel lanes - when opened up it will be safe for the citizens.
Tom Russell agreed with this report.
Mark Gould - they will open CR 154 onto Highway 82 open without the signal lights. He reported the signal lights have been ordered. When Rose Ranch was originally before the Board, the C-DOT had met with the developers and engineer and expressed that a signalized light would not be necessary until the specified numbers were increased - at that time they expected it to be no sooner than January 1, 2002.

Mark requested an extension until September 29, 2001 and stated the road will remain closed until it was safe for the citizens of Garfield County to use the intersection.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to grant the road closure until September 29, 2001 as requested and presented by Mark Gould. Motion carried.

County Health Pool Deliberations

Ed presented a handout and explained that the County Health Pool has been tagged for an increase of approximately 22.9%. This was not final, but wanted to provide the Board with a heads-up.

The ongoing discussions and actions will be to focus on getting the 22.9% down for the Counties and potentially adopt some benefit modifications. He explained the current co-pays compared to what might be proposed in both the EEO and PPO plans. Discussion has also included an increase in prescriptions both generics and brand. These increases to staff would amount to a saving of 5% and put the overall increase to the County at 18%. Whatever changes may occur would begin effective January 1, 2001.

NAACO Grant - Software for GIS Programs

Rob Hykys gave the Board notification that he received a letter from ESRI awarding the NACo/ESRI Technology Foundation Grant Series Intermediate Level Grant. It included the software and materials that make up the package extended through the grant program.

The question was asked if the GIS software could be incorporated the work by Road and Bridge?

The Board was happy to hear that it could be done.

Payment of Bills

Jesse Smith submitted the bills and requested the Board to approve - he noted there were some exceptional amounts.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills. Motion carried.

Rural Resort Summit Meeting - Contribution

Commissioner Stowe requested the contribution to the Rural Resort Summit in the amount of $1,000 be authorized. It is the same this year as it was last year.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the expenditure of $1,000 to Rural Resort for the Summit Meeting; motion carried.

EXECUTIVE SESSION - LEGAL ADVICE AND LITIGATION ON A PERSONNEL CLAIM

Don DeFord, Ed Green, the Board and Mildred were to remain for the session.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the aforementioned items. Motion carried.

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

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until Friday, September 28, 2001 for the Drinking Water Constraint Zone District Meeting with DOE and the City of Rifle. Motion carried.

Attest: Chairman of the Board

_____ _____

SEPTEMBER 28, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Continued Special meeting of the Board of County Commissioners began at 1:00 P.M. on Friday, September 28, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC HEARING CONTINUED - CONSIDER APPROVING THE ADDITION OF SECTION 3.14, DRINKING WATER CONSTRAINT ZONE (DWC) TO THE GARFIELD COUNTY ZONING RESOLUTION AND CHANGING CERTAIN LANDS WEST OF RIFLE FROM AGRICULTURAL/INDUSTRIAL (A/I) TO THE DRINKING WATER CONSTRAINT ZONE. APPLICANT: BOARD OF COUNTY COMMISSIONERS

CHAIRMAN MARTIN - THIS IS A CONTINUED MEETING, FRIDAY, SEPTEMBER TWENTY-EIGHTH (28TH).
MILDRED ALSDORF - ROLL CALL - ALL THREE COMMISSIONERS PRESENT.
CHAIRMAN MARTIN - FIRST ITEM, LOOKS LIKE THE ONLY ITEM THAT'S LISTED ON THE AGENDA IS THE PUBLIC HEARING THAT'S CONTINUED ON THE CONSIDERATION OF APPROVING AN ADDITIONAL SECTION TO THREE POINT FOURTEEN (3.14) DRINKING WATER CONSTRAINT ZONES TO THE GARFIELD COUNTY ZONING RESOLUTION AND CHANGING CERTAIN LANDS WEST OF RIFLE FROM AGRICULTURAL/INDUSTRIAL TO THE DRINKING WATER CONSTRAINT ZONE. THE APPLICANT IS THE BOARD OF COUNTY COMMISSIONERS. WE'VE ENTERED INTO DISCUSSION, WE HAVE SOME NEW FINDINGS, NOT YET? I BELIEVE THE CITY OF RIFLE IS HERE.
MARK BEAN - AT THIS POINT I NOT SURE WHAT YOU WOULD WANT TO ENTER, OBVIOUSLY THERE'S BEEN A LOT OF DISCUSSION IN VARIOUS DOCUMENTS THAT HAVE GONE BACK AND FORTH BETWEEN OUR OFFICES AND THE CITY'S OFFICES AND DOE'S OFFICES, SO I DON'T KNOW WHICH OF THOSE YOU WOULD PREFER - OR THINK ARE APPROPRIATE, QUITE FRANKLY, I GUESS IS EXHIBITS FOR THE ZONING ISSUES.
CHAIRMAN MARTIN - I BELIEVE SO.
MARK BEAN - I GUESS IT'S A QUESTION AS TO WHICH ONES YOU WANT TO ENTER. MAYBE MR. DEFORD CAN ASSIST US THERE.
CHAIRMAN MARTIN - MR. DEFORD, WE'VE OPENED OUR MEETING AGAIN. DO WE HAVE A LIST OF EXHIBITS THAT WE HAVE TAKEN IN?
MARK BEAN - I HAVE A LIST HERE OF A THROUGH G WHICH IS
CHAIRMAN MARTIN - EXHIBIT G WAS THE LAST - A LETTER FROM GOLUBA AND GOLUBA.
MARK BEAN - CORRECT.
MILDRED ALSDORF - YES.
CHAIRMAN MARTIN - AND THAT WAS IN REFERENCE TO HOLLENBAUGH PROPERTY. ANY OTHER EXHIBITS AT ALL FROM THE CITY OF RIFLE OR MR. DEFORD THAT WE NEED TO CONSIDER?
DON DEFORD - HAVE THESE BEEN ENTERED?
MILDRED ALSDORF - IT WAS NOT ENTERED, THEY WERE GIVEN COPIES.
DON DEFORD - ALL RIGHT, I THINK YOU PROBABLY DO NEED TO ENTER THE LETTER OF SEPTEMBER 27TH FROM MR. LEAVENWORTH ON BEHALF OF THE CITY OF RIFLE, THE LETTER WITH ATTACHMENTS WHICH INCLUDE THE PROPOSED INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF RIFLE AS WELL, I THINK IT'S A COPY OF THEIR COMPREHENSIVE PLAN OR MASTER PLAN AS IT AFFECTS PORTIONS - AS IT ADDRESSES THIS AREA THAT WE'RE DEALING WITH. AND I DON'T KNOW IF THEY'LL BE OTHER EXHIBITS, IT DEPENDS ON THE COURSE OF THE DISCUSSION.
CHAIRMAN MARTIN - WE ALSO HAVE THE DISCUSSION ON THE OUT OF TOWN SERVICES AND THE PRE-ANNEXATION AGREEMENT, NOW THAT'S A LETTER FROM MR. LEAVENWORTH AND KARP ON THE 24TH, DO YOU HAVE A COPY OF THAT ONE?
MILDRED ALSDORF - WE MAY HAVE IT DOWNSTAIRS, I DON'T KNOW.
DON DEFORD - I DON'T THINK I HAVE THAT ONE.
CHAIRMAN MARTIN - DO WE WISH TO ENTER THAT AS AN EXHIBIT?

MARK BEAN - EXHIBIT H WAS THE PREVIOUS LETTER?
MILDRED ALSDORF - SO THIS WOULD I.
CHAIRMAN MARTIN - THAT SHOWS THAT THE REGULATIONS THAT THEY HAVE IN THE CITY OF RIFLE AS PART OF THE HEARING. NOW, WHAT'LL WE DO AGAIN AS THIS IS A CONTINUED PUBLIC MEETING, WE'VE TAKEN IN THE OTHER EXHIBITS TO I FROM G TO I, ALL THOSE THAT WISH TO GIVE TESTIMONY - WE'RE GOING TO SWEAR IN, SO IF YOU'D RAISE YOUR RIGHT HAND - LEE YOU'RE EXEMPT - YOU'RE AN ATTORNEY - DO YOU PROMISE TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, THEN SAY I DO
AUDIENCE - I DO.
CHAIRMAN MARTIN - YES, THANK YOU VERY MUCH. YOU ARE BEING RECORDED SO OUR REQUEST IS THAT YOU STATE YOUR NAME AND THEN GO AHEAD AND GIVE YOUR TESTIMONY. YOU'RE CHAWING AT THE BIT - I KNOW YOU ARE. LET'S OPEN UP THE DISCUSSION - I THINK THAT THE TWO THINGS WE HAVE IN FRONT OF US IS THE AGREEMENT BETWEEN THE CITY OF RIFLE AND GARFIELD COUNTY ON DISTRIBUTION OF FUNDS WITH THE - COMING TO RO SYSTEM - I THINK THAT WAS PART OF THE DISCUSSION THAT WE NEED TO CLARIFY. AND HOW WE'RE GOING TO PAY FOR THOSE, AND WHERE THAT'S MONEY GOING TO BE DIVERTED SO WE SOME COMFORT ON THAT.
DON DEFORD - JUST FOR CLARIFICATION ON THE COURSE OF THE TESTIMONY, MR. CHAIRMAN, ARE YOU, ARE WE ALSO PRESENTING TESTIMONY CONCERNING THE DOE AGREEMENT AS PART OF THIS HEARING?
CHAIRMAN MARTIN - I UNDERSTOOD THAT WE WERE.....
DON DEFORD - SO, WE'LL WRAP IT ALL UP INTO ONE DISCUSSION. ALL RIGHT.
CHAIRMAN MARTIN - I UNDERSTOOD THAT WE WERE INSTEAD OF HAVING TWO DIFFERENT DISCUSSIONS.
DON DEFORD - VERY GOOD, THANK YOU. FOR THAT PURPOSE, THEN I'D SIMPLY STATE THAT WE HAVE RECEIVED AS OF THIS MORNING, WHICH I THINK IS THE FINAL DRAFT NOW.
UNIDENTIFIED SPEAKER - WE HAVE IT IN OUR VERY HANDS.
CHAIRMAN MARTIN - WE HAVE ANOTHER ONE.
COMMISSIONER STOWE - THIS IS THE FINAL FINAL.
SHERRY BARKEY - CONTRACTOR TO THE DEPARTMENT OF ENERGY, WE'VE GOT WITH US - I INADVERTENTLY - THE ONE THAT I SENT YESTERDAY BY E-MAIL DID NOT HAVE ARTICLES TWELVE AND THIRTEEN (12 AND 13) CORRECT AND THE ONLY DIFFERENCE THERE IS, IS THAT THE CITY AND COUNTY PORTIONS OF THE MONEY HAVE BEEN APPROPRIATELY SEPARATED, SO DON I'LL GIVE THIS ONE TO YOU AND THEN HOPEFULLY WE'LL BE ABLE TO BRING THIS TO A SUCCESSFUL CONCLUSION AND I'LL MAKE - YEAH, SIX (6) COPIES BACK WITH ME THAT,
MARK BEAN - DO WE NEED TO MAKE ADDITIONAL COPIES?
SHERRY BARKEY - YOU MAY NEED TO IF YOU FOLKS WANT A COUPLE COPIES TO HOLD ONTO IN THE INTERIM.
DON DEFORD - DO YOU HAVE SIX (6) COPIES FOR YOUR USE?
MILDRED ALSDORF - DO YOU HAVE SIX (6)?
SHERRY BARKEY - WELL, I CAME IN HERE WITH SIX (6) BUT WE WANTED PEOPLE TO HAVE THINGS TO TALK ABOUT SO RIGHT NOW I ONLY HAVE FIVE (5).
MARK BEAN - NO, WE HAVE SIX (6).
SHERRY BARKEY - WE DO HAVE SIX (6)?
MARK BEAN - YEAH, WE HAVE SIX (6).
DON DEFORD - THAT'S ALL RIGHT WE'RE GOING TO RUN PLENTY.
SHERRY BARKEY - OKAY
MILDRED ALSDORF - OKAY, SO THESE ARE NO GOOD.
CHAIRMAN MARTIN - DID YOU GET A COPY OF THIS PRESENT - THIS NEW AGREEMENT - YOU DID RECEIVE THIS REVAMPED ONE?
SHERRY BARKEY - JIM NEU DID JUST NOW AS WELL AND THAT THE AMOUNTS OF THE FINANCIALS ARE THE SAME - THEY'RE JUST SEPARATED AND WE BELIEVE IN THE CONVERSATIONS WITH THE CITY AND THE COUNTY THAT WE HAVE ADDRESSED THE ISSUE OF GETTING THE RO MONEY TO THE COUNTY MAKING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY FOR THE RO MONEY UNNECESSARY.
CHAIRMAN MARTIN - OKAY.
DON DEFORD - GOOD.
SHERRY BARKEY - SO NOW THAT MONEY CAN BE INVOICED DIRECTLY TO DOE AND THE MONEY CAN COME FROM DOE TO THE COUNTY WITHOUT A PASS-THROUGH FROM THE CITY.
CHAIRMAN MARTIN - AND THAT'S THROUGH A VOUCHER, IS THAT CORRECT?

DON METZLER - DON, THAT WITH THE DOE FOR THE COUNTY TO RECEIVE THE MONEYS THEY WOULD INVOICE THE DOE. TODAY WE'RE OBLIGATING THE MONEY BOTH FOR COUNTY AND CITY IN ONE (1) AGREEMENT AND IN ESSENCE TWO (2) RECIPIENTS, SOMETHING DOE TO DATE THOUGHT THAT THEY COULD NOT DO - SO, WE'RE TAKING IT A LITTLE, I GUESS A CONTRACTUAL RISK HERE, BUT WE DO BELIEVE THAT WE CAN LEGALLY DO THIS, IT'S JUST VERY MUCH DIFFERENT THAN HOW DOE'S EVER DONE BUSINESS.
CHAIRMAN MARTIN - WELL, IT'S A BRAVE NEW WORLD, AND NOW THE QUESTION COMES UP IN THE DELAY OF THE VOUCHERS, WITH THE TURN AROUND TIME - THERE'S BEEN A REQUEST TO GO AHEAD AND DO THAT - THE COUNTY'S EXPECTED TO GO AHEAD AND DO THE UP FRONT, OR ARE WE GOING TO GOING TO VOUCHER YOU AND THEN RECEIVE THE FUNDS AND THEN GO AHEAD WITH THE PROJECT - HOW'S THAT GOING TO WORK OUT?
DON METZLER - THE WAY I TALKED ABOUT IT WITH MY CONTRACTING OFFICER IS, FIRST OF ALL LET'S TALK ABOUT THE NEED - I THINK ED YOU COULD HELP ME OR OTHERS, WE HAVE SEVENTEEN (17), I THINK SEVENTEEN (17) RO UNITS ON THAT ORDER, AND THEN WITH THE CAPITAL COSTS TO BUY THOSE AND WITH SOME FILTERS, ETCETERAS THAT THE SUM CAME TO A HUNDRED AND TEN THOUSAND DOLLARS ($110,000) THAT DOE AGREED TO, BUT THE THOUGHT WAS, IS THAT AS THE NEED BECOMES APPARENT FOR THOSE OR ON A ONE AT A TIME, OR A FEW OR HOWEVER, THAT WE WOULD BE VOUCHERED FOR THOSE AND THAT'S WHAT THE CONTRACTING OFFICER REALLY THOUGHT VERSUS THAT TOMORROW OR MONDAY, A VOUCHER WOULD COME OVER FOR A HUNDRED AND TEN THOUSAND ($110,000) AND WE'D PAY THAT.
CHAIRMAN MARTIN - THAT'S NOT MY QUESTION IS - DO WE UP FRONT THAT MONEY TO MAKE SURE THAT WE GET THE PROPER AMOUNT OF VOUCHER? IN OTHER WORDS, DOES THE COUNTY GO AHEAD AND STEP FORWARD, PAY FOR THAT AHEAD OF TIME, TURN AROUND AND THEN REQUEST REIMBURSEMENT BACK FROM THE DOE?
ED GREEN - WHEN THERE'S A REQUEST FOR A RO UNIT, DO WE FRONT THE MONEY AND THEN GET IT BACK FROM YOU?
DON METZLER - YOU CAN DO IT THAT WAY OR YOU COULD JUST SEND THE INVOICE IN AND WE'LL PAY IT - I THINK YOU'LL FIND THAT THEY'LL BE PAID WITHIN, I'D LIKE TO SAY THIRTY (30) DAYS BUT I'LL SAY FORTY-FIVE (45) DAYS - THAT THE REASON IS WE DO HAVE OUR OWN CO RIGHT THERE AT THE GRAND JUNCTION OFFICE AND THAT MAKES THINGS A LITTLE MORE STREAMLINE, SO WE COULD, YOU COULD EITHER PAY FOR IT HERE, AND THEN WE'D PAY YOU BACK WITHIN THAT RELATIVELY SHORT TIME FRAME WHICH I'LL TAKE SOME RESPONSIBILITY TO MANAGE OR YOU COULD JUST WAIT UNTIL YOU GET THE CHECK FROM US TO BUY IT.
SHERRY BARKEY - GENTLEMEN, I CALL YOUR ATTENTION TO ARTICLE SIXTEEN (16) PAYMENTS, OBTAINMENTS, METHODS WHICH DOES ALLOW FOR CASH ADVANCES AUTHORIZED AND SO I BELIEVE IF YOU CHATTED WITH THE CONTRACTING OFFICER THAT YOU COULD PROBABLY WORK IT IN UNDER THAT PROVISION AS WELL.
CHAIRMAN MARTIN - AND IT IS PAGE EIGHTEEN (18) ON THE AGREEMENT.
SHERRY BARKEY - IT'S ACTUALLY, STARTS ON EIGHTEEN (18) AND ITS ADDRESSED ON PAGE NINETEEN (19) OF THE AGREEMENT - WHICH IS "CASH ADVANCES ARE AUTHORIZED..."
CHAIRMAN MARTIN - YEAH, FOURTEEN (14) DAYS AHEAD OF TIME BEFORE YOU NEED IT.
SHERRY BARKEY - SO I BELIEVE YOU COULD PROBABLY WORK IT IN UNDER THAT SO THAT YOU DIDN'T HAVE TO OUTLAY THE PAYMENT IN ADVANCE.
CHAIRMAN MARTIN - ANY COMMENT FROM RIFLE ON THAT PART OF THE AGREEMENT? NONE? MR. LEAVENWORTH SHAKES HIS HEAD NO.
LEE LEAVENWORTH - THAT WORKED OUT THE WAY WE HOPED.
MILDRED ALSDORF - DO YOU HAVE THE REALLY NEW ONES?
DON DEFORD - YES, THANKS.
CHAIRMAN MARTIN - ANY OTHER QUESTIONS ABOUT THE AGREEMENT THAT NEEDS TO COME FORWARD?
DON DEFORD - JUST WHILE WE'RE ON THE AGREEMENT, JUST SEEING THIS FOR THE FIRST TIME THAT I WANTED TO DRAW YOUR ATTENTION TO PAGE FOURTEEN (14) AND FIFTEEN (15) OF THE NEW AGREEMENT, THIS DOES APPEAR TO BE ACCURATE BREAKDOWN OF THE COSTS AND OBLIGATIONS FOR THOSE COSTS, I JUST WANTED TO MAKE SURE THAT WE ALL TOOK A LOOK AT IT AND ED, YOU PARTICULARLY YOU'RE PROBABLY SEEING THIS FOR THE FIRST TIME TOO
ED GREEN - ACTUALLY, I'M NOT - I DON'T HAVE MY COPY YET.
COMMISSIONER STOWE - I'LL LOOK OVER JOHN'S SHOULDER.
CHAIRMAN MARTIN - THIS ONE WAS HOT OFF THE PRESS.

DON DEFORD - WELL, ED WELL BE A QUICK STUDY, I'M SURE. THAT IS ONE, WE DID WANT THIS DRAFT PRETTY MUCH THE WAY THEY'VE DONE IT.
ED GREEN - YES.
CHAIRMAN MARTIN - CONTRACTS FLYING LEFT AND RIGHT - LET'S JUST HOPE WE GOT THE RIGHT ONE.
COMMISSIONER STOWE - WHAT ABOUT, THE PRESS THINKS THEY NEED ONE.
DON METLZER - WE NEED SIX (6) BACK BEFORE WE LEAVE.
CHAIRMAN MARTIN - AND THEY BETTER BE STILL WARM. ALL RIGHT, ANY OTHER CONCERNS THAT WE NEED TO DISCUSS? MR. DEFORD, DID YOU HAVE ANY OTHER WITH THE ...
DON DEFORD - NOT WITH THE CONTRACT, NO.
CHAIRMAN MARTIN - ALL RIGHT. THE CONTRACT IS WHAT WE'RE TALKING ABOUT NOW - WE HAVE A QUESTION IN THE BACK. AND MR. STUVER, WE'RE GOING TO GIVE YOU A MICROPHONE.
I'M HERE IN MY CAPACITY AS ATTORNEY FOR OWNERS OF TWO OF THE WEST RIFLE PROPERTIES - WEST RIFLE INDUSTRIAL PARK, LLC. AND MCDANIEL PROPERTY.
DON DEFORD - I'M SORRY TO INTERRUPT YOU, WOULD YOU PLEASE STATE YOUR NAME INTO THE MIC SO IT APPEARS ON THE TAPE.
TOM STUVER - RIFLE. THE CONCERNS WE HAVE, I'M LOOKING AT THE DOE AGREEMENT, ARE PRIMARILY THAT THIS HAS BEEN NEGOTIATED AMONG GOVERNMENTAL ENTITIES INVOLVED WITHOUT PARTICIPATION OF ANY OF THE LANDOWNERS. IT IS OUR PERCEPTION THAT THE REASON THE AGREEMENT EXISTS IS A DESIRE ON THE PART OF THE GOVERNMENTAL ENTITIES INVOLVED AND PARTICULARLY THE DOE AND THE COUNTY TO OBVIATE LIABILITY FOR CONTAMINATION OF GROUND WATER WHICH SHOULDN'T HAVE OCCURRED WITH THE FACILITY THAT SHOULD HAVE BEEN PROPERLY MAINTAINED AND ADMINISTERED UNDER US GOVERNMENT REGULATION. THAT HAVING BEEN SAID, THE FIRST TIME WE SAW THE PROPOSED AGREEMENT WAS THIS MORNING - MR. DEFORD WAS GOOD ENOUGH TO FAX IT TO ME. OVER THE LAST COUPLE OF YEARS I'VE MADE INQUIRY FROM TIME TO TIME AS TO THE STATUS OF THE NEGOTIATIONS - I'VE NEVER HAD ANY, NOR HAVE MY CLIENTS HAD ANY INVITATION TO REVIEW PREVIOUS DRAFTS. THE KEY PROBLEM TO THE AGREEMENT, AS IT'S WRITTEN, APPEARS ON PAGE TWELVE (12) AND IT'S THE GUTS OF THE AGREEMENT, AT LEAST AS FAR AS WE CAN READ IT, AS FAR WHAT THE INTENDED PURPOSE OF THE AGREEMENT IS, AND THAT'S TO PROVIDE SAFE WATER TO THESE PROPERTIES THAT WOULD OTHERWISE HAVE CONTAMINATED PROPERTY. THE LAST SUBPARAGRAPH UNDER ARTICLE SEVEN (7) RELATES HOW DOE WILL FULFILL ITS OBLIGATION. IT SAYS, IT'LL PROVIDE REVERSE OSMOSIS SYSTEMS TO USERS ON AN AS NEEDED BASIS UNTIL SUCH TIME THAT SAFE DOMESTIC WATER SUPPLY IS AVAILABLE FROM THE CITY. DOE WILL NOT PROVIDE REVERSE OSMOSIS SYSTEMS TO USERS EAST OF THE WEST RIFLE I-70 INTERCHANGE ONCE A SAFE DOMESTIC WATER SUPPLY IS AVAILABLE FOR THE CITY. NOW THE ISSUE IS, DOES THAT MEAN PHYSICALLY AVAILABLE? OR DOES IT MEAN ON CONDITIONS ACCEPTABLE TO THE USERS? IN OTHER WORDS, IS THAT SENTENCE AS PRESENTLY STRUCTURED, IF IT SIMPLY MEANS PHYSICAL AVAILABILITY, THE CITY MAY IMPOSE WHATEVER CONDITIONS IT CHOOSES ON THE USER TO CONNECT TO THAT WATER SYSTEM. IF THE USER WERE TO REFUSE THOSE CONDITIONS, NO MATTER HOW REASONABLE OR UNREASONABLE THEY WOULD BE, THEY WOULD NOT BE ENTITLED TO FUNDING ON THE REVERSE OSMOSIS SYSTEMS. IF THAT PROVISION WERE MODIFIED IN SOME WAY TO PROVIDE THAT THE WATER IS AVAILABLE FROM THE CITY TO THE USERS ON CONDITIONS THAT ARE REASONABLE ACCEPTABLE TO THE USERS, THAT PROVISION IS SOMETHING THAT COULD PROBABLY BE LIVED WITH. I DON'T LIKE TO ENGAGE IN LAST MINUTE NEGOTIATIONS ON CONTRACT TERMS, BUT WE HAVEN'T BEEN INVITED TO PARTICIPATE IN THE NEGOTIATION OF THE CONTRACT TERMS. THAT IS A PRIMARY OBJECTION TO THAT. I ALSO, IF NOW IS THE APPROPRIATE TIME OTHERWISE I'LL DEFER, HAVE COMMENT ON THE PROPOSED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE COUNTY WHICH RUNS PARALLEL TO THIS.
CHAIRMAN MARTIN - I THINK WE OUGHT TO JUST CONTINUE THE CONVERSATION TOM IF YOU'D GO AHEAD.
TOM STUVER - THAT HAS AS ONE OF ITS KEY PROVISIONS
UNIDENTIFIED - THEY HAVEN'T SEEN THIS LATEST.
TOM STUVER - DON HAS A COPY OF -
DON DEFORD - THEY HAVE NOT SEEN THE PARAGRAPH ADDED.
TOM STUVER - OKAY, WELL - THERE'S BEEN A PARAGRAPH IN YOUR ORIGINAL DRAFT, PARAGRAPH TWO (2), THAT PROVIDES FOR WHAT WE CALL GRANDFATHERING OF EXISTING COUNTY APPROVED LAND USES ON THE PROPERTY, EXISTING AT THE TIME THE OWNER EXECUTES A PRE-ANNEXATION AGREEMENT. THAT PHRASE PRESENTS A PROBLEM, IF IT WERE TO SAY EXISTING, USES EXISTING AT THE TIME OF THE ANNEXATION, IT WOULD BE ACCEPTABLE TO THE LANDOWNERS. AS DRAFTED, WHAT IT PRESENTS IS THE SITUATION WHERE AN OWNER COULD BE EXECUTING A PRE-ANNEXATION AGREEMENT AT A TIME THEIR PROPERTY IS NOT ELIGIBLE FOR IMMEDIATE ANNEXATION TO THE CITY. THE UNDER COUNTY ZONING ESTABLISHES LAWFUL

USES AFTER THE EXECUTION OF THE PRE-ANNEXATION AGREEMENT, LAWFUL USES UNDER COUNTY ZONING AND YET THE IMPLICATION IS THE CITY WOULD NOT NEED TO ACCEPT THOSE OR GRANDFATHER THOSE USES ONCE THE PROPERTY WAS ACTUALLY ANNEXED. THAT WILL SUBSTANTIALLY AFFECT MARKET ABILITY OF EACH OF THE PROPERTIES THAT AFFECTED BY THIS AGREEMENT. AND OF COURSE, IT'S COUPLED WITH THAT REQUIREMENT THAT IT'S IN, THE PRE-ANNEXATION AGREEMENT PRESUMES THAT THE CITY WILL BE IMPOSING THOSE CONDITIONS WHICH IT THINKS ARE APPROPRIATE AND THAT THE LANDOWNER WON'T NECESSARILY ARE APPROPRIATE AT THE TIME THE PRE-ANNEXATION IS SIGNED, FAILING THAT GIVEN THE CONSTRUCTION OF THE DOE AGREEMENT, IT MEANS THAT THE LANDOWNER REALLY ISN'T BENEFITED, THE DOE ISN'T GOING TO PAY FOR THE OSMOSIS SYSTEM, THE CITY LINE IS THERE ARE AVAILABLE BUT THE CITY IMPOSES CONDITIONS WHICH THE LANDOWNER, UNDER COUNTY ZONING MAY WISH TO MAKE USE OF ON HIS OWN PROPERTY OR IN MARKETING IT. THE CITY DID MAKE AN ADDITIONAL PARAGRAPH REVISION WHICH YOU MAY NOT HAVE SEEN YET, PROVIDING AN EXPRESS PROVISION THAT THE CITY WOULD NOT SEEK COST RECOVERY ON WATER LINE EXTENSION COSTS ON THE LINES CONSTRUCTED WITH DOE FUNDS. THAT WAS ADDED AFTER THE LANDOWNERS HAD AN OPPORTUNITY TO REVIEW THIS, THIS MORNING - ADDED THAT AS A IMPARTIAL SATISFACTION OF A CONCERN THAT WE EXPRESSED ABOUT THE AGREEMENT TO THE CITY. THE GREATER CONCERN AND THE ONE THAT WHICH PROBABLY WOULD HAVE RESOLVED BOTH OF THESE ISSUES WAS THAT, TO THE EXTENT THE CITY WOULD BE EXTENDING SEWER LINE AS WELL UTILIZING DIRECT OR INDIRECT COST BENEFITS FROM THIS CONTRACT, WE FELT IT APPROPRIATE THAT THE CITY NOT SEEK COST RECOVERY FROM THE LANDOWNERS UNDER THOSE CIRCUMSTANCES EITHER. BUT, APPARENTLY THE CITY DOESN'T SEE IT THAT WAY. THE LANDOWNER WAS, SPECIFIC LANDOWNERS THAT I'M HERE REPRESENTING HERE TODAY, IT IS OUR UNDERSTANDING THAT YOU ZONING ORDINANCE WHICH IS APPARENTLY ON THE AGENDA, DOES NOT APPLY TO THEIR PROPERTY AND THAT THEY WERE CONSISTENT WITH THAT, THEY WERE OMITTED FROM THE MAILING NOTICES ON THE ZONING ORDINANCE. WE ANTICIPATE THAT DEPENDING ON WHAT YOU DO WITH THE REST OF THIS, THAT YOU ARE GOING TO BE CONSIDERING A REZONE OF THOSE PROPERTIES WHICH ARE CLOSER TO RIFLE AND THAT IN THAT PROCESS, ALTHOUGH YOU MAY IMPLEMENT CONDITIONS THAT ARE SATISFACTORY TO YOUR AGREEMENTS WITH THE DOE, YOU WILL MAINTAIN THE EXISTING GENERAL/COMMERCIAL ZONING. AGAIN, THAT IS RATHER A MOOT POINT IF THE CITY IS ALLOWED TO IMPOSE CONDITIONS WHICH ARE MORE RESTRICTIVE THAN COUNTY COMMERCIAL/GENERAL ZONING IS A CONDITION TO CONNECT TO THE WATER LINE.

CHAIRMAN MARTIN - I GUESS I HAVE TO STATE WHAT MY UNDERSTANDING OF THE AGREEMENT AND HOW IT WAS STRUCTURED, AND THAT IS THAT THE GROUND WATER IS CONTAMINATED AND THAT THIS SYSTEM WOULD BE PLACED AT THE EXPENSE OF DOE AND IT WOULD RUN OUT TO THE WEST RIFLE AREA AND THAT THE OWNERS OF THAT PROPERTY WOULD HAVE THE ABILITY TO TAP INTO IT AND SIGN A PRE-ANNEXATION AGREEMENT AND FOLLOW THE PROCEDURES THERE. OR THEY CAN REMAIN IN THE COUNTY WITH THE PRESENT ZONING AND STILL RECEIVE A RO SYSTEM BECAUSE OF THE CONSTRAINTS THAT ARE THERE, PAID BY THE FUNDS OF THE DOE. AND THAT THE ZONING IS AN ISSUE ON PRE-ANNEXATION AGREEMENT AND AGREEMENT WITH THE CITY OF RIFLE OR THE CHOOSING OF THE PROPERTY OWNER. AM I WRONG ON THE ASSUMPTION?

ED GREEN - YES, THE DOE WILL ONLY PAY FOR THE REVERSE OSMOSIS UNITS IF IT'S OUTSIDE OF THAT CENTER AREA, EAST OF THE INTERCHANGE.

DON DEFORD - ESSENTIALLY, IT'D BE ON THE WESTERN EXTREMITY OF THE WATER LINE.

SHERRY BARKEY - ONLY WEST.

ED GREEN - RIGHT. ONLY WEST.

UNIDENTIFIED - ONCE THIS LINE'S BUILT.

ED GREEN - YES.

CHAIRMAN MARTIN - WHAT'S GOING TO TAKE PLACE AT PRESENT WITH THE RO SYSTEMS THAT ARE NEEDED NOW WITH THE PRESENT OWNERS WITHOUT THE LINE BEING BUILT, OR DO WE HAVE ANYTHING IN PLACE, ARE WE TAKING CARE OF THAT WATER NOW THEN WITH THIS AGREEMENT? NOTHING, RIGHT?

ED GREEN - CORRECT ME - GO AHEAD

DON METZLER - TO DATE DOE'S DEALT WITH THAT NEED ON AN AD HOC BASIS - THERE'S ONLY BEEN TWO (2) NEEDS - ONE WAS ABOUT TEN (10) YEARS AGO AND THAT WAS IDEAL CEMENT WHO HAVE WATER JUST FOR INDUSTRIAL - EIGHT (8) HOURS A DAY, TEN (10) HOURS A DAY - DOE WITH CDEPHE WENT IN AND BOUGHT A SMALL OSMOSIS SYSTEM AND THAT'S - WE'VE TESTED THAT TWICE A YEAR FOR TEN (10) YEARS NOW, THAT'S WORKED FINE - THE OTHER ONE WAS MUCH BIGGER UNIT AND THAT WITH JOHNSON WITH THE CHURCH AND HIS CONSTRUCTION COMPANY AND AT THAT TIME, IT WAS ABOUT TWO (2) YEARS AGO, THREE (3) YEARS AGO AND JOHNSON WENT IN AND DEVELOPED HIS LAND AND BUILT A CHURCH AND BUILT HIS

CONSTRUCTION FACILITY AND PUT A SHALLOW WELL IN AND AT THAT, THERE WASN'T ANYTHING TO PRECLUDE HIM FROM DEVELOPING HIS SHALLOW GROUND WATER THERE, THERE IS SOME CONTAMINATION THERE AND SO DOE THEN WORKED WITH THE LANDOWNER AND HIS LEGAL STAFF AND WE WERE ABLE TO PAY FOR A REALLY SUBSTANTIALLY LARGE OSMOSIS UNIT AND THEN IN RETURN WHAT DOE RECEIVED WAS A RESTRICTIVE COVENANT WHICH HIS LEGAL COUNSEL HELPED CRAFTED WITH OURS SUCH THAT IT WOULD WORK AS AN INSTITUTIONAL CONTROL JUST TO SHOW THAT DOE IS ATTEMPTING TO HAVE SOME ADMINISTRATIVE MEANS TO SAY IT'S PROTECTIVE OF HUMAN HEALTH.
CHAIRMAN MARTIN - THAT AGREEMENT STAYS IN PLACE EVEN IF THE WATER LINE GOES OUT THERE?
DON METZLER - IF JOHNSON WOULD THEN HOOK UP TO THE WATER?
CHAIRMAN MARTIN - IF HE WOULDN'T HOOK UP TO THE WATER.
DON METZLER - YES IT WOULD.
CHAIRMAN MARTIN - IT WOULD STAY IN PLACE?
DON METZLER - YES.
CHAIRMAN MARTIN - AND YOU WOULD STILL HONOR THAT AGREEMENT?
DON METZLER - YES.
CHAIRMAN MARTIN - THAT'S WHAT I WAS GETTING AT - THAT THOSE SYSTEMS ARE IN PLACE.
ED GREEN - THE ONES THAT ARE IN PLACE?
CHAIRMAN MARTIN - THE ONES THAT ARE IN PLACE.
DON DEFORD - MR. CHAIRMAN, I NEED TO ASK MR. STUVER ONE QUESTION REAL QUICKLY ON THAT, EARLIER TODAY TOM YOU TOLD ME YOU HAD KNOWLEDGE OF AN INDIVIDUAL OR COMPANY THAT WAS ON REVERSE OSMOSIS.
TOM STUVER - I THINK CENTRAL AGGREGATES HAS ONE.
DON DEFORD - IS THAT IN THIS AREA?
TOM STUVER - WELL, IT'S SOUTH OF RAILROAD TRACKS
MILDRED ALSDORF - TOM, WE'RE HAVING A PROBLEM PICKING YOU UP ON THE TAPE.
TOM STUVER - CENTRAL AGGREGATES, SOUTH OF THE RAILROAD TRACKS - I HAVEN'T SEEN YOUR MAP, NOR HAVE MY CLIENTS, BUT WE ASSUME THAT'S PART OF THE PROBLEM AREA.
COMMISSIONER MCCOWN - TOM, THEY'RE ON CITY WATER. ON THE FIRST GO AROUND WHEN THE FIRST LINE WAS PUT THROUGH.
DON METZLER - I CAN VERIFY THAT, THEY'RE ON A WELL TOO.
COMMISSIONER MCCOWN - YEAH, THEY'VE GOT A WELL
DON METZLER - BUT IT'S NOT HOOKED TO THE HOUSE - WE WORK THESE ISSUES.
CHAIRMAN MARTIN - HAVE WE ESTABLISHED HOW MANY PEOPLE ARE DRAWING IN THIS AREA THAT'S UNDER CONSIDERATION OF WATER DISTRICT CONSTRAINTS - OR DRINKING WATER - HOW MANY PEOPLE ACTUALLY ARE DRAWING IN THIS AREA AT PRESENT? DO WE KNOW AT ALL?
MARK BEAN - NO, I DON'T... IT'S NO SOMETHING I THINK WE'VE EVER LOOKED AT - MY UNDERSTANDING IS THERE WAS BASED, THE SEVENTEEN (17) RO SYSTEMS THAT WERE BUDGETED FOR WERE BASED UPON BASICALLY THE RIGHT OF AN INDIVIDUAL TO SPLIT OFF THIRTY-FIVE (35) ACRE TRACTS AND BUILD A SINGLE FAMILY DWELLING ON THAT THIRTY-FIVE (35) ACRE TRACT WITHOUT ANY REAL APPROVAL OTHER THAN A BUILDING PERMIT - BUT THAT WAS FOR PROPERTY WEST OF THE INTERCHANGE.
DON DEFORD - MARK, IN REGARDS TO THE ZONING ACTION TODAY, BUT I THINK WE RECOGNIZED WHEN WE OPENED THIS HEARING THAT THERE ARE PROPERTIES WE ANTICIPATED WOULD BE IN THIS ZONE DISTRICT THAT IN FACT ARE NOW.
MARK BEAN - THAT'S CORRECT. ADDITIONALLY, WE RECOGNIZE AS A PART OF THE FURTHER DISCUSSION THAT WE ACTUALLY NEED TO CREATE ANOTHER ZONE BECAUSE THE ZONE THAT IS, THE DRINKING WATER CONSTRAINT ZONE THAT'S PRESENTLY PROPOSED IS BASED UPON THE LIMITATIONS THAT WERE TO BE INCLUDED BASICALLY IN THE AGRICULTURAL/INDUSTRIAL ZONE IN WHAT WOULD BE THE LOWER VALLEY FLOOR RESOURCE LANDS AREAS - IT DID NOT AND DOES NOT ALLOW FOR THE USES THAT ARE PRESENTLY ALLOWED IN A COMMERCIAL/GENERAL ZONE DISTRICT. AND A PORTION, A SMALL PORTION OF THIS PROPERTY THAT WAS EXCLUDED FROM THE ORIGINAL LEGAL IS IN THAT PRESENTLY ZONED COMMERCIALLY.
DON DEFORD - IN REGARD TO THE CENTRAL AGGREGATE PROPERTY MR. STUVER JUST MENTIONED, DO YOU KNOW IF THAT IS COMMERCIAL/GENERAL?
MARK BEAN - NO, THAT AGRICULTURAL/INDUSTRIAL.
DON DEFORD - IS THAT IN THE AREA BEING REZONED?
MARK BEAN - NOT TO MY KNOWLEDGE.

DON DEFORD - SO WE WOULD ALSO HAVE TO BE SUBJECT TO A SUBSEQUENTLY INSTITUTIONAL CONTROL OR NOT?
MARK BEAN - I DON'T, THAT WAS NOT IN THE AREA THAT I SAW THAT WE WERE SUPPOSED TO INCLUDE BUT, IF WE ARE, WE'LL ADJUST ACCORDINGLY - I MEAN, I THINK WE'RE GOING TO HAVE TO DO A COUPLE OF ADJUSTMENTS DOWN THE ROAD HERE IN TERMS THAT THE CREATION OF THIS ADDITIONAL ZONE DISTRICT TO DEAL WITH COMMERCIAL AREA AS WELL AS DEALING WITH THE, PROBABLY THE ADDITIONAL AREA THAT HAS NOT BEEN INCLUDED IN THE PRESENT....
DON DEFORD - I'M NOT SAYING IT SHOULD HAVE BEEN, I WAS JUST ASKING.
MARK BEAN - NO, THAT WAS NOT MY UNDERSTANDING.
COMMISSIONER MCCOWN - GIVEN THE FACT THAT THERE IS AN EXISTING LINE IN FRONT OF THESE PARCELS THAT WERE EXCLUDED?
MARK BEAN - I'M SORRY, WHAT ABOUT - I'M AWARE THERE IS ONE, YES.
COMMISSIONER MCCOWN - ON THE REZONE, THERE IS ALREADY A WATER LINE THERE.
MARK BEAN - CORRECT.
COMMISSIONER MCCOWN - THAT THIS OTHER LINE IS GOING TO, I GUESS, INCORPORATE WITH.
MARK BEAN - I ASSUME I BELIEVE IT'S GOING TO BE A ENLARGED LINE OR, BUT YES.
COMMISSIONER MCCOWN - IT'D BE LARGER.
MARK BEAN - YES. ALL RIGHT.
COMMISSIONER MCCOWN - SO THAT HAS NO BEARING ON THE FACT THAT THERE IS AND HAS BEEN A WATER LINE AVAILABLE TO SOME OF THESE PARCELS THAT QUESTION THAT WERE OMITTED FROM THE NOTICE?
MARK BEAN - THAT WAS NOT, WELL IT WAS INTENTIONAL OMISSION BASED ON THAT - IF THAT'S YOUR QUESTION.
COMMISSIONER MCCOWN - NO, I KNOW IT WASN'T INTENTIONALLY AT ALL ANYWAY, BUT NOW WE'RE GOING BACK AND REZONING IT BECAUSE THEY'RE GOING TO PUT A WATER LINE IN. THERE HAS HISTORICALLY BEEN A WATER LINE SINCE NINETEEN-NINETY-TWO (1992) OR THREE (3) I BELIEVE.
MARK BEAN - OKAY. I GUESS THAT'S A QUESTION WE NEED TO TALK FURTHER WITH DOE IN TERMS OF WHAT THEY EXPECT IN TERMS OF THE INSTITUTIONAL CONTROL WHETHER IT'S REALLY NECESSARY GIVEN THE FACT THAT THERE IS AN EXISTING WATER LINE THERE.
DON METZLER - THE FORMER MILL SITE THAT'S UP-GRADIENT UPSTREAM, YOU MIGHT SAY FROM THE CONTAMINATION, THERE'D BE NO NEED TO HAVE AN INSTITUTIONAL CONTROL IN THAT AREA.
MARK BEAN - THE AREA THAT LARRY'S REFERRING TO IS NORTH OF HIGHWAY SIX (6) AND PRESENTLY ZONED COMMERCIALLY, THAT IT WOULD, I THINK, DUE NORTH BASICALLY OF THE MILL SITE.
COMMISSIONER MCCOWN - EXACTLY, YEAH.
MARK BEAN - THAT WOULD BE INCLUDED IN THE AREA THAT YOU HAD REQUESTED INSTITUTIONAL CONTROLS, I UNDERSTOOD.
COMMISSIONER MCCOWN - THAT WOULD STILL REQUIRE IT?
DON METZLER - YES
MARK BEAN - YES
COMMISSIONER MCCOWN - EVEN THOUGH THERE IS A WATER LINE THERE NOW AND HAS BEEN SINCE NINETY-TWO (92).
MARK BEAN - YES. I THINK THE INTENT THERE IS THAT, WELL, IF THEY CHOSE NOT TO HOOK INTO THE CITY WATER FOR SOME REASON, THEN THE COUNTY WOULD HAVE IN THEIR REGULATIONS THE REQUIREMENT THAT AN RO SYSTEM BE USED. I THINK THAT'S THE INTENT.
COMMISSIONER MCCOWN - BUT IT'S EAST OF THE INTERCHANGE, SO DOE WOULDN'T PAY FOR IT.
MARK BEAN - THAT'S CORRECT.
CHAIRMAN MARTIN - THE INDIVIDUAL PROPERTY OWNER WOULD BE RESPONSIBLE AT THAT POINT.
MARK BEAN - THAT'S CORRECT.
CHAIRMAN MARTIN - ARE YOU GUYS BEING STINGY? GIVE US YOUR CONCERN WHY YOU WOULDN'T COVER THAT? THE OVERALL COST? OR,
DON METZLER - IT'S OUR THOUGHT THAT THE MUNICIPAL WATER IS THE LIKELY RESOURCE THAT THE LANDOWNERS WOULD WANT TO USE FOR POTABLE WATER - THAT'S OUR THOUGHT. WE KNOW THAT WHEN WE, I THINK IT WAS FOR, MR. MCCOWN IN NINETY-FIVE, NINETY-SIX (95, 96) IS WHEN WE ACTUALLY WENT IN AND EXTENDED THAT PIECE OF CITY WATER UP TO THE, PAST THE MILL SITE THERE AND I THINK WE HAD NINE (9) RESIDENTS WHO HAD SHALLOW WELLS THAT THEY WERE *USING AND THAT NOBODY WAS REALLY DRINKING THE WATER FOR THE MOST PART, I MEAN, MAYBE THERE'S A CASE WHERE I'M SLIGHTLY MISSTATING*

THAT, BUT WE HAD CANVASSED THAT EXTENSIVELY TALKED WITH ALL THE LANDOWNERS OVER A NUMBER OF YEARS AND I THINK BECAUSE THE, THAT SHALLOW WATER IS REALLY NOT GOOD WATER QUALITY, THAT'S A TRUE STATEMENT - IT'S SUCH THAT YOU COULD DRINK IT IF YOU WANT TO, BUT MOST PEOPLE CHOSE TO DRINK BOTTLED WATER. AND SO, IT WAS OUR VIEW, IT'S JUST A GENERAL ANALYSIS, IS THAT YOU KNOW, PEOPLE, MOST OF THEM WERE HAPPY TO BE ABLE TO HOOK TO CITY WATER. IT MADE THEIR QUALITY OF LIFE I THINK, BETTER. SO THE THOUGHT WAS THAT FOR SOMEONE NOT TO WANT TO DO THAT, IF THAT RESOURCE IS AVAILABLE TO THEM, IT DOESN'T SEEM TO BE COMPLETELY LOGICAL.
CHAIRMAN MARTIN - OTHER THAN MAKE THE ENDS MEET TO TAP INTO - TO PAY THE FEE OR WHATEVER. THAT WASN'T A CONSIDERATION AT ALL.
DON METZLER - YEAH, WHEN WE EXTENDED THE FIRST TIME, THAT COST THAT DOE PAID FOR INCLUDED TAPS.
CHAIRMAN MARTIN - OKAY. THAT'S GOOD FOR US TO KNOW.
COMMISSIONER MCCOWN - BUT THAT'S NO LONGER TRUE ON THIS PHASE. MAYBE SELBY OR SOMEBODY FROM UTILITIES CAN
SHERRY BARKEY - THAT'S CORRECT.
COMMISSIONER MCCOWN - TAP FEES WILL BE CHARGED ON THIS?
LEE LEAVENWORTH - TAP FEES WILL BE CHARGED.
COMMISSIONER MCCOWN - OKAY. IS THAT GOING TO BE BASED ON EQR'S LEE?
LEE LEAVENWORTH - YEAH, IN JUST THE CITY'S STANDARD EQR SCHEDULE. THE REASON IT WAS PAID FOR BEFORE, WAS ALL THESE PEOPLE HAD WAS JUST HOUSE TAPS
COMMISSIONER MCCOWN - YEAH.
LEE LEAVENWORTH - AND THEY WERE BEING ASKED TO GIVE UP THEIR EXISTING WATER SOURCE AND CONNECT TO THIS NEW LINE, SO DOE AGREEMENT, AT THAT POINT, FELT IT WAS APPROPRIATE TO PAY THAT TAP FEE. THIS WAS NOT NEW WATER SERVICE FOR ANY OF THOSE PEOPLE.
CHAIRMAN MARTIN - ALL RIGHT.
COMMISSIONER MCCOWN - SO THESE PEOPLE WERE ON WELLS, SHALLOW WELLS, AND CITY WATER? AND YOU PUT A NEW LINE IN AND THEY ALREADY HAD TAP FEES PAID...
UNIDENTIFIED COMMENTS - THEY WERE ALL ON WELLS. NO, NO, BUT NOT
COMMISSIONER MCCOWN - SO HOW DID THEY HAVE TAPS?
LEE LEAVENWORTH - THEY HAD TAPS FROM THEIR OWN WELLS, NOT CITY TAPS, THEY WERE ARE ON THEIR OWN INDIVIDUAL WELLS,
COMMISSIONER MCCOWN - SO BECAUSE THEY HAD A TAP FROM THEIR WELL, DOE SAW FIT TO TRANSFER THAT AS A CITY TAP AND THE CITY NOT CHARGE THEM?
LEE LEAVENWORTH - RIGHT. THEY WERE EXISTING USERS, BUT THE LINE WE'RE TALKING ABOUT NOW, SOLELY ARE FUTURE USERS.
COMMISSIONER MCCOWN - IF THERE ARE LANDOWNERS WITH WELLS INCORPORATED IN THIS AREA WHERE THE INSTITUTIONAL CONTROL'S GOING TO BE, IT'S GOING TO BE VIEWED DIFFERENTLY THIS TIME?
LEE LEAVENWORTH - YEAH, WELL I DON'T KNOW OF ANY THAT ARE THERE.
COMMISSIONER MCCOWN - BUT NOW THAT'S NOT GOING TO BE THE SAME AS IT WAS BEFORE?
DON METZLER - YEAH, THE ONLY ONE WOULD BE JOHNSON, THE ONLY ONE THAT FITS THAT.
LEE LEAVENWORTH - RIGHT - I THINK THAT'S RIGHT.
CHAIRMAN MARTIN - LEE, DID YOU WANT TO CLARIFY ANYTHING ELSE?
LEE LEAVENWORTH - I HAVE SOME COMMENTS I'D LIKE TO MAKE.
CHAIRMAN MARTIN - OKAY, WHY DON'T YOU GO AHEAD AND GIVE US SOME COMMENTS.
LEE LEAVENWORTH - OKAY, MY NAME FOR THE RECORD IS LEE LEAVENWORTH, I'M THE CITY ATTORNEY FOR THE CITY OF RIFLE - ALSO PRESENT AND I WILL, AS SOON AS I INTRODUCE EVERYBODY, ALSO HERE TODAY IS BILL GRANT A MEMBER OF THE COUNCIL, HELEN LAMBERT A MEMBER OF THE COUNCIL, SELBY MYERS CITY MANAGER, DAVIS FARRAR WAS A CONSULTANT TO THE CITY DUE, JUDY BILTMAN A MEMBER OF THE COUNCIL, BILL SAPPINGTON PUBLIC WORKS DIRECTOR, DIANA NICKERSON CITY CLERK, JIM NEW ASSISTANT CITY ATTORNEY AND PAT HOPKINS THE DIRECTOR OF PLANNING AND DEVELOPMENT, ALSO PRESENT IS FORMER MAYOR LING. IF I MIGHT, I'D LIKE TO SAY A COUPLE OF THINGS, MAYBE I CAN JUST USE THAT - AS I'M SURE THE COMMISSIONERS KNOW THAT THE CITY AND DOE AND CDEPHE AND THE COUNTY HAVE BEEN WORKING ON THIS FOR MANY YEARS. WE'RE DOWN TO THE FINISH LINE AND IT IS CERTAINLY OUR HOPE THAT WE CROSS IT. CITY COUNCIL ON MONDAY DID MEET AND APPROVE THE COOPERATIVE AGREEMENT SUBJECT TO STAFF'S FINAL REVIEW OF IT WHICH STAFF HAS DONE AND HAS SAID OKAY AND THE COUNCIL AND THE CITY ARE PREPARED TO SIGN TODAY. WE ALSO, AS YOU KNOW, HAVE BEEN WORKING

WITH YOUR STAFF TO TRY AND ADDRESS SOME OF THE CITY'S CONCERNS, OR THE COUNTY'S CONCERNS. AND I'D LIKE TO TALK ABOUT THAT FOR A MINUTE AND THEN TALK ABOUT WHY I HOPE YOU ALL WILL APPROVE THE AGREEMENTS TODAY. WE DRAFTED AN INTERGOVERNMENTAL AGREEMENT AND THE PURPOSE OF THAT WAS DESIGNED TO PROVIDE SOME ASSURANCE TO THE COUNTY THAT THE EXISTING LAND USES AT THE TIME SOMEBODY SIGNS A PRE-ANNEXATION AGREEMENT, WILL ALWAYS BE PROTECTED AS PREEXISTING USES THAT HAVE VESTED RIGHTS. THE AGREEMENT ALSO GOES SO FAR AS TO SAY THEY WILL NOT BE ABATED WHICH IS SOMETHING THAT THE CITY WOULD HAVE THE RIGHT TO DO, BUT WE'RE WILLING TO SAY WE WON'T. AND I CAN TELL YOU THAT THE COUNCIL HAS ALSO TODAY APPROVED THE INTERGOVERNMENTAL AGREEMENT WITH THE CHANGE THAT I'LL TALK ABOUT IN A MINUTE AS WELL. THE INTENT OF THAT WAS TO AGAIN TO PROVIDE SOME ASSURANCE TO THE COUNTY THAT THE CITY AS TO THE EXISTING USES THAT ARE THERE AT THE TIME A PRE-ANNEXATION AGREEMENT IS SIGNED WILL ALWAYS BE PROTECTED. THE CONCERN THAT MR. STUVER ADDRESSED ABOUT, WHAT ABOUT PEOPLE WHO COME IN AND SIGN A PRE-ANNEXATION AGREEMENT, THE PRE-ANNEXATION AGREEMENT PROCESS WILL APPROVE THE PROPOSED USES THAT THE USERS WANT TO MAKE - I MEAN, THAT'S ONE OF THE THINGS IN A PRE-ANNEXATION AGREEMENT WE DO, IS SAY, WE'RE GOING, HERE'S THE WATER FOR YOUR DEVELOPMENT FOR THESE SPECIFIC USES WHICH WE'RE HEREBY AGREEING TO PROVIDE WATER FOR FOREVER. SO, I'M NOT QUITE SURE HIS CONCERN IS NOT ADDRESSED IN REALITY BY THE NATURE OF THESE PRE-ANNEXATION AGREEMENTS.

THE OTHER THING THAT WE DID AND I WAS TALKING WITH MR. STUVER TODAY ABOUT HIS CONCERN THAT THE CITY SOMEHOW WOULD TRY AND CHARGE PROPERTY OWNERS FOR THE COST OF THE WATER LINE ITSELF THAT'S BEING FUNDED BY THIS AGREEMENT AND I WOULD LIKE TO TAKE A MINUTE AND PASS OUT, I ADDED A PARAGRAPH THAT WAS INTENDED TO ADDRESS THAT ISSUE AND I GUESS WE SHOULD MAKE THIS AS AN EXHIBIT - IT'S IDENTICAL TO THE ONE YOU SAW .....

CHAIRMAN MARTIN - G, NO, J.

LEE LEAVENWORTH - ..... WITH THE ADDITION OF A PARAGRAPH THREE (3) AND WHAT THIS PARAGRAPH SAYS, THIS IS EXACTLY THE SAME AS THE ONE THAT WAS SENT OVER BEFORE EXCEPT THAT WE'VE SAID, "THAT WE WON'T CHARGE PROPERTY OWNERS A COST RECOVERY FEE FOR CONNECTIONS TO THE WATER LINE CONSTRUCTED PURSUANT TO THE COOPERATIVE AGREEMENT TO THE EXTENT THAT IT'S CONSTRUCTED WITH FUNDS PROVIDED BY DOE OR CDEPHE," WE DO MAKE IT CLEAR THAT THE TAP FEE WILL BE CHARGED OF THOSE TWO CODE REFERENCES ARE TO OUR TAP FEE PROVISIONS, SO WE WILL CHARGING A NORMAL TAP FEE THAT EVERYONE THAT CONNECTS TO THE CITY SYSTEM DOES, BUT THERE WON'T BE ANY SPECIAL FEE FOR THE WATER LINE TO THE EXTENT IT'S BEEN FUNDED BY DOE AND THE STATE, YOU KNOW, I FRANKLY THINK LEGALLY THE CITY COULDN'T DO THAT ANYWAY, BUT WE'RE WILLING TO COMMIT TO THAT FOR MR. STUVERS' CLIENTS BENEFITS AND WE HAVE DONE SO, AND AGAIN, THE CITY HAS APPROVED THIS AGREEMENT AND IT PREPARED TO EXECUTE IT WITH THE COUNTY IF THAT'S OF INTEREST TO THE COUNTY.

COMMISSIONER STOWE - QUESTION ON PARAGRAPH TWO (2) "OF THE EXISTING AT THE TIME THE OWNER OF SUCH PROPERTY EXECUTES THE PRE-ANNEXATION AGREEMENT." I UNDERSTAND YOU'LL ACCEPT THAT ZONING, BUT WHAT IF YOU BOTH SIGN IT, BUT WHAT IF THE CITY SAYS, NO, WE'RE NOT GOING TO SIGN THAT, IS THERE A PROTECTION FOR THE CITIZEN THAT YOU HAVE TO SIGN IT?

LEE LEAVENWORTH - NO, THERE IS NO PROTECTION THAT WE HAVE TO SIGN IT.

COMMISSIONER STOWE - SO, IF YOU DON'T LIKE THE ZONING THEY HAVE, YOU BOTH COME TO THE TABLE TO SIGN THE PRE-ANNEXATION, SAY, WELL WE'RE NOT GOING TO SIGN.

LEE LEAVENWORTH - THAT'S RIGHT,

COMMISSIONER STOWE - THEN THE COUNTY SAYS .....

LEE LEAVENWORTH - THAT'S THE BOTTOM LINE. AND LET'S TALK ABOUT THAT.

COMMISSIONER STOWE - OKAY.

LEE LEAVENWORTH - CAUSE THAT'S WHAT THIS DISCUSSION IS ALL ABOUT.

COMMISSIONER STOWE - EXACTLY. THE PARAGRAPH DOESN'T PROTECT THAT?

LEE LEAVENWORTH - YEAH, NO. IT CLEARLY DOESN'T.

DON DEFORD - BEFORE YOU GET TO THAT, JUST TO CLARIFY WHERE WE'RE GOING WITH THIS EXISTING APPROVED LAND USE LANGUAGE, BY THAT DO YOU MEAN USES THAT ARE ACTUALLY THAT ARE IN PLACE AND IMPLEMENTED?

LEE LEAVENWORTH - YES.

DON DEFORD - AS OPPOSED TO THOSE THAT THEORETICALLY ARE AUTHORIZED UNDER COUNTY

LEE LEAVENWORTH - THAT'S THE POINT, YES. WHEN WE SIGN A PRE-ANNEXATION AGREEMENT IT IS FOR A SPECIFIC USE, OKAY. AND IF, FOR EXAMPLE, AND LET ME JUST TALK ABOUT THAT FOR A SECOND. YOU KNOW, IN LOOKING AT THE SPECIAL USES THAT ARE ALLOWED IN THE COUNTY AND THE ZONE DISTRICTS AT

THE INTERCHANGE, THE CITY WOULD HAVE A PROBLEM IF YOU GRANT, PROVIDING WATER TO FACILITATE SOME OF THOSE USES. YOU CAN, UNDER THE COUNTY ZONING START A LANDFILL RIGHT AT THE INTERCHANGE - THE CITY VIEWS THE INTERCHANGE, THE WEST RIFLE INTERCHANGE AS THE WESTERN ENTRANCE TO TOWN, IT'S COMPREHENSIVE PLAN, WHICH I PROVIDED YOU PORTIONS OF, MAKES IT CLEAR THAT WE VIEW THAT ENTRANCE AS SOMETHING THAT NEEDS TO BE ATTRACTIVE AND DEVELOPED AS A TOURIST/COMMERCIAL TYPE AREA, WHICH FRANKLY, WOULD, IMPROVE PROPERTY VALUES IN THAT AREA FOR THE BENEFIT OF THE COUNTY PROPERTY OWNERS, BUT BE THAT AS IT MAY, WE COULD DIFFER ON THAT POINT. WHAT WE WOULD NOT BE WILLING TO DO IS PROVIDE WATER SERVICE TO FACILITATE SOME OF THE CONDITIONAL OR SPECIAL USES THAT ARE CURRENTLY ALLOWED UNDER COUNTY ZONING - PARTICULARLY RIGHT AT THE INTERCHANGE. I DON'T THE CITY WOULD BE INTERESTED IN PROVIDING WATER SERVICE FOR A SALVAGE YARD RIGHT AT THE INTERSECTION, NOR WOULD IT BE WILLING TO PROVIDE WATER SERVICE TO FACILITATE A LANDFILL RIGHT AT THE INTERSECTION. THERE ARE SOME PRETTY SEVERE INDUSTRIAL TYPE USES THAT ARE PERMITTED UNDER YOUR CURRENT ZONING THAT ARE ENTIRELY INCONSISTENT WITH WHAT THE CITY'S COMP PLAN FOR THAT AREA SAYS - THAT AREA IS ALL WITHIN THE STATUTORY SPHERE OF INFLUENCE AND ADDRESSED IN THE COMP PLAN FOR THAT REASON AND YOU KNOW, I GUESS, THE BOTTOM LINE IS THAT IT IS A LAND USE ISSUE AND YOU KNOW, LET ME CONTINUE. THE, IN MY OPINION, THE MINUTE THAT WATER LINE'S OUT THERE, EVERYBODY'S PROPERTY VALUE OUT THERE WILL INCREASE BY THE MERE EXISTENCE OF THAT LINE. DON SAID IT EARLIER, HE SAID, DOE BELIEVES THAT MOST PEOPLE ARE GOING TO CONNECT TO THE CITY'S WATER - THERE'S NO QUESTION THAT'S TRUE BECAUSE YOU'RE NOT ONLY GETTING POTABLE WATER, YOU'RE GETTING IT BACK BY FIRE FLOW STORAGE, YOU KNOW, FOR ANY SIGNIFICANT DEVELOPMENT OUT THERE, IF YOU DON'T CONNECT TOT HE CITY YOU'RE GOING TO HAVE BUILD YOUR OWN WATER TANK IN ADDITION TO PROVIDING AN RO SYSTEM. YOU KNOW, THE BOTTOM LINE IS THAT IF SOMEBODY REALLY WANTS TO PURSUE ONE OF THE LAND USES THAT ARE PERMITTED UNDER A COUNTY ZONE, AND IS UNWILLING TO DEAL WITH THE CITY IN A REASONABLE MANNER, THEN THEY CAN BUILD THEIR OWN RO SYSTEM - THEY CAN STILL DO IT, BUT THEY'RE NOT GOING TO GET THE BENEFIT OF THIS AND THAT'S JUST THE WAY IT'S GOT TO BE, I GUESS CAUSE I DON'T KNOW HOW WE CAN SOLVE THAT. THE OTHER THING I BELIEVE IS IMPORTANT, IS THAT AGAIN, NO ONE'S BEING FORCED TO SIGN ANYTHING WITH THE CITY - THEY CAN STILL DEVELOP IN THE COUNTY; I THINK THAT THEY WILL, THAT NINETY-NINE POINT NINE PERCENT (99.9%) OF THE DEVELOPMENT THAT OCCURS ONCE THAT LINE IS IN, WILL IF NOT A HUNDRED (100) WILL BE ON THE CITY'S WATER SERVICE. I THINK THE CITY'S COMP PLAN ZONING IS AN IMPROVEMENT IN TERMS OF THE PROPERTY VALUES THAT LANDOWNERS CAN ACHIEVE OUT THERE, YOU KNOW, THERE'S A LOT OF LAND OUT THERE BY THE INTERCHANGE THAT CAN BE DEVELOPED AS TOURIST/COMMERCIAL THAT I THINK HAS A HIGHER VALUE THAN SOME OF THE LIGHT INDUSTRIAL OR INDUSTRIAL TYPE USES THAT THE COUNTY ZONING PROVIDES. AND THE LAST THING I'D SAY IS THAT IF WE DON'T DO THIS DEAL, THEN EVERYBODY'S GOING TO BE ON RO'S AND NOBODY'S GOING TO GET THE BENEFIT OF HAVING A GOOD UTILITY SYSTEM OUT THERE. YOU KNOW WHEN I WAS HERE ONE TIME, I'D ASK YOU TO WAIVE FOR THE CITY AND I MENTIONED THIS TO COMMISSIONER MCCOWN, I ASKED YOU TO WAIVE AN ANNEXATION IMPACT REPORT ON A PROPERTY THAT WE WERE LOOKING AT ON GRAND MESA FOR ANNEXATION AND THE COUNTY DID IT BUT THE COUNTY ALSO SAID, BUT YOU KNOW IF YOU DO MUCH MORE UP THERE, YOU'RE GOING TO START GOING, PEOPLE ARE GOING TO START GOING DOWN THE OTHER WAY AND THERE'S GOING TO BE AN IMPACT ON, I FORGET THE COUNTY ROAD NUMBER, BUT ON A COUNTY ROAD AND YOU KNOW, I UNDERSTAND THAT. EVERYTHING WE DO IMPACTS THE COUNTY AND EVERYTHING THE COUNTY DOES IMPACTS THE CITY. FOR US TO GIVE UP OUR ABILITY TO THE EXTENSION OF WATER AND SEWER UTILITY SERVICES, THE ABILITY TO CONTROL OUR OWN DESTINY AND TO ADDRESS IMPACTS, IS I THINK, GOING TOO FAR. WE HAVE TO RETAIN THAT ABILITY JUST AS YOU DO. AND IT IS OUR SINCERE HOPE THAT THE COUNTY WILL SEE THE MERIT IN DOING THIS COOPERATIVE AGREEMENT AND IF YOU WANT, THE INTERGOVERNMENTAL AGREEMENT TO GO WITH IT, BECAUSE IT'S A WIN-WIN SITUATION FOR EVERYBODY. I MEAN, AT WORST PEOPLE WILL HAVE TO BUILD ON THEIR RO'S AND STAY IN THE COUNTY UNDER COUNTY ZONING WHICH IS WHAT THE SITUATION IS TODAY. AT BEST, THESE PEOPLE HAVE THE OPPORTUNITY TO HAVE ENHANCED PROPERTY VALUES AND GET SIGNIFICANT MUNICIPAL SERVICES AT NO COST TO THEM AND THAT'S A SIGNIFICANT ISSUE. NORMALLY, THESE PROPERTY OWNERS WOULD HAVE TO PAY TO EXTEND WATER AND SEWER THEMSELVES. DOE IS FUNDING THE WATER AND WE'RE AGREEING JUST TO MAKE IT CRYSTAL CLEAR THAT WE'RE NOT GOING TO CHARGE ANYBODY FOR WHAT THEY PAID FOR, SO I SINCERELY HOPE THAT THE COUNTY WILL ACT FAVORABLE ON THE COOPERATIVE AGREEMENT AND ALSO, AS I SAID, THE CITY'S MORE THAN WILLING AND HAS APPROVED THE INTERGOVERNMENTAL AGREEMENT THAT I PRESENTED TO YOU. I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU HAVE.

COMMISSIONER STOWE - YOU WON'T BE CHARGING FOR THE SEWER EXTENSION THEN?
LEE LEAVENWORTH - WE, FIRST OF ALL, WE HAVE NO IDEA HOW MUCH THE SEWER IS GOING TO COST.
COMMISSIONER STOWE - RIGHT.
LEE LEAVENWORTH - THE, WE ARE GOING TO HAVE TO BOND THAT AND WE ARE GOING TO HAVE TO PAY IT BACK. I TALKED WITH MR. STUVER ABOUT THE, TRYING TO PUT SOMETHING TOGETHER ON THIS SEWER LINE ISSUE AND WE WERE NOT ABLE TO DO THAT IN THE TIME PERIOD WE HAD. I DON'T THINK THE CITY CAN LEGALLY CHARGE MONEY TO PEOPLE IF THEY HAVE NOT, FOR SOMETHING THAT THE CITY DIDN'T PAY FOR.
COMMISSIONER STOWE - IF THERE IS SOMEBODY THAT WANTED TO TAP INTO WATER LINE AND PUT THEIR OWN ISDS SYSTEM IN, WOULD YOU REQUIRE THEM AS PART OF THE PRE-ANNEXATION TO ALSO TAP INTO THE SEWER, WOULD THAT BE PART OF YOUR ....
LEE LEAVENWORTH - WE NORMALLY REQUIRE THE EXTENSION OF BOTH UTILITIES.
COMMISSIONER STOWE - WELL, IT MAKES SENSE THAT YOU WOULD AND WE DON'T KNOW THE COST OF THAT SEWER EXTENSION AT THIS POINT, THAT BECOMES A PRETTY AMBIGUOUS ....
LEE LEAVENWORTH - WELL, IT'S GOING TO BE A GRAVEL LINE DOWN TO THE INTERCHANGE WITH A LIFT STATION BACK - I MEAN IT'S FAIRLY, YOU KNOW, WE'RE RIGHT ABOUT AT THE END OF THE GRAVITY LINE, IN FACT, I THINK IT'S SOMEWHERE ON THE SCHULTZ'S PROPERTY WHERE BEYOND WHICH IT'S GOING TO BE A PUMP SITUATION. SO WE'RE GOING TO HAVE A GRAVEL LINE DOWN TO A PUMP STATION THAT PUMPS BACK, SO, IT'S NOT GOING TO BE CHEAP WE KNOW THAT, IT'S WELL OVER A MILLION DOLLARS. IS THAT RIGHT BILL?
BILL SAPPINGTON - THAT'S CORRECT.
COMMISSIONER MCCOWN - BEYOND THE WEST RIFLE INDUSTRIAL PARK PROPERTY, ACCORDING TO THE ASSESSOR'S MAP, VIRTUALLY EVERYTHING WEST OF THERE IS EITHER OWNED BY BILL CLOUGH, OR ENERGY COMPANIES OR THE RAILROAD, DO YOU FORESEE
AUDIENCE - AND UMETCO.
COMMISSIONER MCCOWN - YEAH, THAT'S, DO YOU FORESEE THAT PROPERTY BECOMING AVAILABLE FOR DEVELOPMENT? I KNOW MR. CLOUGH HAS REPEATED IN PUBLIC, NONE OF US KNOW WHAT WILL HAPPEN IF SOMETHING SHOULD HAPPEN TO HIM, BUT HE HAS REPEATED IN PUBLIC THAT HIS WILL NEVER BE DEVELOPED. WITH TEN (10) ACRE GAS SPACING, AT BEST IT WOULD BE A LITTLE TOUGH TO DEVELOP HIS PROPERTY. UMETCO, I KNOW I'M NOT SURE ANYONE IS COMFORTABLE WITH WHAT THEIR INTERESTS MIGHT BE IN DEVELOPING, BUT I DON'T SEE THEM IN THE DEVELOPING BUSINESS, SO THEN THAT PUTS US OUT TO THE INTERCHANGE ITSELF, LOW PARCEL ON THE SOUTHWEST SIDE, OR SOUTHEAST SIDE THAT BELONGS TO THE RAILROAD - WHO'S GOING TO DEVELOP THIS PROPERTY? WE'RE BUILDING A TWO MILLION DOLLAR WATER LINE TO AN INTERCHANGE THAT MAY NOT HAVE ANY USERS. THE LANDFILL THAT YOU SAID WOULD BE A TERRIBLE ENTRANCE TO RIFLE WHICH I WOULD AGREE, IT DOESN'T REQUIRE ANY WATER, A SALVAGE YARD DOESN'T REQUIRE ANY WATER - THEY CAN BRING IN THEIR JUGS FOR THEIR EMPLOYEES AND GO TO WORK TOMORROW ON EITHER ONE OF THOSE USES. I'M NOT SAYING THAT WE'RE LOOKING A PERMITTING SOMETHING LIKE THAT THERE, BUT NEITHER OF THOSE USES, IN FACT A LOT OF THOSE USES THAT ARE PROVIDED ALLOWABLE UNDER OUR SPECIAL USE PERMITTING, THEY DON'T REQUIRE WATER, OR AT LEAST ANY SUMS OF WATER TO SPEAK OF.
LEE LEAVENWORTH - WELL, I GUESS THE WAY I CAN RESPOND IS TO POINT OUT THAT THE GROUND WATER THERE IS GOING TO BE CONTAMINATED FOR FIFTY TO A HUNDRED (50 TO 100) YEARS
COMMISSIONER MCCOWN - A HUNDRED (100) YEARS
LEE LEAVENWORTH - AND MY CRYSTAL BALL DOESN'T GO OUT THAT FAR BUT I'M ASSUMING THAT IN A HUNDRED (100) YEARS THERE WILL BE DEVELOPMENT THERE. I DON'T THINK WE CAN MAKE ANY OTHER ASSUMPTION.
CHAIRMAN MARTIN - DON, DID YOU HAVE SOMETHING?
DON METZLER - IF I COULD JUST ADD TO THAT, I MEAN YOU ASK A GOOD QUESTION, ONE THAT I'VE DEFINITELY STAYED UP LATE AT NIGHT THINKING ABOUT OVER THE YEARS ON THAT, WE'VE, IF YOU COULD SEE THE MEETING MINUTES OVER THE YEARS OF MEETING WITH THE CITY AND COUNTY AND EVERYTHING, THAT'S A SUBJECT WE HAVE TALKED ABOUT AND BADGERED AROUND AND I THINK AFTER MUCH DISCUSSION AND A LOT OF OPINIONS OVER THE LAST ALMOST FIVE (5) YEARS ON THAT SUBJECT, WE CAME REALLY TO THE CONCLUSION THAT LEE SAID, AND I DON'T WANT TO BE REDUNDANT, BUT I THINK IT'S IMPORTANT ENOUGH FOR SOMETHING TO MAYBE SOUND IN - IT IS FOR THE HUNDRED-YEAR (100) PERIOD AND REALLY I COULD IN MY MIND, ANSWER THE QUESTION WHEN IT CAME BACK TO ME. RIGHT NOW, I WOULD AGREE WITH YOU, I JUST DON'T SEE IT THERE, HOWEVER, LET ME JUST GIVE YOU AN EXAMPLE - UMETCO - THEY'RE SORT OF IN THE SAME BUSINESS THAT I AM WITH DOE YET THEY'RE PRIVATE INDUSTRY. SO, I WORK VERY CLOSELY WITH UMETCO. AND UMETCO IS JUST THE CLEANUP ARM OF UNION CARBINE AND JUST LAST

YEAR, UNION CARBINE WAS BROUGHT OUT BY DOW CHEMICAL AND SO THERE'S A LOT OF CHANGE - AND THIS IS JUST IN A FEW YEARS. AND SO TO THINK A HUNDRED-YEAR (100) TIME PERIOD, I MEAN, DOW MIGHT COME OUT NEXT YEAR WITH ALL NEW GROUP OF SENIOR MANAGEMENT AND SAY WE'RE GETTING OUT OF THESE - THESE HOLDINGS WE HAVE AND WE'RE SELLING IT TOMORROW FOR - I MEAN, IT'S SOMETHING THAT WE JUST CAN'T CONTROL OR REALLY PREDICT AND I THINK THAT WITH WHAT WE'VE PUT TOGETHER HERE HELPS MINIMIZE THE LAND USE ISSUES FOR THE HUNDRED-YEAR (100) PERIOD SUCH, YOU KNOW, IT SEEMS LIKE THE MOST LOGICAL THING KNOWING THAT A HUNDRED-YEARS (100) IS A LONG TIME TO MAKE PREDICTIONS ON ANYTHING.

COMMISSIONER MCCOWN - THEN WE'RE OPERATING UNDER THE THEORY OF 'BUILD IT AND THEY WILL COME'.

DON METZLER - IT COULD HAPPEN.

COMMISSIONER MCCOWN - AND THAT'S WHAT WE WANT.

LEE LEAVENWORTH - THE CITY IS INTERESTED IN SEEING THE WEST RIFLE INTERCHANGE DEVELOP. I MEAN, THAT'S NOT WHAT THEY'RE TRYING TO DO BUT, IT IS CERTAINLY A POTENTIAL SIDE EFFECT THAT THE FIELD OF DREAMS, FIELD OF PIPELINES I GUESS.

COMMISSIONER MCCOWN - THERE'S PLENTY OF THOSE OUT THERE.

LEE LEAVENWORTH - YEAH.

DON METZLER - DOE WOULD RATHER, WE BELIEVE THAT IT WOULD BE BEST FOR THE FEDERAL GOVERNMENT TO BE ABLE TO MINIMIZE SPENDING TAXPAYER DOLLARS FRIVOLOUSLY THAT IF THERE WAS A WATER LINE, PEOPLE WERE HOOKED UP TO, WE KNEW THEY WERE GETTING SAFE, CLEAN WATER WAS BEING MANAGED APPROPRIATELY, FIRST IS LESS OF RO UNITS THAT, AND IN ESSENCE WITHOUT THIS GOVERNMENT AGREEMENT WE'VE WORKED ON, DOE WOULD HAVE WATER SAMPLERS OUT THERE ALL THE TIME AND TRYING TO KEEP TRACK OF THIS AND REPORTING THE DATA BACK TO THE LANDOWNERS AND MAKING SURE THAT THEY'RE BEING OPERATED CORRECTLY, ETCETERAS AND YOU SEE THE PERSONNEL THAT WOULD HAVE TO BE INVOLVED WITH THIS OVER THIS PERIOD OF TIME AND WOULD BE MORE MONEY AND IT WOULD BE LESS EFFECTIVE AS FAR AS SAYING THAT THE CITIZENS IN THE COUNTY, YOU KNOW, ARE GETTING CLEAN WATER.

COMMISSIONER MCCOWN - YEAH, BUT IT'S STILL NOT MANDATORY THAT THEY TIE ON. I MEAN IT'S STILL SOMEONE'S CHOICE TO DRILL AS WELL AND PUT IN AN RO SYSTEM AND WHETHER IT'S WEST OF THE INTERCHANGE OR EAST OF THE INTERCHANGE AND A LOT OF THAT CHOICE IS GOING TO BE DRIVEN BY THE CONSTRAINTS OF TYING ONTO THAT WATER SYSTEM. IF SOMEONE FEELS THAT IT'S NOT COST EFFECTIVE OR IN THEIR BEST INTEREST TO SIGN THAT PRE-ANNEXATION AGREEMENT AND TIE ONTO THAT WATER LINE, THEY'RE GOING TO DRILL A WELL AND PUT IN A REVERSE OSMOSIS SYSTEM WITH THEIR OWN MONEY.

DON METZLER - YEAH, AND THAT'S A TRUE STATEMENT, BUT LET ME, AGAIN I HOPE I'M NOT BEING REDUNDANT FROM THE LAST TIME I WAS HERE MONDAY, LET ME JUST GIVE AN EXAMPLE - I DON'T WANT TO SPEND TOO MUCH TIME BUT IT'S WORTH USING AN ANALOGY. BACK IN EASTERN COLORADO AND KANSAS, NEBRASKA, THE OGALLEGA AQUIFER, I THINK WE'VE ALL HEARD ABOUT THAT - IT'S A HUGE PROLIFIC AQUIFER - IT YIELDS LOTS OF WATER, IT'S VERY HIGH QUALITY WATER, IT'S JUST AN ABSOLUTE PRECIOUS RESOURCE TO THIS COUNTRY AND TO ALL THE PEOPLE THAT LIVE IN THAT PART OF THE COUNTRY. BUT THIS LITTLE AQUIFER WE'RE TALKING ABOUT IT, IT CAN UNDER THE DEFINITION IN THE TEXTBOOKS AQUIFER, YES, IT FITS THAT BARELY. AS YOU GET UP, AND I HOPE I DON'T FOR THE LANDOWNERS THAT ARE HERE, I'M NOT TRYING TO DISPARAGE YOUR RESOURCE IN ANY WAY, SO MISINTERPRET THIS, I'M JUST TRYING TO TALK FROM THE HYDROLOGY PERSPECTIVE - IT'S - AS WE GET UP TO SIX AND TWENTY-FOUR (6 & 24) THE SATURATED THICKNESS OF THAT ALLUVIUM THERE IS GETTING DOWN TO LESS THAN TEN-FEET (10') NOT TOO MANY A HUNDRED-FEET (100'), TWO-HUNDRED-FEET (200') ON THE NORTH OF SIX AND TWENTY-FOUR IT BASICALLY PINCHES OUT - AS YOU VERY CLOSE TO THE RIVER, IT'S STILL ONLY TWENTY-FEET (20') I MEAN BASICALLY YOU'RE PULLING RIVER WATER IN, SO IF YOU WANT TO PUT YOUR WELL RIGHT NEXT TO THE RIVER FOR THOSE FEW LANDOWNERS, YEAH, THAT'S A PRETTY GOOD AQUIFER AND YOU PROBABLY... BUT AS YOU GET FARTHER AWAY AND YOU DON'T HAVE, IT ISN'T TOO MANY HUNDREDS OF FEET TO THE NORTH IN ANY OF THAT AREA, I MEAN, IT'S TENUOUS AT BEST, IT WOULD BE HARD TO SAY THAT YOU'RE GOING TO YOU KNOW, HAPPY WITH HOW THIS IS GOING TO SERVE YOUR DOMESTIC NEEDS, AND I THINK THAT'S A TRUE STATEMENT AND I HOPE I DIDN'T DISPARAGE YOU.

COMMISSIONER MCCOWN - WELL, AND THEN WITH REVERSE OSMOSIS YOU'RE PULLING TWO (2) GALLON FOR EVERY GALLON YOU RECOVER AS WELL, SO IT COMPOUNDS THE WATER NEED FROM YOUR AQUIFER.

DON METZLER - AND THE YIELDS GET VERY LOW AS YOU GO TO, I MEAN YOU COULDN'T, WE'VE HAD THESE DISCUSSION TOO, YOU KNOW, A HOTEL IS NOT GOING TO COME IN AND THEN SAY, OKAY, WE'RE GOING TO BUILD A HUNDRED-ROOM (100) HOTEL AND THEN WE'RE GOING TO TAP THIS TEN-FOOT (10') OF SATURATION

WHICH IS POOR WATER QUALITY ANYWAY AND THINK IT'S GOING TO MEET THEIR NEEDS - IT JUST WON'T HAPPEN.
CHAIRMAN MARTIN - ANY OTHER QUESTIONS OF DON?
COMMISSIONER STOWE - NOT RIGHT NOW.
CHAIRMAN MARTIN - ANY ONE ELSE IN THE AUDIENCE WHO WOULD LIKE TO MAKE A STATEMENT? JIM

JIM SLAPPEY - I'M A PARTNER AND MANAGER OF WEST RIFLE INDUSTRIAL PARK LLC AND I JUST NEED SOME CLARIFICATION HERE - IF I FOLLOW THESE CONVERSATIONS CORRECTLY, AS OF THIS MOMENT, OUR PROPERTY IS NOT INCLUDED IN THAT AFFECTED BY THE BOARD'S DECISION TODAY, BUT IT IS THE INTENTION OF THE COMMISSIONERS TO COME BACK AND REZONE OUR PROPERTY AND AS WE'RE PRESENTLY COMMERCIAL/GENERAL AND THIS TO ME CONSTITUTES A DOWN-ZONING AND AT LEAST A PARTIAL TAKING WITHOUT ANY COMPENSATION TO US IF IT'S DOWN GRADED FROM COMMERCIAL/GENERAL TO AG OR AG/INDUSTRIAL - AND I'D JUST LIKE FOR SOMEBODY TO CLARIFY THIS AND SEE IF I HAVE THE RIGHT UNDERSTANDING OF WHAT THE INTENT IS.
CHAIRMAN MARTIN - MY UNDERSTANDING IS THAT YOU ARE NOT WITHIN THE AREA THAT IS BEING CONSIDERED AT THIS TIME BECAUSE OF THE LACK OF NOTIFICATION - AM I CORRECT MR. BEAN?
MARK BEAN - CORRECT.
CHAIRMAN MARTIN - AND THE ZONING DISCUSSION WOULD TAKE PLACE ONCE THAT WE WOULD NOTICE AND BRING YOU IN AND CONSIDER A DIFFERENT ZONING. AND AT THAT POINT A CONVERSATION WOULD TAKE PLACE ON WHICH WAY THE ZONING WOULD GO. BUT AT THIS POINT IT REALLY ISN'T AFFECTING YOU WITH THE DECISION TO PUT THIS DRINKING WATER CONSTRAINT ZONE IN AT THIS TIME - COULD IN THE FUTURE. AND MR. STUVER,
ATTORNEY TOM STUVER - WELL, IF I COULD FOLLOW AND ASK FOR A FRUGAL EXPLANATION ON THIS QUESTION - IF I UNDERSTAND MARK'S STATEMENT, THE REASON IT'S NOT IN THE ZONE PROPOSAL THAT'S BEFORE YOU TODAY, IS BECAUSE NOTICE WASN'T GIVEN -
CHAIRMAN MARTIN - THAT'S CORRECT.
TOM STUVER - NOW WHEN I SORT THAT OUT, THAT MEANS WHEN THIS ZONE ORDINANCE WAS DRAFTED - IT WAS INTENT OF THE DRAFTER TO ZONE ALL OF THIS PROPERTY AG/INDUSTRIAL AND NOT RECOGNIZE THE EXISTING COMMERCIAL/GENERAL ZONE THAT EXISTS ON THE SLAPPEY PROPERTY AND MCDANIEL PROPERTY. WE NEED TO HAVE IT CLARIFIED ON THE RECORD AS TO WHETHER THE INTENT OF WHOEVER IS GOING TO BE GENERATING THIS PROPOSAL INTENDS TO GENERATE IT AS A COMMERCIAL/GENERAL WITH THE WATER ZONE OVERLAY OR WHETHER IT'S AG/INDUSTRIAL AND I THINK THAT'S WHAT JIM'S QUESTION WAS REALLY TRYING TO GET AN ANSWER TO.
COMMISSIONER MCCOWN - I'LL LET MARK ANSWER THAT, TOM, BUT I KNOW IT WAS NEVER ONE COMMISSIONERS POSITION TO CHANGE ANY OF THE UNDERLYING ZONING WHEN WE PLACED THE INSTITUTIONAL CONTROLS ZONING ON TOP OF IT. IT WAS TO BE ACCEPTED AND SOMEWHERE THERE'S A LETTER AROUND HERE FROM MARK THAT EXPLAINED IN DETAIL THAT IT WOULD BE WHAT IS WHERE IS WITH THE OVERLYING INSTITUTIONAL CONTROL REQUIRING THE DRINKING WATER RESTRICTIONS - AND THAT IS ALL OUR INSTITUTIONAL CONTROL WAS EVER TO HAVE DONE. SO THERE WAS TO BE NO CHANGE....

MARK BEAN - THAT'S CORRECT
COMMISSIONER MCCOWN - TO MY KNOWLEDGE IN THE UNDERLYING EXISTING ZONING.
CHAIRMAN MARTIN- THAT'S CORRECT.
MARK BEAN - AND AS I MENTIONED EARLIER - I SAID ASSUMING WE GO FURTHER WITH THIS, WE WILL NEED TO CREATE ANOTHER ZONE THAT RECOGNIZES THE COMMERCIAL USES ALLOWED IN THE COMMERCIAL/GENERAL ZONE DISTRICT - WE'LL HAVE TO GIVE IT A SLIGHTLY DIFFERENT NAME PROBABLY A CWCD OR SOMETHING LIKE THAT, THAT ACKNOWLEDGES THE COMMERCIAL USES WOULD HAVE THE SAME LANGUAGE THAT THE PRESENT PROPOSAL BEFORE YOU - THE DRINKING WATER CONSTRAINT ZONE HAS, THAT BASICALLY SAYS ALL USES ALLOWED WITHIN THAT ZONE DISTRICT ARE ALLOWED SUBJECT TO HAVING GOOD POTABLE WATER AVAILABLE TO IT - EITHER RO OR FROM THE CITY. BUT WE WOULD HAVE TO CREATE THAT ZONE.
CHAIRMAN MARTIN - THAT WAS ALSO MY UNDERSTANDING OF THAT MEMO AS WELL.
MARK BEAN - AND YES IT WAS AN ERROR ON STAFF'S PART NOT TO INCLUDE THOSE COMMERCIAL PORTIONS OF THAT IN DRAFTING.
CHAIRMAN MARTIN - DOES THAT ANSWER YOUR QUESTION, MR. STUVER?
TOM STUVER - IT DOES, THANK YOU.

CHAIRMAN MARTIN - THANK YOU VERY MUCH. ANY OTHER ONE IN THE AUDIENCE WHO WOULD LIKE TO MAKE A STATEMENT? WE HAVE NO OTHER EVIDENCE TO BRING IN, EXHIBITS? DO YOU HAVE ANYTHING THAT YOU WISH TO ..
MILDRED ALSDORF - ONE, YOU HAVE ONE EXHIBIT, IS IT J MARK?
CHAIRMAN MARTIN - WE DID PUT THAT IN AS J - THE LETTER...
MARK BEAN - THE REVISED INTERGOVERNMENTAL AGREEMENT
CHAIRMAN MARTIN - WHICH I HAVE MARKED AS J.
MARK BEAN - I DID IDENTIFY AS EXHIBIT J. I DON'T HAVE A COPY OF IT BUT I CAN FIND ONE A LITTLE LATER HERE.
CHAIRMAN MARTIN - OUR COPY IS MARKED J. CLARIFICATION - ANYTHING ADDED FROM STAFF?
MARK BEAN - THANK YOU. I HAVE NOTHING ADDITIONAL TO ADD, WHEN YOU GET TO THE POINT WHERE YOU ARE READY TO - ASSUMING YOU'RE READY TO MAKE A DECISION OF SOME SORT, PERHAPS WE'D LIKE TO DISCUSS AND CLARIFY SOME OF THE AREAS THAT ARE TO BE INCLUDED AND NOT INCLUDED IN THE PROPOSED ZONE DISTRICT.
CHAIRMAN MARTIN - RIGHT. AT THAT TIME, I THINK WE CAN ENTER INTO A DISCUSSION BUT I'M TRYING TO GET EVERYTHING IN SO THAT WE HAVE ALL PUBLIC COMMENT IN SO WE CAN GO AHEAD AND CLOSE THIS.
MARK BEAN - I HAVE NOTHING ELSE.
DON DEFORD - MR. CHAIRMAN, JUST AS A REMINDER, WE DISCUSSED A NUMBER OF ITEMS BUT TECHNICALLY THE ONLY MATTER IN FRONT OF YOU IN THE PUBLIC HEARING IS THE REQUEST TO ADOPT INSTITUTIONAL CONTROLS THROUGH A RESOLUTION ESTABLISHING THE DRINKING WATER CONSTRAINT ZONE.
CHAIRMAN MARTIN - THAT'S FIRST ON MY LIST - I WANTED TO MAKE SURE ALL CONVERSATIONS ARE IN - COMMISSIONERS. WE HAVE A QUESTION? ALL RIGHT.
MARK BEAN - DON, CAN YOU PASS THAT MICROPHONE, JUST PULL IT OFF THE STAND.
CHAIRMAN MARTIN - IT'S PORTABLE - IT'S PORTABLE. MAKE SURE YOU IDENTIFY YOURSELF FOR THE RECORD.
PAT HOPKINS - CITY OF RIFLE PLANNING DIRECTOR - I JUST WANT TO EMPHASIS TWO (2) POINTS - ONE (1) IS THAT WE HAVE BEEN WORKING ON THIS COOPERATIVELY SINCE MAY OF NINETY-EIGHT (98) AND I FEEL THAT THIS IS A VERY SIGNIFICANT INTERGOVERNMENTAL AGREEMENT EFFORT AND I THINK WE HAVE A RESPONSIBILITY TO COME TO A CONCLUSION ON IT AND TO NOT LOSE THIS OPPORTUNITY. THE OTHER POINT I WANT TO MAKE IS THAT WE CAME TO THIS APPROACH BECAUSE WE REALIZE THAT NONE OF US ARE GOING TO BE HERE A HUNDRED (100) YEARS FROM NOW AND THIS CONTAMINATION WILL MOVE IN A DIAGONAL DIRECTION AND WILL EVENTUALLY CONTAMINATE THE WATER SUPPLY AND LAND THAT IS CURRENTLY NOT CONTAMINATED. WE NEED TO HAVE A CONTROL ON THIS PROPERTY THAT WILL BE THERE IN EIGHTY OR NINETY-YEARS OR A HUNDRED-YEARS (80, 90, OR 100) THAT EVERYBODY CAN PAY ATTENTION TO AND NOT FORGET. I JUST URGE YOU TO MAKE SURE THAT WE DO COME TO A POSITIVE CONCLUSION TODAY AND WE DON'T LET THIS OPPORTUNITY SLIP BY - I FEEL LIKE IT'S A VERY GOOD EXAMPLE OF HOW WE WILL HAVE TO WORK TOGETHER IN THE FUTURE AND PERHAPS WE MAY HAVE LEARNED SOMETHING TODAY IN TERMS OF NOTICING THAT WE MIGHT HAVE TO EXPAND OUR CONTACTS WITH OTHER PEOPLE WHEN WE'RE TRYING TO COME TO THESE CONCLUSIONS - MAYBE WE NEED MORE PUBLIC MEETINGS - BUT THIS IS A VERY GOOD START AND GENTLEMEN I JUST HOPE THAT YOU DON'T LET THE OPPORTUNITY GET AWAY FROM YOU. THANK YOU.
CHAIRMAN MARTIN - THANK YOU PAT. ANYONE ELSE? MR. SLAPPEY
JIM SLAPPEY - I'D JUST LIKE TO MAKE ONE COMMENT - FOR FUTURE REFERENCE, AS A PROPERTY OWNER WE ARE SORT OF CAUGHT IN THE MIDDLE OF INTERGOVERNMENTAL NEGOTIATIONS, AND THE OUTCOME OF WHICH DIRECTLY AFFECTS OUR PROPERTIES. AND I THINK IT WOULD SERVE BOTH THE GENERAL PUBLIC AND CERTAINLY THE GOVERNMENTAL AGENCIES AND PROPERTY OWNERS' BEST INTEREST IF IN THE FUTURE WHEN THESE ISSUES COME BEFORE YOU, THAT YOU INVITE THE PARTICIPATION OF THE PROPERTY OWNERS AT AN EARLY STAGE SO THAT WE GET TO THE ELEVENTH-HOUR AND THE FIFTY-NINTH-MINUTE (11:59) BEFORE CONCERNS OF ALL OF THE AFFECTED PROPERTY OWNERS ARE BROUGHT TO BEAR AND SLOW DOWN THE PROCESS OF DECISION MAKING HERE. AND I JUST HOPE THAT YOU GENTLEMEN AND LADIES FROM BOTH THE CITY OF RIFLE AND THE COUNTY AND THE DOE WILL BEAR THIS IN MIND IN THE FUTURE.
CHAIRMAN MARTIN - THANK YOU MR. SLAPPEY. ANYONE ELSE? ANY OTHER COMMENT BY THE CITY OF RIFLE? A CONFERENCE GOING THERE, I JUST WANTED TO MAKE SURE - YOU'RE SET? ALL RIGHT, THANK YOU. DON, DO YOU HAVE ANYTHING FURTHER?
DON METZLER - JUST IN CLOSING AND MR. SLAPPEY, I HEAR YOUR CONCERN AND I THINK AS A EMPLOYEE OF A FEDERAL AGENCY, I THINK WE CAN ALWAYS GET BETTER IN PUBLIC PARTICIPATION AND I WILL TAKE

THAT THOUGHT, BUT IT'S MY UNDERSTANDING JUST TO KIND OF, NOT IN DEFENSE, BUT JUST TO LET EVERYONE HEAR MY PERSPECTIVE - IT HAS BEEN GOING ON FOR A LONG TIME EVEN REALLY WHAT REALLY PAT STATED, MENTIONED BUT IT'S BEEN, I THINK LEE AND I FIRST STARTED IN NINETEEN-NINETY-FIVE (1995) THINKING ABOUT HOW WE'RE GOING TO GET THIS THING STARTED. BUT DOE HAS MET AND I BELIEVE THIS IS ABSOLUTELY A TRUE STATEMENT "WITH EVERY SINGLE LANDOWNER WITHIN THE INSTITUTIONAL CONTROL BOUNDARY" - OVER THE LAST THREE TO FOUR-YEAR (3 TO 4) AND GONE UP THERE IN THE EVENINGS AND SAT DOWN IN PEOPLE'S HOMES AND MET THEM AT THEIR BUSINESSES AND TALKED WITH THEM ON THE PHONE AND HAD PUBLIC MEETINGS IN RIFLE, AND THAT'S NOT TO SAY I'VE DONE EVERYTHING PERFECT AND THEN WE COULDN'T DO MORE, DOE TAKES IT VERY SERIOUSLY TRYING TO GET THE PUBLIC INVOLVED IN THESE ISSUES BECAUSE OF OUR LEGACY OF ALL THE SECRECY DURING THE COLD WAR, SO AGAIN THAT'S NOT A REBUTTAL TO WHAT YOU SAID, BUT I'M JUST TRYING TO TELL DOE'S SIDE OF THE STORY.
CHAIRMAN MARTIN - WE ALWAYS HAVE TO HAVE THAT DISCLAIMER YOU KNOW AS GOVERNMENTS. ALL RIGHT. IF THERE'S NOTHING FURTHER, DO I HAVE A MOTION TO GO AHEAD AND CLOSE THIS PORTION OF THE PUBLIC HEARING ON DRINKING WATER CONSTRAINT ZONE? IT'S A CONTINUED PUBLIC HEARING.
SHERRY BARKEY - WE NEED TO ASK FOR THOSE COPIES BACK.
DON METZLER - YEAH.
COMMISSIONER STOWE - WE'VE GOT THEM.
SHERRY BARKEY - WELL, I UNDERSTAND BUT ALL THE PUBLIC, YOU KNOW, THERE'S A LOT OF COPIES OF THE AGREEMENT AND UNTIL THE STATE SIGNS IT ISN'T FINAL, AND WE WOULD HATE TO HAVE THESE THINGS JUST FLOATING AROUND - SO IF WE COULD HAVE THOSE BACK
CHAIRMAN MARTIN - WE'LL BE ON THE HONOR SYSTEM - EVERYBODY RETURN - WHEN YOU'RE FINISHED -
SHERRY BARKEY - LISTEN, IF YOU NEED IT AFTER IT'S SIGNED, YOU CAN GET IT FROM YOUR PUBLIC, YOU CAN GET IT FROM YOUR CITY, YOU CAN GET IT FROM THE COUNTY, YOU CAN GET IT FROM DOE, BUT WE NEED THOSE BACK, IT'S NOT A FINAL AGREEMENT. I GAVE THOSE OUT SO THE PEOPLE COULD HAVE SOMETHING TO LOOK AT DURING THIS DISCUSSION.
AUDIENCE - I REALLY QUESTION THAT.
CHAIRMAN MARTIN - IT'LL BE A PUBLIC DOCUMENT.
AUDIENCE - YOU GIVE THEM OUT, IT'S PUBLIC.
SHERRY BARKEY - OKAY.
CHAIRMAN MARTIN - WE CAN MAKE COPIES IF WE NEED TO - WE'LL KEEP TRACK OF THOSE - I THINK THAT'S PART OF THE FREEDOM OF INFORMATION ACT.
SHERRY BARKEY - PLEASE BE AWARE THAT IT IS NOT FINAL AND THAT IT MAY CHANGE.
CHAIRMAN MARTIN - NOT UNTIL IT'S SIGNED. ALL RIGHT.
COMMISSIONER MCCOWN - AFTER WE SIGN IT?
MARK BEAN - AN UNSIGNED DOCUMENT DOESN'T MEAN A WHOLE LOT.
SHERRY BARKEY - THAT'S RIGHT.
CHAIRMAN MARTIN - NO, ONLY THE SIGNED DOCUMENTS.
SHERRY BARKEY - RIGHT.
COMMISSIONER MCCOWN - BUT IT WON'T CHANGE AFTER IT'S SIGNED.
CHAIRMAN MARTIN - IT CAN'T CHANGE AFTER IT'S SIGNED.
ED GREEN - NOT UNLESS THERE'S A PEN AND INK CHANGE.
CHAIRMAN MARTIN - ALL RIGHT, DO I HEAR A MOTION TO CLOSE THAT
COMMISSIONER STOWE - SO MOVED.
COMMISSIONER MCCOWN - SECOND.
CHAIRMAN MARTIN - ALL RIGHT, ALL THOSE IN FAVOR?
COMMISSIONER MCCOWN - AYE
COMMISSIONER STOWE - AYE
CHAIRMAN MARTIN - AYE. IN FRONT OF US WE HAVE A DECISION TO MAKE AND THAT IS TO APPROVE OR DENY THE REQUEST FOR A DRINKING WATER CONSTRAINT ZONE AS DESCRIBED IN THE AREAS THAT WERE NOTICED AND THAT EXPLANATION HAS BEEN DONE BY STAFF. STAFF HAS MADE A RECOMMENDATION TO DO SO ..
MARK BEAN - WITH THE CLARIFICATION THAT WE REMOVE ONE SECTION THAT WAS NOT WAS ORIGINALLY INTENDED TO BE INCLUDED AND THAT WHICH IS THE NORTH HALF OF THE NORTH HALF OF SECTION EIGHTEEN (18).
CHAIRMAN MARTIN - THAT'S CORRECT.

COMMISSIONER MCCOWN - SOUTH HALF OF THE NORTH HALF?
MARK BEAN - SOUTH OF THE NORTH HALF HAS NOT BEEN NOTICED.
COMMISSIONER MCCOWN - I'D MAKE A MOTION WE APPROVE THE ADDITION OF SECTION 3.14 DRINKING WATER CONSTRAINT ZONE TO THE GARFIELD COUNTY ZONING RESOLUTION AND CHANGING CERTAIN LANDS WEST OF RIFLE FROM AGRICULTURAL/INDUSTRIAL TO THE DRINKING WATER CONSTRAINT ZONE, EXCLUDING THE AREA THAT WAS MISSED ON NOTICE
MARK BEAN - CORRECT
COMMISSIONER MCCOWN - AND THAT WILL BE FORTHCOMING.
CHAIRMAN MARTIN - ALL RIGHT.
COMMISSIONER STOWE - I WOULD SECOND THAT MOTION.
CHAIRMAN MARTIN - I HAVE A MOTION AND A SECOND, TIME FOR DISCUSSION. ANY DISCUSSION AT ALL? BE DISCUSSED, WE HAVE NOTHING? ALL RIGHT, WE'LL CALL FOR THE QUESTION, ALL THOSE IN FAVOR
COMMISSIONER MCCOWN - AYE
COMMISSIONER STOWE - AYE
CHAIRMAN MARTIN - AYE. ALL RIGHT, WE HAVE DONE SO.

INTERGOVERNMENTAL AGREEMENT

I DO BELIEVE WE HAVE AN **INTERGOVERNMENTAL AGREEMENT** TO TAKE ACTION ON TOO.
DON DEFORD - WE HAVE IN FRONT OF YOU BOTH THE AGREEMENT WITH THE DEPARTMENT OF ENERGY AND THE STATE AND THE CITY OF RIFLE AND THE INTERGOVERNMENTAL AGREEMENT, I GUESS I WOULD SUGGEST YOU START WITH THE DOE AGREEMENT FIRST, BECAUSE THIS INTERGOVERNMENTAL AGREEMENT WITH RIFLE IS DEPENDENT UPON MOVING FORWARD WITH THAT.
CHAIRMAN MARTIN - YES, MY NUMBER TWO IS THE AGREEMENT WITH DOE.
DON DEFORD - I GUESS IN THAT REGARD, I GUESS I DO HAVE A QUESTION FOR SHERRY - MY UNDERSTANDING IS YOU WANTED THE BOARD TO SIGN AN AGREEMENT TODAY.
SHERRY BARKEY - THAT WAS OUR HOPE, THAT IS OUR HOPE.
CHAIRMAN MARTIN - OKAY, FOR CLARIFICATION, THE LATEST NOTICE THAT YOU HAVE GIVEN US, IS THAT IN THE FINAL FORM THAT YOU WISH TO BE PRESENTED?
SHERRY BARKEY - NO, THERE ARE A COUPLE OF ATTACHMENTS THAT ARE MISSING - WE DON'T HAVE THE ORIGINALS, WELL IT'S GETTING THE ORIGINALS OF THEM AND WHAT WE HOPED TO ALSO BE AN APPENDIX TO THIS WAS THE RECORDED COPY OF YOUR IC'S WHICH OBVIOUSLY HAVEN'T HAPPENED YET, AND A RECORDED COPY OF THE CITY IC'S, SO IT'S NOT A MATTER THAT THE LANGUAGE IN THE AGREEMENT IS GOING TO CHANGE, BUT THERE, THE COMPLETE PACKAGE IS NOT HERE. NORMALLY, DOE HAD THE CERTIFICATION FORM, AND ALL THOSE THAT ARE THE FINAL AGREEMENT AND WE HAVE THE CITY'S, WE DON'T HAVE THE COUNTY'S YET, SO THERE WILL BE SOME THINGS ADDED THAT ARE JUST FORMS TO THIS AND MAPS AND ATTACHMENTS THAT THE BOTTOM OF THE AGREEMENT
DON METZLER - WOULD NOT CHANGE
SHERRY BARKEY - WOULD NOT CHANGE
DON METZLER - AND THE DOLLARS WOULD NOT CHANGE.
SHERRY BARKEY - AND THE DOLLARS WON'T CHANGE.
CHAIRMAN MARTIN - MR. DEFORD
DON DEFORD - WHAT DO YOU NEED FROM THE BOARD TODAY, I WAS, WE SET A SPECIAL MEETING TODAY BECAUSE WE THOUGHT WE HAD TO HAVE ACTION OF SOME KIND FROM THE BOARD TODAY, SO WHAT ALL DO YOU NEED.
DON METZLER - LET ME ANSWER THAT - THE REASON WE'RE, SOUNDS LIKE WE'RE PUSHING AS A DROP DEADLINE DATE IS BECAUSE TODAY'S THE LAST DAY OF, WORKING DAY OF THE FEDERAL FISCAL YEAR AND BECAUSE OF THAT I'M IN THE POSITION TO BE ABLE TO OBLIGATE THIS MONEY AND MONDAY, MIGHT WELL NOT BE IN THAT POSITION TO BE ABLE TO DO THAT, AND SO THAT'S THE PUSH ON, WITHOUT GETTING INTO TOO MUCH DETAIL THAT'S NOT NECESSARY, BUT I WILL SAY, THAT THE CONTRACTING OFFICER WITH THE FEDERAL WARRANT, THAT'S MY, THE PERSON I HAVE TO WORK WITH, WHO'S GOING TO SIGN THIS - EVAN GREYBOURNE - BEFORE HE CAN OBLIGATE THAT MONEY AT FIVE-O'CLOCK TODAY (5:00) OR BEFORE FIVE (5), HE REALLY NEEDS TWO (2) SIGNATURES - WE STILL NEED THE STATE'S SIGNATURES TOO, BUT THE ATTORNEY GENERAL'S OFFICE HAS PRETTY MUCH TOLD US, YES, THEY, AND SO WE BELIEVE THAT WE CAN TAKE A LITTLE RISK IF WE HAVE THIS COUNTY AND THE CITY TODAY, HE COULD FINISH THE PAPERWORK WITH HIS SIGNATURE ON ONE NUMBER AND OBLIGATE THE MONEY TODAY - THAT'S THE REASON.
DON DEFORD - SO WHAT DO YOU WANT THEM TO SIGN?
DON METZLER - THE

SHERRY BARKEY - SIGNATURE PAGE
DON METZLER - THE SIGNATURE PAGE AND THE COOPERATIVE AGREEMENT WITH OUR STATEMENT THAT THE BODY OF THIS AGREEMENT WILL NOT CHANGE - THE ONLY CHANGES YOU WOULD SEE TO IT IS WHAT SHERRY REFERRED TO AND THAT'S THE EXHIBITS AND MAYBE, WHAT ELSE WAS THERE?
SHERRY BARKEY - IT'S THE CERTIFICATIONS WHICH ARE JUST STANDARD GOVERNMENT FORMS, GETTING THE ORIGINAL COPIES OF THE EXHIBITS TO GO TO THE PROJECT MANAGEMENT PLAN, THE COLOR MAP OF THE ICS BOUNDARY AND THE RECORDED COPIES OF YOUR NOW-PASSED ICS AND THE CITY'S PAST ICS.
DON METZLER - CORRECT.
CHAIRMAN MARTIN - AND SO FOR THOSE WHO ARE NOT INTO ACRONYMS, IT IS A INSTITUTIONAL CONTROL (IC)
SHERRY BARKEY - THANK YOU
CHAIRMAN MARTIN - ALL RIGHT.
DON DEFORD - MY UNDERSTANDING THEN IS WHAT YOU WOULD LIKE IS A MOTION AUTHORIZING THE CHAIR TO SIGN PAGE TWENTY-THREE (23) OF THE LAST DRAFT OF THE NOTICE OF FINANCIAL ASSISTANCE AWARD THAT YOU PROVIDED TODAY, WITH THE UNDERSTANDING THAT THERE WILL BE NO ALTERATIONS AFTER SIGNATURE OF PAGES ONE - TWENTY-TWO (1 THROUGH 22).
DON METZLER - CORRECT.
MILDRED ALSDORF - AND YOU NEED SIX (6) COPIES SIGNED?
SHERRY BARKEY - THAT'S CORRECT.
MILDRED ALSDORF - AND SO PROBABLY WE NEED EIGHT (8) COPIES SO THAT WE CAN HAVE ONE IN MY FILE AND RIFLE COULD HAVE ONE IN THEIR FILE.
SHERRY BARKEY - YES, THE ONE IN YOUR FILE RIGHT NOW WON'T BE COMPLETE CAUSE IT HAVE ALL THE
DON METZLER - AS A PLACE HOLDER TILL NEXT WEEK.
MILDRED ALSDORF - I KNOW IT WON'T, BUT IT'LL BE A PENDING ONE
SHERRY BARKEY - OKAY, THEN I THINK WE HAVE EIGHT (8) COPIES AROUND HERE SO
MILDRED ALSDORF - OKAY.
CHAIRMAN MARTIN - AND WITH THE PAST MOTION MR. DEFORD, EXCLUDING ON THE NEXT TO LAST PAGE ON THIS DOCUMENT, IS A MAP - THAT MAP IS SHOWING THE ENTIRE AREA AS UNDER INSTITUTIONAL CONTROLS - THAT MAY AT THE PRESENT TIME WOULD BE INCOMPLETE SINCE THERE'S AN AREA THAT HAS BEEN REMOVED, SO THAT WOULD NOT BE ACCURATE AT THIS POINT.
DON DEFORD - THAT'S CORRECT. PERHAPS WE SHOULD INDICATE ON THAT AREA THAT ON THE DATE OF SIGNATURE THOSE AREAS THAT ARE NOT COMPLETE.
CHAIRMAN MARTIN - ALL RIGHT AND A NOTE SAYING THAT THERE IS AN AREA THAT WAS NOT COVERED IN THAT. THAT WILL TAKE CARE OF THE ISSUE. ALL RIGHT. I WILL THEN
COMMISSIONER STOWE - I WILL MAKE THAT MOTION.
CHAIRMAN MARTIN - ALL RIGHT.
COMMISSIONER STOWE - THE CHAIR BE AUTHORIZED TO SIGN THE AGREEMENT AS DESCRIBED BY MR. DEFORD.
COMMISSIONER MCCOWN - SECOND.
CHAIRMAN MARTIN - ALL RIGHT THAT IS - THE MOTION IS SECONDED, DISCUSSION? AND THAT IS THE AGREEMENT, THE BASE OF IT FROM PAGE ONE TO PAGE TWENTY-THREE (1 TO 23) AND AUTHORIZING THE CHAIR TO SIGN THAT WITHOUT CHANGING THE BODY OF THE AGREEMENT. ANY OTHER DISCUSSION? ALL THOSE IN FAVOR?
COMMISSIONER STOWE - AYE
COMMISSIONER MCCOWN - AYE
CHAIRMAN MARTIN - AYE
DON DEFORD - LASTLY YOU NEED TO CONSIDER THE INTERGOVERNMENTAL AGREEMENT AS PRESENTED DURING THE COURSE OF THE, YOUR HEARING ON THE ZONING ISSUE BY MR. LEAVENWORTH, SUBSTITUTIVE PARAGRAPHS ONE THROUGH THREE (1 THROUGH 3) CONCERNING RIFLE'S AGREEMENT AND COMMITMENT ON ACCEPTING CERTAIN COUNTY APPROVED LAND USES AS PART OF IT'S PRE-ANNEXATION AGREEMENTS. AND IT'S MY UNDERSTANDING MR. LEAVENWORTH, THAT THE CITY OF RIFLE HAS APPROVED THIS AGREEMENT AS YOU PRESENTED IT. IS THAT RIGHT?
LEE LEAVENWORTH - THEY DID TODAY.
DON DEFORD - THANK YOU.
CHAIRMAN MARTIN - IS THIS THE ORIGINAL?
DON DEFORD - I'D TREAT IT THAT WAY.

MILDRED ALSDORF - OKAY.
DON DEFORD - YOU DON'T HAVE A SIGNED ONE DO YOU LEE?
LEE LEAVENWORTH - I DON'T BECAUSE, I DON'T, I CAN GET ONE
DON DEFORD - SO WE JUST USE ONE OF THE COPIES -
AUDIENCE - I HAVE
DON DEFORD - DO YOU HAVE THE ORIGINALS?
AUDIENCE - I HAVE TWO ORIGINALS RIGHT HERE.
DON DEFORD - BRING THEM UP PLEASE.
MILDRED ALSDORF - WE HAVE EIGHT COPIES. AND THE CITY OF RIFLE WILL SIGN THIS ALSO TODAY.
DON DEFORD - YES.
CHAIRMAN MARTIN - OKAY. WE'LL GO AHEAD AND TAKE TIME FOR THAT - WE'RE READING THE INTERGOVERNMENTAL AGREEMENT AT THIS TIME, IS THERE DISCUSSION ON THAT AGREEMENT THAT NEEDS TO COME UP? SEVEN, WE NEED ONE MORE.
SHERRY BARKEY - DOES ANYONE ELSE HAVE A COPY OF THE COOPERATIVE AGREEMENT THAT YOU'RE WILLING TO GIVE UP - WE NEED ONE MORE COPY.
UNIDENTIFIED - HERE'S ONE
COMMISSIONER STOWE - WE'VE GOT ONE HERE, WE'LL GET IT BACK, MILDRED WILL.
MILDRED ALSDORF - WHO'S GOING TO SIGN THIS, LEE; AND IS DIANE GOING TO ATTEST OR DO YOU WANT ME TO ATTEST?
LEE LEAVENWORTH - NO, DIANE WILL.
MILDRED ALSDORF - OKAY.
LEE LEAVENWORTH - HAS THAT BEEN APPROVED?
CHAIRMAN MARTIN - NOT YET.
LEE LEAVENWORTH - OH.
MILDRED ALSDORF - WELL THESE NEED SIGNED SO YOU CAN'T TAKE THOSE YET TILL THE CITY SIGNS THEM.
SHERRY BARKEY - WE'LL HAVE TO TAKE THEM TO THE RIFLE TO SIGN THEM.
MILDRED ALSDORF - BUT I WANT A COPY BEFORE IT LEAVES HERE.
DON DEFORD - I THINK RIFLE'S GOING TO SIGN THEM RIGHT HERE, AREN'T THEY?
MILDRED ALSDORF - THEY'RE GOING TO SIGN RIGHT HERE.
SHERRY BERKEY - WELL, THE NEW MAYOR'S GOING TO SIGN THEM.
LEE LEAVENWORTH - WE'D RATHER HAVE THE MAYOR SIGN THEM.
CHAIRMAN MARTIN - WE HAVEN'T MADE A MOTION YET TO ACCEPT THE INTERGOVERNMENTAL AGREEMENT AT THIS TIME.
LEE LEAVENWORTH - WE CAN SIGN THE AGREEMENT.
MILDRED ALSDORF - YOU'RE GOING TO GET ME A SIGNED COPY AREN'T YOU?
SHERRY BARKEY - ABSOLUTELY.
MILDRED ALSDORF - I WANT A COPY IN PENDING.
SHERRY BARKEY - OKAY, THEN YOU CAN HAVE ONE OF THESE.
DON METZLER - IS THAT OKAY?
COMMISSIONER MCCOWN - JOHN CAN SIGN ONE MORE.
SHERRY BARKEY - THAT'S FOR YOUR COPY.
CHAIRMAN MARTIN - I KNOW, NO, I UNDERSTAND. YES, I CAN SIGN ONE MORE. JUST FOR OUR MILDRED. SHE WANTS ME TO SIGN THEM ANYWAY, SHE'S A STICKLER FOR THAT. IF I LET HER GET AWAY WITHOUT NOT SIGNING SOMETHING, YOU KNOW, I'D REALLY BE IN TROUBLE. ALL RIGHT.
BEFORE US IS THE INTERGOVERNMENTAL AGREEMENT FROM THE CITY OF RIFLE IN REFERENCE TO THE CONTRACT WHICH WE'VE ALREADY SIGNED. DO WE HAVE ANY CHANGES, OR DO WE HAVE ANY MOTION TO ACCEPT OR DENY?
COMMISSIONER MCCOWN - ONE QUESTION OF LEE IN NUMBER TWO AND MAYBE IT'S STILL NOT CLEAR IN MY MIND, THE PREEXISTING USES, DOES THAT OR DOES THAT NOT INCLUDE THE PREEXISTING ZONING?
LEE LEAVENWORTH - THE PREEXISTING USES THAT WE ARE AGREEING, OR GRANDFATHERED ARE ACTUAL USES OF THE LAND THAT ARE BEING MADE AT THAT POINT IN TIME.
COMMISSIONER MCCOWN - SO, IF THERE AN APPLICATION SUBMITTED FOR DEVELOPMENT OF PROPERTY THAT HAS NOT BEEN APPROVED AND IT IS A PASTURE, ALL YOU'RE APPROVING AS AN EXISTING USE IS A PASTURE?

LEE LEAVENWORTH - THAT'S RIGHT. AND IF THEY WANT TO DEVELOP IN THE COUNTY, THEY CAN UNDER ANY COUNTY ZONING YOU WANT TO GIVE THEM. IF THEY WANT TO DEVELOP WITH OUR WATER, WE WILL EITHER THE USES AS PART OF THE PRE-ANNEXATION AGREEMENT OR NOT ENTER INTO ONE.
CHAIRMAN MARTIN - RIGHT. THE EXISTING USES ON THAT LAND WILL BE ABLE TO BE CONTINUED, IS THAT CORRECT**?**
LEE LEAVENWORTH - ABSOLUTELY, WITHOUT ABATEMENT.
CHAIRMAN MARTIN - RIGHT. I THINK THAT'S WHAT WE WERE TRYING TO GET AT AS WELL. HOWEVER, THEY WOULD COME UNDER ZONING ...
LEE LEAVENWORTH - YEAH, BUT IF ...
CHAIRMAN MARTIN - ... WITHIN THE CITY OF RIFLE IF THEY DID THEIR PRE-ANNEXATION AND WERE ANNEXED INTO IN, BUT THEY WOULD STILL HAVE
COMMISSIONER STOWE - WE HAVE A CATCH-TWENTY-TWO DON'T WE? WE WON'T APPROVE THE DEVELOPER WITHOUT AN ADEQUATE WATER SUPPLY BUT THEN SO AS LARRY SAYS, IF IT'S A PASTURE, THEN IT COMES TO YOU AND SO WE'LL MAKE OUR ZONING IMPROVEMENTS, SAY IF SOMEONE WANTED TO PUT IN A HUNDRED HOMES, WHERE WILL THEY BE
CHAIRMAN MARTIN - WE STILL CAN DO IT BUT WE WOULD REQUIRE AN RO SYSTEM AT THE OWNER'S EXPENSE AND THEY COULD GO AHEAD AND CHANGE THE ZONING, OR CHANGE THE USE OF THEIR LAND.
LEE LEAVENWORTH - WELL, IT ISN'T THE PRE-ANNEXATION - THE WAY THESE PRE-ANNEXATION AGREEMENTS WORK, THE OWNER GETS THE PROTECTION, I MEAN, IF WE AGREE TO SERVE HIS PROPOSED DEVELOPMENT, IT'S A TWO WAY STREET - HE GETS PROTECTION AND VESTED RIGHTS THROUGH THESE DOCUMENTS, SO YOU DON'T HAVE TO WORRY, I MEAN, TO THE EXTEND WE CUT THE DEAL IN A PRE-ANNEXATION AGREEMENT, THEY'RE GOING TO GET WHAT THEY NEED AS WELL AS US. OKAY. BUT WE'RE TRYING TO MAKE IT CLEAR IS THAT MERELY SIGNING THESE PRE-ANNEXATION AGREEMENTS DOESN'T CUT YOU OFF FROM WHAT YOU'RE DOING RIGHT THEN AND THERE, BUT YOU KNOW, THEY WILL CLEARLY ADDRESS THE PERMISSIBLE FUTURE USES WITH THE CITY'S WATER WITHOUT ANY QUESTION, BECAUSE THAT'S WHAT WE DO IN THOSE AGREEMENTS.
CHAIRMAN MCCOWN - WHAT DOES THIS DOCUMENT SAY? IT'S NOT WORTH THE TIME IT TOOK TO TYPE IT, IS IT?
DON DEFORD - WELL, IT'S A COMMITMENT FROM THE CITY TO DO WHAT
COMMISSIONER MCCOWN - IT'S A COMMITMENT FROM THE CITY TO ENTER INTO AN AGREEMENT WITH HE PROPERTY OWNER AND IF, WITH SPECIFIC USES ON THEIR LAND IN THE COUNTY.
DON DEFORD - YES.
LEE LEAVENWORTH - IT'S PROTECTS WITHOUT ABATEMENT WHAT'S THERE.
COMMISSIONER MCCOWN - WHAT'S THERE - LIKE I SAY, IT'S PASTURE.
LEE LEAVENWORTH - RIGHT
COMMISSIONER MCCOWN - THEY MAY HAVE APPLICATION PENDING FOR WHATEVER
LEE LEAVENWORTH - FOR EXAMPLE, IT WOULD PROTECT MR. JOHNSON.
COMMISSIONER MCCOWN - OKAY. BUT,
LEE LEAVENWORTH - YOU KNOW, IF HE WANTED TO CONNECT, AND YOU KNOW, THERE'S, WHAT THIS SAYS IS THAT HIS EXISTING USES ARE PROTECTED WITHOUT ABATEMENT. I MEAN, THAT IS THE SIGNIFICANT POINT BECAUSE THE CITY JUST AS THE COUNTY HAS THE POWER TO ABATEMENT NONCONFORMING USES AND OVERTURN AND WE'RE SAYING WE WON'T EVEN DO THAT. SO, IT WILL PROTECT MR. JOHNSON SPECIFICALLY, THE CHURCH, AND EVERYBODY LIKE THAT
COMMISSIONER MCCOWN - BUT HIS USE, AS AN EXAMPLE, WOULD NOT BE A NONCONFORMING USE. IT IS AN APPROVED USE BUT THE COUNTY, HE'S ON AN APPROVED WATER SYSTEM OF THE DOE, SO THAT'S NOT A NONCONFORMING USE.
LEE LEAVENWORTH - AT THE POINT OF ANNEXATION
COMMISSIONER MCCOWN - OH, THERE NOW WE COULD BE, YEAH IT'S NOT A MOTEL/HOTEL
LEE LEAVENWORTH - WELL, IT BECOME A NONCONFORMING USE AND IT'S DESIGNED TO PROTECT HIM IN THAT SITUATION.
COMMISSIONER MCCOWN - OR WHATEVER, YEAH. BUT RIGHT NOW IT'S A YEAH
LEE LEAVENWORTH - YOU KNOW, I MEAN, WE WERE TRYING - WE DID THIS AS A - IN AN EFFORT TO TRY AND RESOLVE SOME CONCERNS THAT WE'D HEARD EXPRESSED, IT MAY NOT BE PERFECT BUT IT'S SOMETHING AND IF WE - AND AS I SAID, WE ARE MORE THAN WILLING TO ENTER INTO IT WITH THE COUNTY.
AUDIENCE - WELL, NOT ALL AT ONCE.
COMMISSIONER MCCOWN - IT'S QUIET WHEN YOU'RE THINKING, BILL.

BILL SAPPINGTON - OH, THAT'S WHAT IT IS.
COMMISSIONER MCCOWN - CAN YOU HEAR THE SQUEAKING?
DON DEFORD - JUST AS AN ADDITIONAL COMMENT TO - THERE IS THE ADDED THIRD PARAGRAPH THAT WAS NOT THERE, THAT JUST DEVELOPED TODAY BETWEEN THE CITY OF RIFLE AND MR. STUVER AND I GUESS ACCORDING TO TOM IT PARTIALLY ADDRESSES THEIR CONCERNS ON COSTS.
LEE LEAVENWORTH - YEAH THEY WANTED IT TO ADDRESS THE SEWER LINE TOO AND BECAUSE WE DON'T KNOW HOW MUCH THAT'S GOING TO COST, HOW IT'S GOING TO GET FUNDED, WE JUST FELT WE COULD NOT, ON SUCH SHORT NOTICE, ADDRESS THAT ISSUE. BUT WE WERE FINE, I MEAN, OBVIOUSLY IF DOE PAYS FOR THE WATER LINE THEN
COMMISSIONER STOWE - IF THEY HAD AN EXISTING ISDS IN PLACE AND THEY WANTED TO TAP ONTO THE CITY WATER, WOULD THEY BE REQUIRED TO VACATE THE ISDS? I CAN UNDERSTAND THEM NOT HAVING ONE AND BUY THE SEWER TAP, BUT IF THEY'RE ON AN EXISTING..
LEE LEAVENWORTH - WELL, WE HAVEN'T REALLY FACED THAT ISSUE, WHEN WE DID ALL THE ONES, WHAT YEAR WAS THAT IN?
AUDIENCE - NINETY-FIVE (95).
LEE LEAVENWORTH - NINETY-FIVE (95) WE DID NOT REQUIRE ANY BODY TAP TO TAP ONTO THE SEWER BECAUSE IT WASN'T THERE - YOU KNOW TYPICALLY WHAT I'VE RECOMMENDED TO MY PUBLIC ENTITY CLIENTS WHEN WE EXTEND WATER TO SOMEBODY WHO ALREADY HAS AN EXISTING USE WITH AN ISDS IS THAT WE SAY,
COMMISSIONER STOWE - WHEN IT FAILS
LEE LEAVENWORTH - WHEN IT FAILS, YOU KNOW
COMMISSIONER STOWE - IT MORE FEASIBLE
LEE LEAVENWORTH - YES. I MEAN YOU DON'T WANT TO MAKE THEM GIVE UP THEIR INVESTMENT IN THEIR ISDS TO - AND I THINK THAT WOULD CERTAINLY BE ONE OF MY RECOMMENDATIONS TO THE CITY THAT AN EXISTING ISDS COULD STAY UNTIL IT FAILS.
CHAIRMAN MARTIN - MR. STUVER HAD A QUESTION, OR A STATEMENT.
TOM STUVER - A STATEMENT. RE-ADDRESS AND REITERATE THAT THE CITY DID ADD THAT PARAGRAPH THREE (3) AS AN ACCOMMODATION TO ALLEVIATE SOME CONCERNS, WE APPRECIATE THAT. THE CONCERN I EXPRESSED TO YOU ABOUT THE GRANDFATHERING REMAINS, WE HAD HOPED FOR SOME EXPRESSION FROM THE CITY, I'M TALKING ABOUT THE PEOPLE I REPRESENT - THOSE PROPERTIES THAT ARE IMMEDIATELY CONTIGUOUS OR CLOSE TO CONTIGUOUS TO THE CITY, NORTH OF SIX AND TWENTY-FOUR (6 & 24) THAT ARE CURRENTLY COUNTY COMMERCIAL/GENERAL. THAT, IN CONNECTION WITH PARAGRAPH TWO (2) WHETHER IT'S IN THE AGREEMENT OR NOT, THAT THEY'RE BE SOME EXPRESSION FROM THE CITY THAT IT WASN'T THE CITY'S INTENT TO INCLUDE THIS IN THE GRAND TOURIST COMMERCIAL PLAN THAT SEEMS TO EXIST FOR THE INTERCHANGE AND THAT THE CITY, THROUGH THE PRE-ANNEXATION AGREEMENTS AND ALL OF THE ANNEXATION WOULD BE AMENABLE TO THESE EXISTING COUNTY GENERAL/COMMERCIAL ZONING PROPERTIES BE ADMITTED TO THE CITY UNDER THE CITY'S LIGHT INDUSTRIAL ZONE. THERE HAVE BEEN PREVIOUS EXPRESSIONS OF THAT BUT I DON'T KNOW THAT THERE'S BEEN ANYTHING ON THE RECORD WITH THIS PARTICULAR AGREEMENT. SO THAT'S THE CONTEXT IN WHICH WE'RE LOOKING AT THIS. IF THERE WOULD BE A CONSIDERATION ALLEVIATION OF THE LANDOWNERS CONCERNS, IF THEY DIDN'T HAVE A CONCERN THAT THERE MIGHT BE AN AGENDA ON THE PART OF THE CITY TO ADOPT ZONING THAT WOULD RESTRICT LIGHT INDUSTRIAL OR COMMERCIAL/GENERAL USE OF THE PROPERTIES THAT ARE ALREADY IN USE THAT WAY, BUT STILL WITH RESPECT TO THE WEST RIFLE PROPERTY WOULD ACCOMMODATE ADDITIONAL DEVELOPMENT AND THEY DON'T WANT TO BE CONFINED TO TOURIST/COMMERCIAL PURSUANT TO A PRE-ANNEXATION AGREEMENT.
CHAIRMAN MARTIN - OKAY.
TOM STUVER - THE OTHER ITEM AND THE REASON WE WERE REQUESTING THE, AN EXPRESSION OF NO-COST RECOVERY ON THE SEWER LINE IS THAT IF YOU LOOK AT WHERE THESE LAND OWNERS, OR WOULD HAVE BEEN WITHOUT CONTAMINATED WATER AN EXISTING WELL ON ONE OF THESE PROPERTIES COULD BE AUGMENTED AND PROVIDE FOR EXPANDED GENERAL COMMERCIAL USE PROVIDED WE SHOW PORTABILITY AND TREAT ABILITY SUFFICIENT SUPPLY WITHOUT AN OSMOSIS SYSTEM - THE OSMOSIS SYSTEM IS GENERATED BY THE PRESENCE OF THE RADIATION ACTIVITY SO IN LOOKING AT COMPENSATING THE OWNERS FOR THE DAMAGE THAT'S DONE TO THEIR PROPERTY, IT'S NOT JUST THE PRESENT USE, IT'S POTENTIAL FUTURE USES THAT SHOULD BE ALLEVIATED BY THIS AGREEMENT AND THE IDEA WAS TO THE EXTENT THESE FUNDS ARE INDIRECTLY BENEFITING THE SEWER SYSTEM, THESE PROPERTIES SHOULD BE BENEFITED AND NOT PAY TWICE. THAT COMPENSATES THEM IN SOME WAY FOR HAVING TO PAY THE TAP FEE AND SYSTEM

IMPROVEMENT FEE WHICH WE RECOGNIZE THEY WILL PAY UNDER THE AGREEMENT. SO, THAT'S MY LAST COMMENT.
CHAIRMAN MARTIN - ALL RIGHT. MR. LEAVENWORTH IS HOLDING ONTO HIS MUSTACHE TRYING TO TALK HERE, IF YOU'D LIKE TO GO AHEAD AND CLARIFY WHERE YOUR POSITION.
LEE LEAVENWORTH - I GUESS I'M A LITTLE DUMBFOUNDED BECAUSE OF THE PARANOIA BECAUSE THE COUNCIL LOOKED AT THE PLAN MR. SLAPPEY PRESENTED TO THE COUNTY AND AGREED TO EXTEND WATER SERVICE TO HIM, AND CONCEPTUALLY SAID WE'LL DO A PRE-ANNEXATION AGREEMENT FOR WATER SERVICE FOR YOU. YOU KNOW, THAT AREA, I MEAN PORTION OF OUR COMP PLAN IS CONSISTENT WITH THOSE TYPES OF USES, SO, I MEAN, THE COUNCIL CAN'T BIND THEMSELVES UNTIL THEY ARE ASKED TO MAKE A DECISION, BUT I JUST DON'T KNOW WHERE THAT'S COMING FROM FRANKLY.
CHAIRMAN MARTIN - ALL RIGHT, THANK YOU. ANYONE ELSE THAT WOULD LIKE TO MAKE A STATEMENT? ALL RIGHT, WE HAVE A DECISION TO MAKE AND THAT TO EITHER ENTER INTO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF RIFLE AS PRESENTED BY THE CITY OF RIFLE AND DISCUSSED AT THIS MEETING, OR TO DENY THAT. DO I HAVE A MOTION EITHER WAY? **COMMISSIONER MCCOWN** - I MAKE A MOTION THAT WE APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF RIFLE AS PRESENTED, LATEST AND GREATEST VERSION, SUBPARAGRAPHS ONE, TWO, AND THREE (1, 2, & 3).
COMMISSIONER STOWE - SECOND.
CHAIRMAN MARTIN - DO I HAVE A SECOND? ALL RIGHT. ANY DISCUSSION WITHIN THE BOARD?
COMMISSIONER MCCOWN - IT STILL DOESN'T GIVE ME A COMPLETE OF CONFIDENCE, BUT IT'S THE BEST THAT I'VE SEEN, SO.
COMMISSIONER STOWE - PUT A LOT OF FAITH AND TRUST AND HOPEFULLY EVERYBODY WILL LIVE UP TO THAT ON BOTH ENDS. AND I THINK THE CITY OF RIFLE WILL HOPEFULLY WITH THE LANDOWNERS AND PROPERTIES. BUT THERE IS A DEGREE OF FAITH AND TRUST THAT'S INCORPORATED IN THIS. I'M LIKE LARRY, IT DOESN'T TIE IT ALL DOWN AS WELL AS WE'D LIKE, BUT THE FUTURE IS IN YOU GUY'S HANDS.
CHAIRMAN MARTIN - WE WILL PUT THAT TRUST IN THE INTERGOVERNMENTAL AGREEMENT SO THAT WE CAN WORK OUT THE DIFFERENCES BETWEEN US AND INCLUDE THE PROPERTY OWNERS ON DISCUSSION. ALL THOSE IN FAVOR?
COMMISSIONER STOWE - AYE
COMMISSIONER MCCOWN - AYE
CHAIRMAN MARTIN - AYE. ANY OTHER BUSINESS DEALING WITH THE DRINKING WATER CONSTRAINTS AND THE INTERGOVERNMENTAL AGREEMENTS?
COMMISSIONERS - NO.

DEEP CREEK WILDERNESS AREA - GARFIELD AND EAGLE COUNTIES
Chairman Martin reported on the Bill from Washington, DC on the Deep Creek Wilderness Area saying he had a breakdown of the acreage within Garfield and Eagle County giving the total rim to rim plan which has been presented and hopefully we will continue to support. We have 6,450 within Garfield County, 2,000 acres in Eagle County with a combination of rim to rim of 8,450. This may be subject to a plus or minus depending upon the survey itself. He also requested that the Board continue support of a Resolution.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Resolution with Garfield County and Eagle County supporting the Deep Creek Wilderness area as wilderness 6,450 acres in Garfield County and 2,000 in Eagle County for a total of 8,450. Chairman Martin commented that he did get notification that CCI, Jack Taylor, Al White, Greg Rippy, Colorado River District, the City of Rifle, Town of Parachute, Town of Silt, Town of Carbondale, and the City of Glenwood Springs has also signed Resolutions supporting the designation of Deep Creek as wilderness area.
Motion carried.

EXECUTIVE SESSION - DETENTION CENTER CONTRACT
Don DeFord requested a brief executive session to give legal advice concerning the Detention Center Contract. He requested Ed Green, Mildred Alsdorf, the Board and himself to be in the session.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into Executive Session; motion carried.

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

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

Attest: Chairman of the Board

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OCTOBER 1, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 1, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were Assistant County Manager Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE: JESSE SMITH

- ***Rifle Gap Cocklebur Update - Steve Anthony***

Weed Management Director Steve Anthony and Colorado State Parks Bob Wiig were present for the discussion.
Steve submitted a report on the cocklebur situation at Rifle Gap saying in late July Commissioner McCown expressed concerns about the prevalence of cocklebur to Marvin Stephens. In August Marvin and Steve met with Bob Wiig and Robert Parsons of Colorado State Parks. They explained what they had been working on this situation all summer - the control techniques employed included burning and mowing - the Bureau of Reclamation (BOR) has to approve any pesticides used at the Reservoir. At this point an agreement has been reached to set up an on-site visit with BOR on August 21, however, they were unable to make the meeting - recently he informed the Board that they are looking into various alternatives.
Steve summarized saying that he is available to work with the staff of Rifle Gap to find a long term solution to the cocklebur infestation.
Bob Wiig commented that this Cocklebur is not classified as a noxious weed; and it is classified as good for fish habitat; however, the parks have used county inmate labor to pull the weed which is the best way to rid of this species.
The next recommendation is to put herbicides on the area - $5 - 7,000 to apply the treatment. The local office in Grand Junction Glendale Reservoir and it was not an affective means to rid of the weed. Some have expressed that the Cocklebur is a resource for the fish. If they can rid of this weed and plant some other plants that will be a food resource for the fish.
Commissioner McCown mentioned all the individuals on the ditch are constantly fighting the weed that stems from the seeds at the Rifle Gap Reservoir. He added that this is not a one year issue - it will have to be a long-term application.
Bob reported they were doing a good job with the weeds around the Rifle Gap area.
Steve added that Knapweed was in the parking lot for the County by the railroad track.

- ***Grant Proposal - Tuberculosis Elimination Program - Sandra Barnett***

Sandra Barnett - Public Health - Mary Mesiner mentioned this back in August that they were applying for a grant - there was a regional committee seeking grants on ways to approach screening of TB, however, she did not advise the Commissioners that a grant proposal was to be submitted.
The grant will be applied for elimination of TB in a specific area in Garfield County. This is asking for $83,000 and a match of in-kind - what is needed today is a letter of support and the agency for a pass through grant.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the grant proposal and to authorize the Board to sign a letter of support endorsing the Tuberculosis elimination program by the Garfield County Public Health.
McCown and Stowe, carried.

- ***Soil Conservation (Southside, Bookcliffs and Mt. Sopris Districts) Update on Program***

Dennis Davidson, Charles Ryden, Don Smith, President of the Mt. Sopris District, and Harold Shaeffer were present.
They came today to provide the Commissioners with an update.
Don Smith - the area has changed - focus was strictly on agricultural, but now it
$600.00 a year and they are requesting $7500 for 2002. They submitted a booklet that explains their program. Some grants and landowners have matched - Hazardous material grant - distributed to landowners to trim back the hazardous fuel around their homes. They also have many continuing educational programs. They sponsor a yearly agricultural day with speakers. Dennis teaches a class on rural living on your land; also a poster contest for the kids - teachers workshop - camp - EPA applicator for weeds - sealing trees - wild power - weed power workshops - agricultural cultural workshop at the Silt Library -
Rosemary Gottschalk - lives in the Dry Hollow area and mentioned they have a lot of small landowners - put together a program to inform them of the Knapweed in this area - the County Commissioners gave them $15,000 and the District matched it - needed to have a plan in place - 30 people and all the funds were given the money - did a mapping to make sure there was a baseline to measure their progress. Interesting once the plan was in place and they did spraying - the landowners did not apply for reimbursement, therefore they carried over the $30,000 and this year they have applications toward this $30,000. The Commissioners have agreed to a $15,000 grant and they are asking for $25,000 for next year - they will be writing a grant f or matching funds.
Howard Shaeffer - asking for money and reminded the Commissioners that the agricultural community are the resource for this county - they provide all the land for future development - most of the wildlife feed - water in beneficial use - open space that everyone wants - and provide most of the land where natural gas is being explored - this is at a no-cost to the County - therefore, wanted the Board to keep these things in mind when they are considering the $25,000 being requested as they are the County's first line of defense. This is not a handout but to keep on a survival track so the community will not continue downhill. The wheat sold today is one-half of the price in 1976.
Charles Ryden - Bookcliff Soil District - the program that Rosemary put together is great and these funds are put to good use for the landowners in their fight against Knapweed infestation.
Chairman Martin - encouraged everyone to look at the material they submitted - it is an eye-opener. He supports these program 100%.
Commissioner Stowe - made a motion to approve the $7500 to South Side and Bookcliff Soil Districts.
Commissioner McCown - seconded.
Motion carried.

Chairman Martin mentioned they would look at the increase from $15,000 to $25,000 in Steve's Weed Management Program for the 2002 budget.
Dennis Davidson said if Steve can manage these funds - it will help them. He added he would be glad to take the Commissioners on a tour that was formerly scheduled for Tuesday, September 11th.
County Road 154 - Tom Russell
Tom reviewed the situation - the Department of Transportation refused to allow the road open until the traffic light is installed in January. Tom suggested that they could speak to the Transportation Department to possibly mitigate this.
Don DeFord - lack of notice on this - the Department of Transportation can close their right of way.
Chairman Martin suggested to bring Owen Leonard to discuss this situation.
Mark Gould mentioned the light was ordered and it just takes that long to be delivered.
Tom Russell will call Owen Leonard.
Commissioner Stowe added that speed limits need to be enforced on CR 114 - Spring Valley Road as they are going 55 mpr in a 35 mpr zone - he requested Tom to follow up with the Sheriff.
CR. 103 - Crystal Springs Realignment - this brought a lot of attention of the landowners. They would like to come in and discuss what the Road and Bridge intends to do - this road is on hold for the time being. Culverts will be added and curves made safer; the stakes were put in and identification of the centerline of the road.
Carolyn Dalghren mentioned to Tom Russell that she had received a compliment from a landowner on CR. 103.
County Road 220
Commissioner McCown asked Tom to look into this stub of a road that is off of CR 320 east down the ditch; I think we lost a Volkswagen in there last week.

Parachute - Chip and Seal
Commissioner Stowe mentioned they are chip and sealing one lane and are using 1/2 aggregate, shouldn't this be a 3/8 ths aggregate?
Tom Russell agreed it should be 3/8 ths. He said he would look into the size of aggregate and the terms of the contract regarding sweeping and also if this is a chipping or a chip retention issue.

- ***Flexible Spending (ASO) Agreement - Gallager Byerly, Inc., Garfield County Flexible Benefit Plan - Human Resources***

  Jesse Smith stated the County needs to renew our contract with Gallager Byerly, Inc. on the Flexible Benefit Plan the outside administrators of flex spending. Don has reviewed the contract, made some comments - he was concerned about the indemnification but this probably the best language we are going to get.

  Don DeFord commented briefly on the indemnification provision, normally our agreements require contracts to indemnify the County for any claim relative to their errors, negligence. That's not what is occurring in this agreement - we did restrict it so that we indemnify them solely for our errors, but there is no indemnification relative to protecting the County from Gallager Byerly's negligence. This is as far as they are going on this. The Commissioners need to make a decision whether to proceed or not.

  Jesse submitted the Agreement saying he needs 6 signatures on the agreement. This was the best contract - it is our 1st renewal and second year.

  Commissioner McCown made a motion to approve the Garfield County Flexible Benefit Plan with Gallager Byerly, Inc. and that the Chair be authorized to sign the Agreement. Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Consideration IGA City of Glenwood Springs - South Glenwood Bridge***

Don submitted the IGA for joint funding of the design of County Road 116, the Bridge Crossing, and the Intersection at State Highway 82. There are four significant provisions: 1) paragraph no. 1 provides that request for proposals for engineering services will be prepared by the City with review and approval by the County; 2) that the award for the request for proposals to the engineering firm will be done with the acquisition of the County; 3) it requires that the County pay an amount not to exceed $250,000 - this is on a 50% split with the City of Glenwood Springs up to $250,000 for the County to the extent that the contract exceeds $500,000, the City of Glenwood Springs will be responsible for the excess; 4) Roman numeral no. III - the annexation provisions (in our current IGA concerning the development of the Intersections at 128 - 116 and 117 the City initiated annexation), this would include the rest of CR. 116 that would take it to the end of the paved road by the Airport and this takes it around the Airport on the paved road to the extent this is not already in the City. And there's a provision concerning the Town Site of Cardiff - they will annex the public roads with the Townsite of Cardiff to the extent that they are able to do that. The question comes up on Cardiff on some of those roads as to whether or not they still exist as public roads. The Plat will show perhaps that they are but on the ground they may not be and they may have been abandoned so they will not annex roads that simply are not there. It provides that the Annexation needs to be completed by the end of February 2002; payment from the County will be invoiced no earlier that the first of February - that's designed to coincide with our payment schedule.
Don stated that City Attorney Teresa Williams and he had been over this agreement a few times and this is the end result of their discussions. Don asked that the Board approve the IGA; the total contract amount received by the State will be divided equally between the two entities.
Commissioner Stowe - the Cardiff roads that have been abandoned, the City would not then remain the responsibility of the County in any way, shape or form would they?
Don - to the extent that you have legal control over them, yes they would. It's one of the situations where you might want consider just vacating all the roads that are not annexed and are not actually utilized.
Commissioner Stowe - on the payment there was some discussion about the fact the State might in fact reimburse part of the cost of this engineering study to the extent that it pertains to the tie-in to mile-marker 3.7 on Highway 82 and at such point the money would come back to the City; if the cost didn't exceed the $500,000, the County would be sharing in a refund of at least 1/2 of that and it is not addressed in the contract.
Don - it is not and I was not aware of that.

Commissioner Stowe felt this needed to be on paper.
Don suggested being included in Roman numeral No. II and should be it on the table and provide for a reduction in the total shared cost to the extent any State funds are received. So 50% of any amount reduced by receipt of State funds.
Commissioner McCown - is that how that was discussed or was the State going to actually do the design of the intersection? Were they going to let this engineer do the design and them reimburse?
Commissioner Stowe - that was the thoughts because the funds are not available from the State until 2003. But they will let us do the design, but then we'd get a reimbursement at that point.
The City would also receive back an equal share. If the State gives $50,000 then each receives $25,000 back.
Commissioner McCown - it would just reduce the $250,000 by that amount.
Don - what I'm anticipating is a change that where the total contract price would be reduced by amounts received by the State, the remainder would then be split 50-50, still not to exceed $250,000. Don said he will get this back to Teresa. Would the Board consider a motion authorizing the Chair to sign this IGA with the City with the alteration we've discussed? Don indicated he wanted to move this forward with the City if that's possible.
Commissioner Stowe - I'd make such a motion that we sign the IGA with the discussed amendment.
Commissioner McCown seconded; motion carried.

County Road 154
Mark Gould of Gould Construction - gave an update - he understands the frustration of the Board and said he was no less angered than the Board. He provided some dates so as the Board has conversations with the 57th Representative - the first request for this access was in August 1997. The Access has to be before we can get a PUD; at that time the plans were drawn up; and the State looked at these and gave an Access Permit. Plans were finalized last year; the ones Mark bid were June of 1999. Access Permits are only good for two years, therefore they had to submit a new Access Permit when they finally received approval from Gaye Capital to get started. This Access Permit was given on August 16, 2001. They were given permission to go to work - plans had not changed since August of 2001 and August of 1997. In the August 1997 approval, C-DOT would not allow us to put a light in. The owner had to prove that it warranted a need so it had to be built in such a way that it would work without a light because they didn't think the counts justified. In the latest approval process, they were able to put a light in but not turn it on. They were one day from turning the intersection back open again - Thursday, September 27 - when C-DOT called and said you can't open it until you have a light. A month ago, Mark said he was concerned about the site distances and had the C-DOT out there and pointed out that before he finishes constructing this per plan, one last look as to how this is going to operate until the light is in. C-DOT said "no problem." The current understanding is that C-DOT wants us to be safe and Mark agrees with that, but the timing is unacceptable since they have looked at these plans since 1997. Mark apologized but didn't know what the options are but if C-DOT can tell you that the intersection can be shut down, then it is shut down.

An update on when the light will be in - Mark said they expect further information today from the manufacturer of the poles which will tell when they can get them. Mark added that he put Christmas on the date as it seems appropriate - they hope to beat that schedule. Mark said he will provide the Board an update at the October 8th meeting as to when they expect to get the poles. The manufacturer has projected that we will have the poles in November, but not a date certain. This will be a couple weeks of work depending on the weather.

EXECUTIVE SESSION - ***Legal Advice Concerning the Status of the Proposed Access from the Prehm Ranch Property***
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.
Don requested Jesse Smith, Carolyn Dalghren, Mark Bean, Mildred Alsdorf, the Commissioners and he remain for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.
COMMISSIONER REPORT

Commissioner McCown - Nothing scheduled this week.
Commissioner Stowe - Sheriff meeting with the Fire Chiefs tomorrow from 1:00 - 2:00 PM. at the Courthouse. There is a letter that will be discussed from the Grand Valley Fire Protection - Dave Blair, District Chief. Personnel Meeting at 1:00 Wednesday; Thursday evening, Jim Spaehar presenting the Revenue Sharing Grant results to the Glenwood City Council at 6:30 P.M.
Chairman Martin - Colorado Fixed Guideway - Wednesday - 9:00 A.M.

CONSENT AGENDA

a. Approve Bills
b. Sign an Amended Subdivision Improvements Agreement for Beaver Court, Oak Meadows Ranch.
c. Sign an Acknowledgement of Partial Satisfaction of Improvements Agreement - Cerise Ranch Subdivision
d. Renewal of Liquor License - Buffalo Valley Inn/Valley Liquors
e. Authorize the Chairman to Sign the First Amendment Plat of Lansburgh Lot Line Adjustment and Subdivision Exemption
f. Approve Time Extension - Jail Project

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - d, omitting c and rescheduling it for the October 8th Agenda; carried.

REGULAR AGENDA

PUBLIC HEARING - ABATEMENTS

Assessor Shannon Hurst presented the Abatements and purpose for each one.

- Garfield Youth Services, Inc. - Schedule No. 361995

The State Division of Property Tax granted the exemption as of January 1, 2000 and therefore all taxes need to be abated for the year 2000 - taxes are owing in the amount of $3,136.50 - this needs to be abated.

- Browning Ferris Industries

Shannon said they protested the taxes by the Board of Equalization. She clarified that BFI is trying to protest the valuation of their property this year and attached to the Abatement is the County notice showing that the BOE denied the request. BFI didn't proceed with the protest process and now they are requesting an abatement; Shannon requested this be denied according to the Statute. The staff noted the Statue but if a protest if filed, no abatement can be sought for over valuation. BFI wants the valuation to be $550,000; Garfield County's actual valuation is $719,940.00.

- Gregory A. Forbes

Georgia came before the Board to cancel this tax certificate - this is the actual abatement they are doing now. It was at one time an unknown owner and Forbes is the one who invested in the property, but it really should be in the name of First Baptist Church. This is for two years - 1998 taxing owing were $19.84 and in 1999 taxes were $19.38.

- Larry Boardman - Schedule No. M004807

The owner died in March of 2001 and the family gutted the mobile home and took it to the Landfill. This is an abatement of taxes last year of $13.84.

Shannon said she recommends approval of Forbes, Garfield Youth Services and Larry Boardman and denial of the Browning Ferris Industries.
Commissioner McCown made a motion to approve the Garfield Youth Services Abatement in the amount of $3,136.50; the Gregory Forbes Abatement, two years - first one $19.84, the second one for the year 1999 $19.38; Larry Boardman in the amount of $13.84.
Commissioner Stowe - seconded.
Motion carried

Commissioner McCown made a motion we deny the Abatement for BFI, Browning Ferris Industries on the grounds listed by the Assessor failing to complete the abatement and the protest process.
Commissioner Stowe seconded.
Motion carried.

- ***Rural Resort Meetings - Open Meetings Act***

  Commissioner McCown mentioned the Open Meetings Act came up in the Rural Resort Meetings. It has never been questioned but he noticed that the Associated Government Meetings are parallel to what Commissioner Stowe mentioned about in the notices. The notices that Jane fills out comes to the Garfield County Commissioners and all it would take is a posting of the agenda on the bulletin board.

  Mildred requested that the notification should go to the County Clerks for posting.

- ***Building Code - Update to 2000 Version***

Mark Bean, Ed Green and Jesse Smith were present.
Discussion was held with respect to the pros and cons of moving forward with the 2000 version of the Uniform Building Code. The present one we are operating under is the 1994 version.
Chairman Martin mentioned he had been approached by several of the mortgage firms - the 2000 version would increase some financial benefits to the purchasers of homes**.**
Mark mentioned this would have to go to the Board of Review; that Board needs to be updated before sending them this task. The current and future members of this Board must be familiar with terms such as architect, engineer, and necessitates a construction background in order to interpret the building code and standards.
The Commissioners directed Mark to work with Trish Gousset and move forward with the members - compile a list of active members. Present members named were Clem Kopp, Jeff Simonson and Steve Boat.

New Hires in Building and Planning - Kim Sleagel - Planner and Diana Layman - Front Desk
Kim Sleagel has her Masters Degree and was formerly a planner for the City of Rifle - she is expected to bring great skills to the Building and Planning Department.
Diana Layman is replacing the vacated position by Sandy Refior who transferred to Accounting.

- ***Employee of the Month - Tricia Murray***

Tricia Murray of the Social Services Department was awarded the Employee of the Month for October. She has been with the County Social Services Department for over 15 years. She moved through operations within the Department and current is the Case Manager of Gateway. Her coworkers commented that she is very dedicated and professional in her responsibilities and goes beyond the call of duty.

- ***Informational - Healthy Beginnings - Lisa Pavlisick***

Lisa has been selected to be one of the two new Division Directors of Social Services with respect to the reorganization. Lisa will be in charge of Operations and Lynn Renick in charge of Programs.
The Healthy Beginnings Board has suggested moving under Social Services and out of Public Health - Mary Meisner, Public Health Director is agreeable to this change.
The Commissioners did not have a problem with this change.

- ***Update Fires - Canyon Canyon***

Chairman Martin requested Sheriff Tom Dalessandri provide the Board an update regarding the fires at Canyon Creek.
Tom said there were three fires and the first one is out already; smoke can be seen on the far side of Storm King, however BLM put a crew on it and had a couple of slurry tankers making drops as well. Everything seems to be under control at this time.
PUBLIC HEARINGS:

PROPOSED AMENDMENTS TO THE ZONING AND SUBDIVISION REGULATIONS TEXT AMENDMENTS PURSUANT TO SECTION 10.00 OF THE ZONING RESOLUTION AND SECTION 12.00 OF THE SUBDIVISION REGULATIONS

Don DeFord, Kit Lyon and Mark Bean were present.
Don reviewed the publication as required by statute with Kim and found this to be in order; he advised the Commissioners they were entitled to proceed.
Kit admitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Garfield County Zoning Resolution of 1978 as amended; and Exhibit C - Garfield County Subdivision Regulations and Exhibit D - Staff Report with Attachments.
Chairman Martin entered Exhibits A - D into the record.
Kit stated the General Assembly of the State of Colorado recently enacted House Bill 01-1088 which concerns notifications regarding severed mineral rights and amends Article 11 of title 10 of the Colorado Revised Statutes. The new statute applies to all applications except sketch plans received on or after July 1, 2001. It requires that all property owners within 200' feet be notified by certified return receipt mail. The current Garfield County regulations have a myriad of timelines and requirements for public notice which has often resulted in a confused applicant who has failed to meet notification. As a result, staff finds that the new amended statute is an opportunity to clear up current inconsistencies in notification requirements, and to simplify notification requirements so that they are the same for all types of applications, and so that they comply with House Bill 01-1088.
In order to amend the Garfield County Zoning Resolution, section 10:00 et.al. - amendments may be approved upon going through the process as stated in the Resolution, and the Board must hold a public hearing.
In order to amend the Garfield County Subdivision Regulations, section 12:00 et.al. - amendments may be proposed by any person who is a resident landowner, by the Planning Commission or by the County Commissioners - upon proper notification, the Commissioners are entitled to revise, alter, or amend any such amendment(s) developed, proposed or recommended by the Commission.

Recommended Findings:
1. That proper public notice was provided as required for the hearings before the Planning Commission and the Board of County Commissioners.
2. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at those meetings.
3. That for the above stated and other reasons, the proposed text amendments is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That the text amendment application is in conformance with the Garfield County Zoning Resolution of 1978, as amended, and the Garfield County Subdivision Regulations of 1984, as amended.

1. The Board discussed the time of approval and enactment of the new regulation. It was decided, if this passed, that it would not begin until October 1, 2001 with any new applications.
Kit stated that applications that have come in since July 1, 2001 in terms of their mineral owners, the new statute has superseded the County Regulations so they have had to change their letter going on and made people comply at least with 1088 instead of our regulations.
Don commented that there may be public hearings already set for which notice has been given that would not meet the 30 day requirement. Therefore, he suggested this apply to all new applications from this date. The Board concurred.
Don DeFord advised the Board that this should be under the Findings and when staff prepares the Resolution there will be a section in there that establishes an effective date for all applications submitted on and or after today's date.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; motion carried.

A motion was made by Commissioner McCown to approve the Zoning and Subdivision Regulations Text Amendments pursuant to Section 10.00 of the Zoning Resolution and Section 12.00 of the Subdivision Regulations.
Commissioner Stowe seconded the motion; carried.

CONSIDER THE APPROVAL OF THE PRELIMINARY PLAN FOR THE T.O. RANCH SUBDIVISION. LOCATION: NORTHWEST CORNER OF STATE HIGHWAY 83 AND COUNTY ROAD 100. APPLICANT: MARY ANN HYDE REVOCABLE TRUST.

Don DeFord, Ron Liston from Land Design Partnership, Roger Neil of High Country Engineering and Mary Ann Hyde of T.O Ranch Subdivision were present.

Don reviewed the notification procedures of 30 day notification to property owners within 200 feet; and mineral owners and lessees of record with respect to public notification and the posting requirement with Ron Liston. Don determined from the testimony that the documents were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin 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 with the Addendum's & Attachments; Exhibit D - Project Information and Staff Report; Exhibit E - Garfield County Subdivision Regulations of 1984 as amended; Exhibit F - Garfield County Zoning Resolution of 1978 as amended, G - Garfield County Comprehensive Plan-Study area II and III; Exhibit H - Lt. from County Road and Bridge Department dtd 5/01/01; Exhibit I - Lt. from the Division of Wildlife dated 4/23/01; and 3/28/2000; Exhibit J - Memo from the Sheriff dated 3/28/2000; Exhibit K - Lt. from the Mount Sopris Soil dated 4/14/2000; Exhibit L - Lt.. from the State of Colorado Division of Water Resources; Exhibit M - Lt.. from the State of Colorado Division of Minerals and Geology dated 5/4/2001; Exhibit N - Lt.. from the Carbondale Fire District dated 4/28/01 and 3/28/2000; Exhibit O - Memo from the Garfield County Engineering Department dated 4/30/01; Exhibit P - Lt.. from State of Colorado, Division of Water Resources dated 4/17/01 and Exhibit Q - Lt.. from the Lion's Ridge Estates Homeowners' Association dtd. 6/5/01.

Chairman Martin entered Exhibits A - Q into the record.

Mark stated this is a Preliminary Plan review of the T.O. Subdivision on a 17.74 acre parcel of land located approximately 3.5 miles east of Carbondale on the north side of Highway 82 and west side of County Road 100. The applicant is proposing to subdivide the existing 17.74 acre tract into a total of 3 residential lots with accessory dwellings on all three proposed lots. Proposed lot acreage range from 4.10 acres to 6.95 acres with an average area of 5.91 acre with each lot proposed to have an individual well to supply required water.

Mark continued reviewing the description of the proposal, relationship to the Comprehensive Plan, review agency/public comment, staff comments, suggested findings and recommendation.

Recommendation:

The Planning Commission recommended Approval of the proposed subdivision with the following conditions:

5. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered as conditions of approval.
6. As per Section 4.34 of the Subdivision Regulations, Preliminary Plan approval shall be valid for a period not to exceed one (1) year from the date of Board approval, or conditional approval, unless an extension of not more than one (1) year is granted by the Board prior to the expiration of the period of approval.

   At least four (4) weeks prior to Preliminary Plan review by the Board of County Commissioners:

7. A radiation evaluation by a qualified geotechnical engineer will be submitted.
8. Language must be included in the covenants which states that homes over 3,600 square feet in area will be equipped with automatic fire sprinkler systems. A plan to have adequate water storage to the lot, to insure that the sprinklers will remain charged and be capable to putting out any fire that may start needs to be provided to the Board prior to approval of the subdivision.
9. A copy of a letter from the Army Corps of Engineers, verifying the Beach Environmental determinations of wetlands.

   Prior to the approval of a Final Plat, the following conditions need to be met:

10. The other two wells need to have the following documentation:

    a. That a four (4) hour pump test be performed on the well to be used;

    b. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

    c. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

d. 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;

e. An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

f. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids.

11. The following language be removed from the covenants:
    a. Where an attached dwelling is defined as being the equivalent to a detached accessory dwelling.
    b. The restriction of "outbuildings" to a maximum of 1200 sq. ft. less than 15 feet in height at the ridge line, with no residential use.
12. A driveway permit will need to be obtained from Road and Bridge as per the comments received from Road and Bridge Department. Additionally, the road will have to be dedicated to the public, but maintained as proposed in the covenants.
13. Approve an exception to the regulations in 9:33 (A), which limits a cul-de-sac not to exceed 600 ft. in length.
14. The covenants include the requirement that the individual hired to maintain the IST systems, be a Class C Wastewater Treatment Operator, licensed by the State of Colorado. Additionally, the covenants should restrict the systems to the same manufacturer to make sure that the operator does not have to deal with different maintenance issues attributable to each system.
15. School fees, based upon an appraisal of the property prior to development approval and within the last two years, will have to be paid as a condition of any Final Plat.
16. A single family dwelling will pay $3674.88/ADU dwelling unit in road impact fees. Each lot with an ADU will pay an impact fee of $2545.92/ADU. So a lot with a single family dwelling and an ADU will have to pay a road impact fee of $6220.88/lot. Fifty percent (50%) of the road impact fees are due at the time of Final Plat approval, with the remaining 50% being collected at the time of building permit issuance.
17. Required Plat notes:
    get from boiler plate
18. Requirements in Section 5.03.21 Accessory Dwelling Unit, of the Garfield County Zoning Resolution, must be met for any accessory dwelling.
19. As per Section 4:34 of the Subdivision Regulations, all lots must be final platted within five (5) years.
20. All existing/proposed easements, and any other necessary easements will need to be shown on the submitted Preliminary Plan. All of the easements shown for the overhead utility line in the northwest portion of the subject property and the ditch shown on proposed lot 1, need to be included on any final plat.

    Additional conditions, subsequent to the Planning Commission review of the application.

21. An additional plat note be added, stating that all dwellings must be designed to allow for the ventilation of radon gas and that the covenants include similar requirements under the design guidelines.
22. Prior to Final Plat approval, the applicant will pay the appropriate impact fees to the Carbondale Rural and Fire Protection District.

1. Ron Liston for the applicant, stated they agreed with the staff recommendations and added that they have met most of these recommendations. The purpose of not using the Central Wastewater System in Roaring Fork was too expensive and would need to cross Highway 82.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Preliminary Plan for the T.O. Ranch with the 17 conditions made by staff.
Kit suggested the conditions be amended by the deletion of 3, 4, 5, and due to an error to make 12 into a and b.
Commissioner McCown amended his motion to include deletion of Conditions 3, 4, 5, and due to an error to make 12 into a. and b.
Commissioner Stowe amended his second.

Motion carried.

PUBLIC MEETINGS:
LYON EXEMPTION. LOCATION: 0261 COUNTY ROAD 235 - SILT, CO. APPLICANT: KELLY AND MICHAEL LYON FAMILY, LLC.
Chairman Martin excused himself due to a conflict of interest saying that he has an agreement with Mr. Lyon to lease property for his horses and he is also partial owner in property located adjacent to the property in question.
Don DeFord, Kit Lyon, Kelly and Michael Lyon, County Surveyor Sam Phelps, and Peter Belau with Eneatech were present.
Don DeFord reviewed the noticing requirements needed for a public meeting with Kelly Lyon and Sam Phelps asking if they notified every property owner within 200' from their property - Kelly answered positively that he did. Don clarified if the list of property owners was obtained from the Assessor's Office - Kelly stated yes.
Marjorie Alessandri complained that neither her brothers - Ronald and Oliver Demoz nor she received notice regarding this public hearing. She stated that their property was within the 200' from the Lyon property.
Sam Phelps stated there was no property listed for Alessandri nor for Demoz within 200' of the property line.
Don DeFord stated to the Board of Commissioners that based upon the testimony, notice seems adequate - the obligation of the applicant was to obtain the information from the County records shown in the Assessor's Office. Don continued to ask questions of the applicant as to posting notice visible from a public roadway. Kelly commented that he posted it on a tree on his property that was visible from Davis Point and CR. 214 and it was the sign given to him by the Planning Department. Don also inquired as to notice being given to mineral owners and lessees within 200' of their property line. Kelly responded there were severed mineral - Don clarified that this only included current mineral owners and lessees. After further review, Don advised the Commissioner that this was in order and timely and that they could proceed to take testimony.
After the Staff Report and Project Information, after testimony taken from the applicants, Kelly and Michael Lyon, Engineer Peter Belau, and public comment from Marge Alessandri, Lisa Martin Swab, Gary Roe and wife Sheila, Dana Urian and Ken Coons, submittal of Exhibit I was reviewed once again - Mark Bean had opportunity to check the Assessor's records and submitted notification to Don that the Alessandri/Demoz property was indeed within the 200' limit of the applicant's property.
Don DeFord informed the Board that none of today's public hearing could be accepted. Notice was defective and the applicants would have to start all over. He also informed the public and property owners within 200' who were present, that their testimony could not be accepted and this would necessitate them returning when a new public hearing was set on this matter.
The Commissioners discussed ways in which this could be prevented. Chairman Martin stated that he also asks if there are any challenges to noticing before he proceeds to administer the oath to those wishing to give testimony.
A decision was made for the future that if there is even the slightest doubt, the Board will recess and notification will be verified in the Assessor's records.

Adjourn
Commissioner McCown made a motion and Commissioner Stowe seconded to adjourn; motion carried.

Attest: Chairman of the Board

_____ _____

OCTOBER 8, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 8, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Tom Russell and John Hines, Superintendent with Electric Department of Glenwood Springs were present. John requested a permit to do some installation of underground utilities up on Mitchell Creek Road. He spoke to Doug and was told this needed to come before the Board. The area is where the Mitchell Creek Road takes off onto 130 Road, it's 1700 feet and there's a gentlemen named John Pitorious who's building a house about 1/2 way up that road between the Fish Hatchery and 132 Intersection. Their power line runs way up the hillside toward Storm King and when this was built it was done by helicopters and it is very inaccessible for the City Electric Department. It's on the skyline and aesthetically not appealing to look at. This gives then an opportunity to move it down the road for accessibility and also less of a fire danger. While they are doing the new installation, they are going to underground some of the other houses in that location this year and then probably go all the way up to the Fish Hatchery having most of the power line underground. He plans to begin as soon as possible - they would like to stay on the west side of the road as much as possible. There is a phone line in the ditch already but he through they could stay off that phone line. The power line will be placed 4' deep into 6" PUC pipe.
Tom Russell mentioned his concern has been worked out.
COUNTY MANAGER UPDATE: ED GREEN

Juanita Saterfield - Town of Parachute Administrator was present.
Prioritize Energy Impact Grants with Local Municipalities
Those present for the discussion and decision included: Parachute Mayor John Loschke, Ronald Palmer or Superintendent for Garfield County School District No. 16 Dr. Steven McKee, and

- Town of Parachute - Water Master Plan - $94,988.00 - Request $45,428.00

The Town of Parachute proposes to use the Energy and Impact Assistance Grant Funds as a means to project water needs for growth and to have an accurate accounting of all water rights and what diversions those water rights are in. The Water Master Plan would be developed as a Capital Project. The ongoing maintenance of the computer system to run the water model would become a budget line item. At present, the Town utilizes consultants as engineers, attorneys and planners. Moneys would be budgeted for these consultants to provide information to allow the Town Engineer to maintain the model and to add the most current information to the plan. The Water Master Plan would be a public document but the model would be operated by the Town Engineer.

- Garfield County School District No. 16 - $707,777.00 -Request $335,227.00

Garfield County School District No. 16 is building a new high school, Grand Valley School. This high school is necessary for several reason - growing enrollment, age of current facility and cost of bringing current facility to code. The $14.4 million-dollar bond election to fund the building was passed in a recent election; however, due to inaccurate maps, several costs estimates in the original cost estimates in the original bid were too low and resulted in several items being higher than budgeted. This request is the subject of this application: 1) The cost of bringing off-site including - irrigation water from north of I-70 to the property on the south side of I-70 completing the domestic water line under I-70, and bringing water and sewer to the property; 2) Upgrades on South Frontage Road to include - foot path, footbridge over Parachute Creek, and a safety turnaround; 3) Constructing a safety berm and fence along the railroad tracks; and 4) Construction a fence around the irrigation pond for safety
Discussion was held.
Ed mentioned that all parties were invited to attend. Those present in support for their project have a vote if they are present.
The Commissioners voted as follows:

A. Parachute
B. School District

- ***Mike Alsdorf - Vacation/New Intersection 116/160 Road***

Mike Alsdorf submitted a drawing of the request for a widespread request for the existing County Road which comes out in front of the old school house then it "Y's" off of CR 116 and it's in marginal condition at best at this point - it's the main access into the Cardiff area - the old townsite - what they're looking to do is - in that area there is a fifty by six-hundred foot (50' x 600') County right of way which is identified on the drawing. It's basically a little offset in the whole one-hundred foot (100') right of way for Midland Avenue area - after speaking with the Studio 3 people which are the developers of Cardiff Glen and myself - what we're looking at attempting to do would be to reconfigure that intersection which would include a vacation of the County property (50'x600') and then rededication back to the County for whatever it needs to pull off that intersection. The pink of the drawing is the proposed, what it would look like when all is completed, the yellow is what is existing, and the green is the outline of Lydome property of which they are the owners.
Commissioner McCown asked if that's the grand plan with the annexation with the City - they're not planning to do any further intersections.
Chairman Martin inquired if Mike has completed the historical designation of the old school house.
Mike Alsdorf said no, they are working with the Historical Society to relocate it to the Park East Subdivision - we've delayed that probably until Spring.
Mike Alsdorf - so we are looking at a vacation - it's more complicated than shown in the drawing due to the old street that were out there in the Hughes Subdivision, but simply would be that they will decide the boundaries, the County gets rid of what's inside the boundary, Mike will give everything else outside the boundary and reach a compromise.
Commissioner McCown asked if the realignment and the actual construction of the intersection would be the responsibility of the County.
Mike Alsdorf said what they looked at when speaking with Studio 3 was a trade in a sense - we feel that we can use their contractors to do the work and get it fairly inexpensively where they would build an intersection, bring it up to grade because there's a lot of work that would need to be done in that area, but right before they put the asphalt down or more realistically chip and seal, they would take care of that part of it as long as it didn't get too far - then it would get too expensive.
Commissioner McCown said he sure didn't have any problem with giving up the right of way, the problem is how is this going to fall into the grand plan with the City of Glenwood because they're supposedly annexing this as part of the Four Mile Intersection/Grand Land Swap and cleaning up all of the parcels that are checker-boarded on Midland Avenue.
Commissioner Stowe and whatever right of way we have in the Cardiff Glen area, they're going to annex that as well - this should happen in the next three months.
Mike said he believes that everything within Cardiff Glen is City, he is the first County property as you come down that road - now whether part of the annexation would involve the 160 road that actually goes into Cardiff.
Chairman Martin did not think it did.
Mike Alsdorf - and that's the one we're looking at here - the 160 road of getting rid of that "Y" intersection and actually producing a "T" intersection.
Commissioner McCown - it is going to have to drastically affect this one to make the 160 work right.
Mike Alsdorf - actually 160 is the yellow on the drawing - the other one off to your right is the old easement granted by the Hughes Subdivision that really access this one property down at the end of that road.
Chairman Martin - goes up to that one house up there, Doctor Weaver still owns it.
Commissioner McCown - said again that he sure didn't have any problem working with them getting it cleaned up.
Chairman Martin - that would be a cooperative effort.
Commissioner McCown - doesn't want to get the water murky that the City's not going to go ahead and take this intersection as part of their deal.
Chairman Martin - it's going to be the City, County and Mike working with it as well as the adjoining property owners to make sure that's acceptable.
Mike Alsdorf - at this point we've gone to the City and said, well, it's County.
Chairman Martin - we all need to sit down at the same table.

Mike Alsdorf - and they are aware of the fact that we've talked to them in the past in reference with trying to do something with this intersection.
Commissioner McCown - so what is it that you need - what are you looking for from us, Mike - to abandon whatever is needed out there and then reassume it and then give it to the City?
Mike Alsdorf - well, I think that's where we're at - direction from the Commissioners if it feasible for one and if they're interested in following through with it and then we can go and start the leg work on it getting this accomplished. We just didn't feel it appropriate to do a lot of leg work until we came before the Board and find out if it was something you would approve.
Commissioner Stowe - as long as there is no out of pocket expenses to the County and we maintain an intersection there with the right of way, I don't know that we'd have a problem with it.
Commissioner McCown - I wouldn't.
Chairman Martin - and if it's acceptable to the newly annexed roadway which is going to be 116 to create that intersection, so it's to their acceptance - we'll work with you. That's our commitment.
Mike Alsdorf - do you have any questions or comments?
Chairman Martin - no, that's our direction to you.
Commissioner Stowe - maybe not a great commitment, but it's the best we can do.
Mike Alsdorf - it gives us direction for sure.

- ***Road & Bridge - Grader and Snow Plow Blades***

  Tom Russell and Tim Arnett presented the request. Tom stated these are standard equipment and necessary to prepare for the winter months.

  Commissioner McCown 17,270 for blades and grader.

  Commissioner Stowe seconded.

  Motion carried.

- ***State Highway 82***

Tom Russell discussed the issue with C-DOT - Last Friday they opened CR 154 going in but coming out they wll have to use the alternative route. The barrier restricts the view toward Aspen. They are attempting to get the light here quicker. A letter was received from Joe Hope explaining his position on this. C-DOT approved the limited opening of CR 154. C-DOT blames the restriction on the engineer.

- ***Gordon Lease Construction Date Extension - Kenny Maenpa***

  Ken Maenpa submitted a request from Gordon Lease Construction to extend the date from May of 2001 and would like it extended to the end of the year. He has fully paid for his lease for the year - moving carefully in order to

  Ken requested an extension until March 31, 2002.

  Carolyn Dalghren mentioned Mr. Gordon has been moving forward.

  Motion

  Commissioner McCown mentioned he was reluctant to go beyond the end of the year and moved to extend his window until December 31, 2001.

  Commissioner Stowe seconded.

  He needs to do something positive toward this - even if he only gets the concrete poured.

  Motion carried.

- ***Airport Update - Attack America - September 11, 2001 - Affects on Airport***

  Fuel Jet Sales surpassed last year. September is a good month to train. Current business slowed down.

  Balloon Festival - Chairman Martin and Ed Green attended.

  Ken reported that this was a great success even thought is was postponed for 2 weeks. He estimated 1,000 were present. Less stress this year - closed the runway for about an hour in order for the Air show.

  - ***Safety Audit***

    Ed Green provided updated to the Commissioners, department heads and elected officials.

  - ***Rural Resort***

    This had been previously requested, but a motion had not been made to expend the funds.

    Motion:

    A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to contribute $1,000 to the Rural Resort Summit Meeting as a contribution.

Commissioner Stowe reported that Pitkin County donated $1500 and Lake County $500 so he felt this was an appropriate amount. Motion carried.

- ***Application to the Public Utility Commissioner***

The Commissioners responded to a concern made previously regarding the current long distance charge from Parachute to Glenwood and from Carbondale to Rifle and vice versa.

Commissioner Stowe made a motion to sign a Resolution addressed to the Public Utilities supporting the extension of telephone direct dialing from Parachute to Glenwood; Rifle to Carbondale; Commissioner McCown seconded; motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Authorize to sign IGA - Ruedi Water and Power***

Don explained that this was discussed at the Commissioner's Meeting held on August 28, 2001, however no action was taken at that time. Direction was given to proceed with further discussions on a revised IGA. Today, the revised IGA before the Board establishes the Ruedi Water and Power Authority and the IGA is intended to supersede and replace the previous IGA which was first adopted in 1981 and was subsequently readopted in 1983 and 1985 with the addition of new members.

The revisions were submitted for review of the Commissioners with major differences between the original and revised IGA that included: the need for information -sharing and discussion among the valley governments regarding water issues; clarification on the Authority's purposes and functions; the funding scheme to take effect in 2003 calling for an equal contribution of the annual operating budget from each member governments on water development matters. It also recognizes the primary authority of local governments over land use and disavows any intent on the part of RWAPA to exert any control over local land use decisions; and the funding scheme to take effect in 2003 calls for an equal contribution of $3750 per member per year. Member governments would have the opportunity to discuss any future budget increases and resolve any resulting issues without being bound by the IGA to a long-term financial commitment.

Don mentioned there were several issues that will be in the Tabor however, Don suggested they are recommended to approve this to each respective Board of Commissioners.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown enter into the Intergovernmental Agreement (IGA) by and between the City of Aspen via City Council, the County of Pitkin via the Commissioners, County of Garfield via the Commissioners, County of Eagle via the Commissioners; the City of Glenwood Springs via City Council, the Town of Snowmass via it's town council, the Town of Basalt through its Board of trustees and the Town of Carbondale through its Town Council understanding that the cost of membership is $3,750 per year and that any future costs will be discussed and approved or denied, and the Chair authorized to sign the IGA.

Commissioner McCown seconded.

Motion carried.

- ***CR 116- South Glenwood Springs Bridge Crossing***

The Chair has already been approved to sign the IGA with the City of Glenwood Springs. This is a copy of the amended IGA. Don referred the Board to the insert that had been requested "the cost of the design will be reduced by any grants however it is not to exceed $250,000 by this Board. The state will reimburse a portion of these costs in 2003."

Don explained the Board may need to expend the entire $250,000.00 in advance of receiving any funds toward the project from the State.

- ***Garfield County Finance Authority - Appointment of Blake Jordan of Sherman and Howard as Bond and Special Counsel***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Engagement Letter confirming Blake Jordan of Sherman & Howard as Bond and Special Counsel for the Garfield County Finance Authority; carried.

Don DeFord added that he would request an Executive Session to discuss the fee to be negotiated for the bond and special counsel at the time of financing. Additionally, Don said he would like provide the Board legal advice on the Code Enforcement Issue regarding barking dogs at a kennel.

EXECUTIVE SESSION - ***Property - Zoning Code Enforcement Issue - Noise Complaint - Barking Dogs - Sherman Howard - Engagement Letter - Fee open for negotiation***

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

- ***Stewart Property - Barking Dog***

Steve Hackett recommended the Board withdraw their extension and enforce the regulations and zoning with respect to four dogs or less.
Commissioner Stove made a motion to direct Steve Hackett to send a letter to Donna Stewart informing her that she has one week to remove all but four dogs which are allowed by the County Regulation. Commissioner McCown seconded. Motion carried.

- ***110th US Army Exercise***

Dale Hancock and Ed Green were present. Dale met with the Army personnel regarding the exercise planned for February/March 2002 at the Fairgrounds. He reported that the Army plans to continue the exercise as earlier scheduled. Ken Maenpa will be meeting with the Army personnel as well as on their air operations. Ed mentioned there will be approximately 80 Army folks in Rifle during the entire operation. They selected Rifle as the Airport Runway is similar to Kosovo. Continued updates were promised.

Commissioner Reports

Commissioner Stowe - Wednesday, Upper Governments Meeting in Carbondale at 8:00; Friday, CCI Meeting on Legislative Committee in Denver from 10 - 1.
Commissioner McCown - Budget Presentations from 9 - 12 on Thursday.
Chairman Martin - House of Representatives will be speaking before them on Tuesday, October 16 - in Washington, D.C. John will be discussing Deep Creek Wilderness Issues. Plans are to leave on Monday so there will not be a meeting next Monday. John needs to be in Aspen at 10 a.m. departing for Reagan National Airport. Friday, 9:00 CCI this week. The Western Division of CCI will be meeting in Montrose on the 16th and 17th. Since there won't be a Commissioner available to attend, John mentioned asking a staff member (Dale Hancock or Mark Bean) to attend on their behalf.

- ***Special Meeting - October 29 - Cattle Creek and Spring Valley Land Use Hearing***

The Commissioners agreed to cancel the regular Board of Commissioner Meeting for October 15 and move the agenda items to October 29, 2001. It will be the County's responsibility to renotice - Mark will be requested to handle this.
Other announcements
November 12th - the Courthouse will be closed for Veterans Day; the meeting will be scheduled for Tuesday, November 13 at 8:30 a.m.
CONSENT AGENDA

i. Approve Bills
ii. Sign a Resolution of Approval for a Floodplain Special Use Permit for Marlin (Colorado) Ltd.
iii. Sign a Resolution of Approval for a Conditional Use Permit for a Community Building for Marlin (Colorado) Ltd.
iv. Sign a Resolution Amending the Garfield County Zoning Resolution of 1978, by the Addition of Section 3.14, Drinking Water Constraint (DWC) Zone District.
v. Sign a Resolution Concerned with the Approval of a Zone District Amendment for an Area West of Rifle, to the Drinking Water Constraint (DWC) Zone District.
vi. Authorize the Chairman to Sign an Amended Final Plat of the Midland Point Subdivision.

Mark and Don worked together on Item b and c - Carolyn read into the record the following: "approval of this Resolution will not waive any existing or future claims for violation of any of the foregoing regulation, including any violation related to the approval of Resolution No. __."
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda items a - f; motion carried.
BUILDING & PLANNING: PUBLIC HEARINGS

REQUEST FOR REVIEW REGULATIONS, TEXT AMENDMENTS AND COMPREHENSIVE PLAN REVISIONS TO HIGHWAYS, MASS TRANSIT AND GEOLOGIC HAZARD REGULATIONS.

Randy Russell, Mark Bean and Consultant Ricky Santerialli who worked on this project doing research and writing on the Text Amendments were present.

Don DeFord reviewed the noticing requirements with Randy Russell and found them to be in order; therefore, he advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Randy submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Packet of Information containing all the pertinent material, the three 1041 State Power Regulations that are proposed as well as several Amendments to the Text of our Subdivision Regulations that would be required by adopting these Regulations; and Amendments. Exhibit C - Garfield County Zoning Resolution of 1978 as amended, and Exhibit D - Returned Receipts.
Chairman Martin entered Exhibit A - D into the record.
Randy submitted a request to the Board to review the current regulations, text amendments and Comprehensive Plan with respect to revisions to highways, mass transit and geologic hazard regulations.
Randy mentioned that these proposed Text Amendments were posted on the B & P Web-site all week.
One of the things they did not in starting this process is that with our exclusionary zoning at present, no mass transit facilities are allowed because they're not specified as being allowed in our document. One of the things they had to do in looking at adopting the proposed 1041 Regulations was to go back and look for those text modifications that would be necessary.
Ricky presented 3 documents, generally covering hazards, revisions to highway and mass transit.
The issues in the proposed documents include: Geological Hazards not under HB 1041; Highway Interchanges - Collector Highways - Intersections and a Complex Set of Regulations covering Mass Transit.
A complete and thorough discussion was held between Ricky and the Commissioners.
The Planning Commission recommended adopting these proposed regulations. Randy added that with the amendments he is very comfortable with them and would like to see the County get started on the transportation regulations.
The Commissioners had concerns with respect to the geological hazards as all of Garfield County is under some sort of hazardous conditions. The mapping is not complete in all areas and expressed a reluctance in adopting something until all of Garfield County has been mapped.
Commissioner McCown commented that he wanted to continue the hearing and wants to see these changes in front of the Board.
A motion was made by Commissioner McCown to continue the hearing until November 19, 2001 at 10 a.m. Commissioner Stowe seconded. Motion carried.
The Commissioners thanked Ricky for all the work he has done with respect to these regulations - a very good job.

REQUEST FOR REVIEW FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATION: 2656 COUNTY ROAD 335, NEW CASTLE, CO. APPLICANTS: CRAIG AND ELISA SCHULTZ.

Kit Lyon and Graig Schultz were present.
Don DeFord reviewed the noticing requirements for a Public Hearing with the applicant and found them to be in order; therefore, he advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Kit submitted the following Exhibits: Exhibit A - Green and White Receipts; Exhibit B - Proof; Exhibit C - Garfield County Zoning Resolution; Exhibit D - Application; and Exhibit E - Staff Report with attachments.
Chairman Martin entered Exhibits A - F into the record.
This is a request for review of a SUP to allow for an accessory dwelling unit to an existing HUD type modular house with a detached garage on approximately 27 acres off of CR 335 in New Castle. The applicants are proposing to place a 704 square foot second dwelling unit on the property for an aging relative, or to be used as a possible future rental. Mark continued to review the project description, major issues and concerns, suggested findings and submitted the following recommendation:
Recommendation
Staff recommends **Approval** with the following conditions:

1. 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;
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements; That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;

3. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased;
4. That prior to issuance of the special use permit, a copy of an approved well permit be provided, and the following information be provided;

1) That a four (4) hour pump test be performed on the well to be used for the accessory dwelling unit;
2) A well completion report demonstration 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 a single family residential dwelling unit;
5) An assumption of an average of 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 independent testing laboratory and meet State guidelines concerning bacteria, dissolved solids, nitrites, and nitrates.

5. That this approval shall be valid until 10-08-02. If the applicant fails to meet these conditions by this date, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

Craig reviewed his proposal - they tried to build an addition but was notified they couldn't build on to a modular. Later he did find you could add on - but he had gone to the expense of getting started on an additional modular. He also indicated that he had a water quality test performed recently and could provide a document that indicates the findings.

Don DeFord inquired of Mr. Schultz on the water well permit.

Craig Schultz informed the Board that the land was originally purchased in the early 70's for a total of 88 acres and subdivided into four separate parcels. As dwellings, they were put in there under one water contract. The mother and father live on one parcel, brother-in-law and sister on another one and his wife and himself live on the other parcel. They each have separate wells for each of the three dwellings, so there were three wells for three dwellings. Now the contract if for three wells to support four dwellings.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried.

1. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow for an Accessory Dwelling Unit for Craig and Elisa Schultz with the 5 conditions as recommended by staff; however, amending Condition No. 6, Mr. Schultz does have the bacteria test with him that he can provide to staff; motion carried.

PUBLIC MEETINGS:

REQUEST FOR REVIEW - DANGLING ROPE CONTRACTORS, INC., EXEMPTION. LOCATION: 6434 COUNTY ROAD 309, PARACHUTE, CO. APPLICANT: KENT AND CAROL SCHLUTER

Kit Lyon, Attorney Larry Mencer and Kent Schluter were present.

Don reviewed the requirements for notification for a Public Meeting with the Schluters and determined they were in order and advised the Board they were entitled to proceed.

Kit Lyon submitted a letter to update the Board on the current status of the Dangling Rope extension which was conditionally approved on September 18, 2000, and to present to the Board the applicant's third request for a time extension. Kit reviewed the project site, the original application, the amended proposal and stated to date, the applicant has neither obtained an adequate easement to CR 309 or CR 320, nor has an adequate road to 320 been installed. She quoted from the Subdivision Regulations Section 8.52(C) "The Board shall not grant an exemption unless all lots created will have legal access to a public right of way and any necessary access easement have been obtained or are in the process of being obtained; and Section 8:52(F) - The Board shall not grant an exemption unless provision has been made for any required road or storm drainage improvements. From Section 8:52(G) - The Board shall not grant an exemption unless fire protection has been approved by the appropriate fire district and impact fees are paid; Section 8:52(D) - The Board shall not grant an exemption unless provision has been made for adequate source of water in terms of both the legal and physical quality, quantity, and dependability, and a suitable type of sewage disposal to serve each lot proposed.

In addition Kit said staff has received numerous phone calls and visits from various parties interested in this application. Apparently, the Arnetts have invested time and money in installation of a road to CR 320, with hopes to buy the new 8 acre exemption lot. Elaine Johnson, who formerly owned the property, has raised questions about the adequacy of the well pump test, and has concerns that the pond for fire protection does not have a year round source of water. The Schluters have stated that if they are unable to finalize the exemption and sell the new 8 acre lot, they are in danger of losing the entire property due to financial difficulties.

Action Required:

The Board of County Commissioners must decide whether to:

1. Find that mitigating circumstances have necessitated a time extension be granted to the applicant regardless of the policy to deny extension beyond a year;
2. Or, find that the applicant was informed of the policy to deny time extension beyond one year, and thus deny the request for a time extension and allow the conditional approval to expire;
3. Or, find that the representations made by the applicant and in the application were in error, and that the applicant can not meet the conditions of approval concerning fire protection and access, and thus allow the approval to expire.

1. Staff's Recommendation:

Based on the information presented in this report, and #3 above, Staff recommends the Board of County Commissioners allow the approval to expire.

Attorney Larry Mencer addressed the access issue, fire protection, domestic water and other issues that Kit had addressed in her memo to the Commissioners such as easements and water rights. He justified his request for another extension.

After the Commissioners deliberation, a motion was made by Commissioner McCown to continue; not a continuance.

Don DeFord clarified that the Board was extending their current approval to December 31, 2001 and if they chose, they don't have too reapply, they can try to meet whatever we're doing now by December 31, 2001 if they chose to do that.

Commissioner McCown - yes that would be my intention and I would include that in my motion.

Commissioner Stowe - seconded.

Chairman Martin clarified - to continue the approval until December 31, 2001 waving any fees if they wish to reapply.

Commissioner McCown - amend.

Commissioner Stowe - apply or reapply

Chairman Martin - right

Commissioner Stowe - now you need a roll call.

Commissioner McCown - aye

Commissioner Stowe - aye

Chairman Martin - aye

Kit requested all the water and fire documents be returned to her for the file.

REQUEST FOR CONSIDERATION OF APPROVAL OF A PROPOSED PLAT FOR THE RANCH AT ROARING FORK, PHASE II.

Mark Bean, Mike Bell and Bart Johnson were present.

The Ranch at Roaring Fork Homeowner's Association is proposing to transfer approximately 18 acres of land to the family of Thomas Bailey. The proposed transfer would come from the Ranch's open space on the west end of the property, that is adjacent to the Bailey property. Section 6 of the Garfield County Subdivision Regulations allows an amendment to a recorded plat "if such amendment does not increase the number of subdivision lots or dwelling units, results in a major relocation of a road or add new roads."

Recommendation: The Board authorize the Chairman to sign an amended Final Plat for the Second Amended Plat of Ranch at Roaring Fork Phase III, Common Recreational Reserve and Homestead Reserve when it is prepared and require the Ranch HOA and Bailey Family to sign an Affidavit of Boundary Line Adjustment for filing with the deed of transfer of the 18 acres.

18 acres conveyed to adjoining area.

Discussion was held as to the legal opinion regarding the ownership of the Open Space as to whether this can or cannot be conveyed without a vote of the Homeowners.

Attorney Mark Johnson said it does require a vote of the Homeowners and that has been obtained.

Bart Johnson gave the background on the approval of the homeowners. He added that the open space for the Ranch at the Roaring Fork will be reduced by 7-8%, maybe 360 acres.
Commissioner McCown made a motion and Commissioner Stowe seconded it to approve the amended plat for the Ranch at Roaring Fork Phase III.
Motion carried.

Tickler File

Mildred Alsdorf inquired if the Board was interested in having a tickler file in order to make sure the record was clarified on various issues left open.

The Commissioners agreed this was a good idea and they would like to have the tickler file continued.

Adjourn

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

Attest: Chairman of the Board

_____ _____

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GLENWOOD SPRINGS, COLORADO

OCTOBER 11, 2001
SPECIAL MEETING - BUDGET

The special meeting of the Garfield County Board of Commissioners met on Thursday, October 11, 2001 at 8:00 a.m. Chairman Martin, Commissioners Walt Stowe and Larry McCown were present. Others present were County Manager Ed Green, Assistant County Manager Jesse Smith, Road and Bridge Tom Russell and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 a.m.

CONTRACT - COURTHOUSE PLAZA BUILDING TENANT FINISH

Tim Arnett and Randy Withee presented the contract for professional services for Burke Associates, Inc. for the tenant finish of the Courthouse Plaza building, within which the County is the sole tenant. The interior work includes the mechanical and electrical construction drawings and specifications, shop drawing review, two site visits for mechanical and electrical review during construction and final punch list review at project completion. Randy further explained the contract and the fee for the work will be $9,000 for the mechanical design and $7,900 for the electrical design. Additional site visits will be billed at the rate of $375 per man/visit.

Chuck Brenner Architecture will be doing the interior floor plans and space layout.

BUDGET PRESENTATION

Ed Green, Jesse Smith and Tom Russell gave a Power Point Presentation of the Budget.

Ed reminded the Board that he had expressed concerns last year about the budget and the impact it might have on the 2002 Budget particular in the General Fund. They did a lot of streamline extrapolations last year and came up with some carcanum results - they aren't as bad as his predictions - but there is still a trend that is disturbing that needs to be addressed before we implement the final budget in January. The budget overall combining the funds, it shows that it looks pretty good - $44.7 million going in and about $44.5 going out - and it is what you would expect from the standpoint of all of the building that is going to be accomplishing this year. As far as all of our funds are concerned these are some of the key issues that are important to note: in 1999/2000 we exercised line item control and this last year a number of departments asked that we relax those controls - it didn't work out very well - most folks dealt with it appropriately but there were a few instances where it caused concern - so the 2002 Budget goes back to line item control and in additional there will be a separate control account for positions - if you are authorized to hire a position in 2002 - that money will be set aside until you actually hire the individual - when you do, the money will be transferred to your department and you'll be able to use those funds for that individual. When an individual goes away, the remaining funds associated with that individual will be re- patrioted and put in a control account. The key projects that are going on this year included Courthouse plaza and also about to receive bids on Cattle Creek which is a staging area for Road and Bridge on the eastern side of the County - and we need to get started on the Road and Bridge Facility at the Airport - and to begin design of Airport Road Phase I. As far as salary issues are concerned, the budget includes a 5% salary increase for folks in the County across the board but those salaries will be distributed based upon performance reviews which will begin at the end of this month - and based on market equity issues - basically 50-50 just as last year. Over the last few years we have ratchied up the retirement benefit 1/2% a year - we decided that was not necessary or appropriate this year - one reason was so that the employees can take full benefit of that 5% salary increase - the retirement plan requires the employee to match any amount that the County contributes. Probably the biggest hit in terms of benefits is with respect to the health benefit. This was reduced to overall 18% increase but over the last few years, our health benefits have increased well over 30%.

Jesse Smith explained the General Fund - additional comments on salary increases and on the fringe benefits - the salary increases of the 5% has gone into contingency - it has not gone into individual department line items as of this point. We will be going through this performance review process and once that has been completed and then the actual individual raises determine based on performance and market equity, then those moneys will be transferred out of contingency and into the individual department line items. At this point we don't know what any single individual's salary increase might be. Also, on the comparison of the 2001 to the 2002 budget, especially as relates to these health costs - you need to realize

that the full impact of that 36% increase is in the 2002 budget - there was no allowance for any increase in the 2001 budget. Even though we had to absorb 15% increase August 1, 2001 the realization in the budget is next year for the full 36%. That was a big hit. The general fund projection ended up with a fund balance for 2001 of $4.3 million; projected revenue for 2002 $15.8; projected expenses $17.2 million and will result in a deficit of $1.4 million which will result in an ending fund balance at the end of 2002 of $2.9 million - we have some significant issues that we need to look at and address between now and December 2001 concerning the $1.4 million deficit. One of the areas that will have to be looked at is the health insurance as to whether or not we want to do something about trying to do reduce the impact of that 36% on the general fund. We're dealing with staffing as a big hit in the budget - we had requests for new positions that came in from both the elected and the non-elected areas of the County. In the elected area the requested amounted to 4.5 FTE increase, 1/2 time appraisal clerk, FTE conversion of two employees that are current half-time amounting to 1 FTE increase, the Jail Maintenance Technician includes the operation of high-tech equipment that has to be monitored on a weekly basis and inspected so there is a request for 1 FTE - a Jail secretary to handle the increased flow of paperwork because of the increased number of inmates and also a Jail Coordinator Program Coordinator. That adds up to 4 FTE - in the non-elected areas there were requests for 4.3 - one is for an IT Manager - this particular one does not have a full impact on the budget because this year we contracted out the IT Manager position and basically we're looking at an offset of what we paid in contract plus to put in a full-time individual. The benefit is that we gain 100% of that individual on-site all the time where currently we're only realizing about less than an 1/2 FTE in the particular capacity. There is also a request for an additional Planner and an additional GIS Technician to back-fill Rob Hykys in the mapping and GIS project area. Also, conversion of a part-time Attorney to a full-time Attorney. We are also looking at picking up all of the maintenance instead of contracting it out maintenance all over the County to actually put all the maintenance through our Facilities Management Department and this will necessitate putting on another maintenance technician for the County in the west end to handle all those buildings. One point as it relates to the IT Manager and the GIS Technician - one of the things we're looking at as a possibility is combining the mapping out of the Assessor's area - the GIS out of Building and Planning and the IT function all as part of one department so those people can actually interface with each other and overlap in way of support. A lot of the skills and abilities are the same and we feel this would allow us to really get the maximum benefit of the cross-training and the back-up at a minimum dollar outlay.

In total we have a number of unfilled vacancies within the County - the elected areas currently have 17.6 FTE vacancies - 5 are Patrol Deputies unfilled; 11 are Jail Detention Deputies unfilled. In the non-elected areas we have 2 vacancies at the present time unfilled - there is a substantial cost to the vacancies - all of the moneys are reflected in the budget and as Ed indicated they are all in the contingency line item at this point. The new requests have a budget impact of $619,000 and the vacancies once filled will have an impact of $919,000 - the vacancies are approved positions that have yet to be filled by qualified individuals. In total this is a $1.5 million impact on the budget that will hit during 2002 somewhat spread out during the year perhaps and we could see vacancy savings based on when they are hired and put on the payroll.

The Jail startup does have some significant impacts on the budget - a lot is guess work because we do not know - we have nothing to compare it against - we have looked at the cost of new facilities in Mesa and Montrose Counties but they are very different and their costs will be different - you can see supplies from 2001 to 2002 increased $78,000; food will go up about $113,000; utilities about $177,000; the staff vacancy positions; repairs - a must more complicated and sophisticated facility that will incur some additional repair costs - estimate of $30,000; medical cost increases due to inmate population - $62,000 increase; motor pool costs for transporting within the County will go up around $30,000. We are realizing some savings from the new facility - one is the fact that we will not be boarding prisoners around in various sundry counties in the State and amount to approximately a $407,000 savings; transporting prisoners from Garfield County to other facilities will also be another $20,000 savings - these are offsets between the new facility and the current operation.

Ed Green - this history of the general fund shows why he is concerned because it does go down lower than it has been for many years - as Jesse mentioned the $2.9 figure is based on the presumption on those 28 vacancies would all begin January 1, 2002 and that's just not going to happen so we can expect some vacancy savings even if you project a fairly conservative approach on vacancy savings I think we expect the fund balance to be at least at $3.4 million at the end of next year. It's still something of concern and as you meet with the other elected officials for their budget presentations to you, the thing you have to

remember is that each one of those people additions equates to a bit over $50,000 in fund balance - that's what you'll have to keep in mind as you do your deliberations.

Road and Bridge Fund

We've constructed a budget that's pretty stable - $6.3 in $6.3 out and the same as the fund balance. We have placed a contract with Baystone for funding improvements to the fleet and we want to continue to make sure that the fleet is upgraded over the next few years - our goal is to apply about $1.5 million to those capital fleet upgrades and we've integrated that into the budget this year. The big concern is moving towards that Consolidated Road and Bridge Facility which we will hopefully complete in 2003 but in order to do that we've got to complete the Cattle Creek Facility - sell our existing Glenwood Facility and we've got to start the engineering and site prep for the Consolidated Road and Bridge Facility across from the Airport. We have some outstanding agreements with the City of Glenwood with respect to support of the 116-117 Roundabout Project and we also engineering support for the Cardiff Bridge that needs to be applied. Randy and I spent some time with our engineering firm and came up with what we considered the most cost effective alternative for the cleanup of the Rifle Facility - it still equates to a $200,000 hit on us this year - that proposal is currently with the State and they are evaluating it - if they approve it, then we can proceed with that in the year 2002. This budget does not include dollars for the Airport Road Improvement - the reason is we need some more credible estimates before we proceed with that - based on what we believe right now- it could have a net impact of about $1.4 on the Road and Bridge Fund Balance - so it's a decision that I think we need seriously consider after we have some more credible engineering. Some of the key issues that are going on - Tom Russell elaborated on his budget detail.

- Engineering Facilities
  - CR 116 - Hwy. 82 Intersection - with City of Glenwood to do the engineering on the Cardiff Bridge
  - Mass Transit Study - Randy from Planning and Zoning touched on - our need to have some mass transit planning done - we need to GPS our County Roads - we have traffic counts and studies we need to do over a period of time and a lot of issues to resolve - establishing a classification system for the County Roads - establish what is our right of way - there are a lot of road where we do not know where our right of way is - a lot of the issues with mass transit study - this is a phased project over the next couple of years - Building and Planning is putting in 1/2 of the money as well as Road and Bridge
  - County Road 109 - a project that we had carried over from last year - these are the bumps and swells on CR 109 - need to get some engineering on those - we have in the past fixed them - they've reappeared - we've fixed them etc. - need to find out what we can do to stop this problem once and for all.
  - Retaining Wall - engineering advise - near the Hartart Bridge - there's a large bank that sloughs down into the County Road and creates a bit of maintenance - engineering to look at
  - County Road 117 - Rock and Realignment - the big out cropping by the Black Diamond Road - have a very dangerous curve - it's in the shade during the winter - need to see realignment as well as the Black Diamond Road entering the road
  - Rifle Fuel Clean Up - we know where we are going on that - clean up the site at Rifle
  - County Road 324 Bridge Review - we have a single lane bridge over near Raven Road in District 3 and this bridge is suffering impacts from large trucks and it's starting to deteriorate very rapidly so we got an engineering firm to take a look at it - once we establish what needs to be done, then we can take corrective action.
  - Facilities - on the Cattle Creek Facility - storage facility for our equipment - allows a quick response to the east end of the County - that building is out to bid and we'll be receiving bids on it.
  - Hunter Mesa Facility - we deemed it that because we send someone to the Airport they always wind up missing our site entirely - that's a full service repair facility - we will comply with all environmental issues that deal with oil and fuel and storage of such - we will be building that building out to bid and getting it built next year
- Operations
  - Raises and Benefits - we have no increase in personnel this year - we are however going to upgrade some Operators I to Operators II and is reflected in our budget
  - Fuel - hoping the prices will remain steady
  - Standard Operational Costs - everyday things to keep the Road and Bridge Department going

- Maintenance Projects
  - Gravel - the list of roads that will be graveled in a separate handout - continue doing maintenance on all of our roads this year - all of the roads have been identified by our Foreman as to which need gravel - those are all based on several issues - 1) traffic safety, 2) traffic count, 3) price gravel by quote
    - Chip Seal - same as the gravel - based on traffic, usage, etc. (Some road with prime and some without prime) Prime - Chip and Seal; without Prime - Seal coat - a method of preserving roads
    - Dust Regardant - program started to reduce dust on a lot of roads
    - Mag Chloride - put on new gravel roads to allow it to stay and will not lose it from breaking down
- Construction Projects - District 1
    - County Road 100 - Catherine Store Road - needs patching and chip seal
    - County Road 103 - will be carried over until next year - project was started 2001 - survey complete and some more consulting with neighbors
  - County Road 115-119 Intersection - also to be carried over until next year - survey completed - need to acquire right of right - unsafe corner at the top of the hill
  - County Road 121 - Coulter Creek Culvert - undersized culvert
  - County Road 126 - Black Diamond Road - irrigation issues as well as combining that in with the realignment on CR 117
  - South Canyon - realignment - a section of road that has started sloughing - right of way from the City of Glenwood - install a pipe and straighten a corner
  - West Glenwood - do need to start improvements - curb and gutter replacement - patching
  - County Road 150 - Sweetwater Road - another far reaching road in the east end of the County - obtained from C-DOT - rotomil finds - applying to the road - contract haulers
- Construction Projects - District 2
  - Baxter Pass - for the west road - contract person to do some work - graded twice a year misc. drainage and gravel repairs
  - County Road 214 - Peach Valley - narrow spot - concrete culvert that needs to be extended - a development driven project
  - Green Lane - project on back burner for 2 years - resurfacing, drainage improvements
  - Dry Rifle - segment of road between Rifle Gap and Harvey Gap - chip seal
  - County Road 235 - Davis Point - irrigation culvert creating a narrow unsafe spot on the road
  - County Road 252 - West Rifle - road to Honor Camp - 3" mat - asphalt
  - County Road - Piceance Creek - narrow culvert in the road
- Construction Projects - Parachute
    - County Road 215 - assist Parachute with an irrigation culvert problem this year - coop project - no hard dollars to County - excavator and truck hauling
    - North Gram - enters into City of Rifle - road widened and surfaced
    - County Road 204 - Roan Creek - purchased gravel from DeBeque (hauling and applying between snow storms - has to be out of pit by the Summer of 2002)
- Construction Projects - District 3
  - Pete/Bill Culvert - a dip in the road - unsafe and on a curve - obtained survey - acquiring right of way (permission of landowner) - pipe and straighten segment of road
  - County Road 300 - section of road out of Battlement Road and towards Una - hill has been a maintenance nightmare - washboard - steep - similar to Stevens Hill - overlay
  - County Road 301 - Morrisanna Mesa - chip seal over the patched portion accomplished 2001
  - Airport Road - putting together a grant project - try to get design work by County Engineering Department and onto Energy Impact Grant cycle April 2002
  - Taughenbaugh Extension - segment along the Taughenbaugh Building to CR 322 - property acquisitions - survey completed
- Equipment Replacement
    - Boom - Glenwood Springs District

- 2 - Graders - replace 1983 model and 1987 model
- Loader - 1985 - Rifle District
- Mower - Glenwood Springs District
- Flayel Mower

All equipment and supplies for Road and Bridge are competitively bid - Purchasing Department assists

End of Year Fund Balance for Road and Bridge

Ed reported the fund balance was stable.

CAPITAL FUND PROJECTS

- *Courts Upgrades* - when the Administrative/Commissioners/Attorney, etc. move from Courthouse to Courthouse Plaza - need to do some upgrades to accommodate the needs of the Courts - programmed in $.5 million
- *Social Services* - when this department moves from the Mountain View Building into the Courthouse Plaza - the need to upgrades to Mountain View Facility to meet the needs of Nursing and Healthy Beginning - sinks, carpet, etc.
- *Motor Pool* - Sheriff's Department - some vehicles not in the motor pool - will apply $66,000 to replacement of some of those vehicles in 2002
- Fire Truck - multi-year lease - pay off 2002
- $60,000 Airport runway - seal coat - Airport Budget
- Road and Bridge - Heavy equipment and Cattle Creek Facility - some funds for the later were programmed in 2001 - some offset by sale of Glenwood Road & Bridge Facility
- Road and Bridge Facility - Hunter Mesa location

End of Year Fund Balance for Capital Fund Projects

Ed stated this is above historical levels and hope to keep it that way.

- PUBLIC WORKS

  Jesse said there is minimal activity anticipated with exception of the new administration building - Courthouse Plaza and the Consolidated Road and Bridge Facility - Rifle

  The income and expense for those two buildings are not reflected in the budget 2002 at this time since the numbers haven't been decided. The bond issues has not been released - once released, it will be included - it is a wash however, the revenue is coming in and going back out on the expense side - no overall budget impact in 2002.

  The retirement of debt service on the COPS used for the construction of the Jail does have an impact in 2002 - we have a debt service of about $590,000 and do have moneys remaining in the Trust Account from interest earned on those COPS funds over the 3 years that we had them and it will offset some so basically about a $408,000 impact in 2002 from that project.

  There will some additional expenses that will be occurred in 2002 on the Jail Project coming out of the Construction Funds for Landscaping associated with the Plaza. This has yet to occur and as soon as exactly when, where and how much, then it will be reflected before the final budget.

  Revenue Costs of the new Administration and Road and Bridge Facility - estimating about $8.3 million and estimated expenses to build these two facilities at the same amount. The bond market at present is extremely favorable and a 4.9% interest on those bonds - better than originally anticipated - it will allow more funds coming in that can actually be used on the construction of the facilities and offset some of the county's moneys that were anticipated being used.

  Fund Balance - due to the fact that all moneys haven't been expended that were budgeted for the Jail primarily associated with the final landscaping and Plaza construction.

- AIRPORT FUND

  Ed Green - expect growth in revenues for 2002 and will assist us in increasing the ending balance for the Airport Fund.

  Navidaid Improvements

  From commercial designation to a J-designation - this allowed us to capture some additional moneys from the State - $166,000 and we will use that to upgrade our navigational aids.

  Runway Seal coat is a continuing project - we did the taxi ways in 2001 and a focus on the runways 2002 - most is FAA funded as well.

  Capital Items - Kenny submitted a long list capital items and we reduced it to a $3,000 lawn mower.

Master Plan - complete our master plan and that is absolutely essential in preparation for the $16 million Runway Improvement Project expected to complete in 2004.

Fund Balance History - 1998 - anomaly due to pumping money from the General Fund into the Airport Fund - for 2002 finally going to start growing our Fund Balance.

(Ed turned off his mic - no other mic was on - result - no recording)

- SOCIAL SERVICES

  Jesse - one basic concerns we have with Social Services is in 2001 we had to turn back in essence TANF Funds in the amount of about $360,000 - those funds have to be returned or into a reserve fund that is limited to what these funds can be used for - we might be facing a similar situation in 2002 and plan to address this concern early in order to utilize these funds by providing additional services to Garfield County residents.

- RENT FIGURES

  Dale and Jesse worked on this - assigning rent to all County functions in the 2002 Budget and instead of it all flowing through Facilities Management - in the Social Service arena we originally calculated the rents based on a 30-year amortization schedule for depreciation for buildings - we found out that under the State rules we have to use a 50-year amortization so that changed the rent figures but when it was recalculated the rent for the Mountain View Building for the Courthouse Plaza Building and the Taughenbaugh will amount of about $197,000 a year - 80% of which will be returned by the State - so this is a plus for the County to calculate it in this fashion. With the new building and new space available it will reduce the need for outside home offices - right now we are housing quite a few people in their homes due to space limitations at Mountain View. Space will be available at the Courthouse Plaza and costs will be reduced. The State Auditor said if space is available they will absolutely not reimburse any home office expenses - they expect the staff to utilize County facilities if available.

- ACCOUNTING FUNCTIONS

  July 2000 accounting functions were started in consolidating Social Services Accounting with the County's Accounting System - we are under a mandate under GASBY 34 that we have to go to complete consolidated financial statements in the year 2003 - so we are trying to get a head start - with the resignation of one of our key employees in Social Services we had to accelerate that process in order to make sure that we can produce everything that we are required to produce for the State in getting our reimbursements from State funds. Consequently, we have already moved the bulk of accounting in Social Services to County's Accounting facility - we will be moving the remaining of the accounting functions over as quickly as possible. That involves primarily accounting for trust accounts on children placed in outside foster home or adoption situations where there are trust funds that have to be managed, and also in payment of outside contracts - when these accounts come into the main accounting functions it will free up some additional staff time that can be diverted to other

  needs within Social Services. They had requested an additional staff - this can be offset somewhat through transfer of time from one function to another.

  With the move of Accounting into the County Accounting System, we did move the equivalent of one FTE person out of Social Services to the Accounting staff - this is allowing us to do a better job of making sure that we're getting our billings in on time and accurately to the State and getting that 80% reimbursement from the State - it has been a very good move and looks like it is also going to be a very cost beneficial move for the County.

  The focus for 2002 is going to be getting all of this accounting in place and once we have the budget approved, then what we want to do is to recast that budget for Social Services so that it tracks funds coming in from various sources and for specific programs and the associated expenses. One of the problems we have now is that funds come in, they are split over a variety of projects and it is very difficult for us to track exactly the funds in and flowing out to make sure that we are balanced and given good accounting data. It will become a project or program related budget - then it will not be difficult to track those funds at all.

  One of our biggest concerns this coming year is what's going to happen both domestically and internationally - as you well know, we have changing federal priorities - those could very well impact social programs and as they do impact social programs we are going to have to be tracking that and have to be flexible in being able to respond or react to that. We're very concerned that some of these programs in operation presently that are heavily funded by either State or Federal Funds, that funding

could change over night. Therefore, we have to be in a position to know exactly where that money flows in, what it's covering, and what flexibility we have to adjust to any funding source changes.

Fund Balance for Social Services

The fund balance has been going up continuously and we are anticipating at the end of 2002 if everything goes as projected, we could end up of about $2.1 million dollars and that would allow us to do a lot of additional kinds of things especially in the child care and child welfare areas.

- LIBRARY FUND

Jesse - we have shifted the entire one-quarter percent sales tax over to the Library - it was being split between the Library and Public Works - 100% of that is now going to the Library and they are setting up a long range budget to handle that - looking at a 3-5 year budget process to be able to project out - one of the things the slide doesn't show because of the way they have handled - and there may be changes we may want to consider - they budgeted a line item for expense of capital replacement of $220,000 - they do not plan to spend that - what they are really doing is setting up a sinking fund so that they can start putting moneys in that to be able to make major capital replacements as needed - the first one that will be needed is probably an expansion of the Parachute Library and also replacement of a couple roofs that are continuously giving us leaking problems - their fund balance in actuality - where it is reflected as $220,000 at the end of the year is really more representative of about $530,000 - Jesse suggested that we consider setting up another fund and actually call it a Library Capital Replacement Fund so that we don't roll these moneys back into fund balance every year and then have to re-budget them but we could actually budget into that fund every year and let it grow until it's needed - this is something the Board needs to discuss as we go along.

End of year - you can see we had a $470,000 fund in 1997 that crepe up somewhat to 1999 and then has been going down steadily through 2002 but again 2002 should be reflective as about a $550,000 Fund Balance which would put it back up again. The decline from 1999 to 2002 is heavily associated with Capital Improvements that had to be done and were basically being done out of their budget. The plan they have in place will take them out to the next 3 - 5 years very comfortably.

- LANDFILL

Ed - we project a pretty stable situation in the Landfill as well as far as Revenues and Expenses. Simarily we expect the fund balance to remain fairly stable too. One thing to remember is we have to retain a million dollars in this fund balance because of the closure and post-closure requirements against that Landfill. Two photos showing where we started a year or so ago with a rather deep hole and the second shows we are almost full - we've got to build another cell in order to accommodate the continuing requirements out at the Landfill.

The Schematic of where we are going to put the new cell was shown on the slide - when the cell is completed then we will do an overlay of material for surface pit which is down the road a bit.

One of the things we are focusing on is making sure we minimize the amount of material going into those pits and we do it in a number of ways - one is through segregation or metal, wood, etc. and selling it or burning it so that it doesn't have to go into the pit and Tom's group has also done a great job of separating the rocks from the fill material so that we don't have to simple fill our pit with big rocks - we are going to continue to emphasis minimizing the amount of material that goes into that cell. $300,000 for the new cell - continuing to emphasis more segregation and burning - don't anticipate any rate increase this year, we don't think we need one - collections has been a big issue in the last year and we have moved billing and collections to Accounting and believe that's going to measurably improve our accounts receivable situation at the Landfill. One troubling issues that we've got to deal with in 2002 is out-of-county rate enforcement and it relates mostly to materials being shipped to our landfill from Aspen - we are going to brainstorm and other methods to be sure we enforce that rate in the next year.

Fund Balance Summary

The Board can see the big concern that we have is the end of year Fund Balance in the General Fund even with vacancy savings it's still only at $3.4 and I think we need to extract a bit more out of some of our budgets in order to get the fund balance up closer to the $4 million dollar range - we got 28.5 targets of opportunity as we evaluate the budget between now and the end of 2001 and in addition there is a significant increase in the District Attorney's budget that we need to consider as the Board meets with him as well.

Debt Service

The Focus in year 2002 will be on the two major facilities that we're building and will result in increases to debt service, but those debt service matters will be distributed among three funds and we think that it's manageable.

Fairgrounds and Airport Phase I

As indicated, we are deferring action on two major projects - one is the office finish for the Events Center which we think is pretty expensive and perhaps not necessary at this time and the Airport Phase I - when we get more engineering we will make a decision on it probably in the March time-frame.

- PERSONNEL BUDGET

Jesse - there were a number of additional handouts that were given to the Commissioners to they can look at your leisure - one of which is a Personnel Budget - this is a line-item approach and the only funds (moneys) in this budget is salaries as they stand right now - it does not have the increases in there, however, the increase benefit costs have been reflected for Health. The salary increase and associated benefit increases that would go along with salary increases has all be reflected in the contingency line items under 2210.

Another summary handout is of open positions and new positions by departments, so you can see exactly what has been requested and then you have a projected year-end fund balance for 2001 that has been updated given information that we gleamed in our individual department budget hearings - then you have a handout on the projected fund balance for 2002.

- PRELIMINARY REVIEW

Chairman Martin - This is a preliminary review and recognized that there will be a lot of work before the Board gets to the final phase - thanked all the staff who put this together.

Commissioner Stowe - no questions - it was a good presentation and mostly questions were answered as the review took place. A few things raised my eyebrows but before they finished talking they were explained.

Chairman Martin - this is a great start and a whole lot different than where we first started.

ISSUANCE AND SIGNING OF DEED FROM PUBLIC SALE

Georgia Chamberlain said she held an auction of land prior to their tax sale and it went well - there was only one bidder present and he was successful on his bid - they bought the lots - the actual value was $8000 and they bought it for $8050. Georgia came up with some rules at the beginning of the sale - that money obtained from the sale will be distributed among the taxing authorities in that District. This was Aspen Crystal River Estates (ACRES) and TeKeKi land.

Chairman Martin- the sale that took place on Tuesday - one bidder - and the amount that was received and properties identified.

Don DeFord - presented to the Board the Quit Claim Deed that we'd asked the Chair to sign pursuant to authorization by the Board and the Treasurer's explained the process of the sale and the results of the sale. The deed is the last step that needs to be taken to convey the property to the successful bidder.

Commissioner McCown - were there more than one parcel.

Don DeFord - yes.

Commissioner McCown - this encompasses all of the parcels under one deed.

Don DeFord - yes, it was a block sale - sold as one property and the deed shows the legal description encompasses everything.

Motion

Commissioner Stowe made a motion that the Chair be authorized to sign the Quit Claim Deed for Lot 1, Block 1 of Aspen Crystal River Estates, LLC; Lot 2, Block 1; Lot 10, Block 5; Lot 55, Block 5; Lot 59, Block 5; Lot 6, Block 8; and Lot 29, Block 5 all of the Aspen Crystal River Estates, LLC and also Unit 2 of Lot 180 TeKeKi. Commissioner McCown seconded. Motion carried.

Chairman Martin asked Georgia if there was more than one person in the audience.

Georgia - the attorney of for of Aspen Crystal Estates, LLC.

Don - and Aspen Crystal River Estates, LLC.

Georgia - we never mentioned that in all the activities of the day.

Don - they were Mudue Christa Murtha and her client were present for them and John Neislanik was also present, Mildred, Don and Georgia.

ROAD AND BRIDGE SNOWPLOW TURNAROUND AGREEMENT - CR 106 - SUTANK

Carolyn Dalghren - this is a license agreement whereby Colorado Rocky Mountain School is granting a license to use to the County for Road and Bridge to use one of their driveways as a turnaround up near the Sutank Bridge - it's a straight out agreement - they're not charging us anything for this - what we will be

doing in return, if you will, is improving their driveway, making it wider, increasing it's depth, putting up a new double agricultural type fence since the driveway is widened - I'm asking that Mr. Martin be authorized to sign this next week - I hope to have the real agreement with CRMS signature on it, but it turns out their Business Manager is in Denver - so I'd like to ask a vote for authorization for signature.
Motion
Commissioner Stowe moved the Chair be authorized to sign the Agreement with Carolyn on the driveway as explained. Commissioner McCown seconded. Motion carried.
COUNTY ATTORNEY - MEETING WITH THE BOARD - OCTOBER 22, 2001
Alan Matlotz and Blake Jordan, Peter Witmore are asking that we have a special meeting of the Commissioners to consider finalization of the documents for the Financing for both the Courthouse Plaza and the Road and Bridge Maintenance Facility.
Jesse mentioned to Don that the financing at the present time was very advantageous and they would like to get this underway so it can be completed by the end of October at the latest, the first week of November. Jesse explained there's an exceptional light bond issuance in the month of October for obvious reasons, consequently there's nothing out there for people to buy but they are expecting a very heavy flood issues in November and so if we can get in ahead of that flood it would be advantageous to the County.
Don said in order to have this meeting, the Board needs to authorize the Chair to sign closing documents.
Discussion and Motion
Since Blake Jordan and Alan Matlotz called for the meeting, Don covered the discussion as to whether the entire Board was needing to be present, or just Chairman Martin.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign all necessary documents to accomplish the closing of financing for the Courthouse Plaza and Road and Bridge Maintenance Facility to the extent that those signatures are recommended by Peter Witmore, Blake Jordan or Alan Matlotz.
Motion carried.
Don stated if this is not sufficient with Blake, Alan or Pete then we'll assemble as a Board.
EXECUTIVE SESSION - PROPERTY ACQUISITION WITH THE CITY OF GLENWOOD SPRINGS AND TO PROVIDE LEGAL ADVICE - PERSONNEL CODE CLAIM
Don said for the Property Acquisition he would request Carolyn Dalghren, Mildred, the Board and himself. On the Personnel issue, Jesse Smith, Ed Green, Dale Hancock, Carolyn Dalghren, Mildred Alsdorf, the Board, and himself.
Jesse Smith added another item - we had received a request from a representative from the State Department of Social Services to appear before the Commissioners and provide a report which had been scheduled for October 15, meeting - since the 15th meeting has been canceled, Jesse needs to alert that individual of this and suggested he appear on October 29th at the Board's special meeting.
Discussion
The Board felt this would not be an appropriate day due to the land use issue that would take a great deal of time.
Commissioner McCown made a motion to go into Executive Session to discuss or to obtain legal advice on a personnel code claim and possible acquisition of property with the City of Glenwood Springs. Commissioner Stowe seconded. Motion carried.
A motion was made by Commissioner Stowe to come out of Executive Session. Commissioner McCown seconded; motion carried.
Motion
Don DeFord said at this point, I would ask the Board to consider broadening the scope of the representation that the Board has authorized for Connie Peterson on behalf of Jesse Smith, Ed Green, John Martin to include at this point Dale Hancock in the representation and also include in the representation not only criminal defense issues but all civil defense issues related to the claims of Collette Barksdale and further authorize retention of alternate counsel if any of the four individuals believe that there is a conflict in having the same attorney represent them.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.
Detention Facility
Don DeFord inquired of Ed or Jesse as to where we are in terms of the Detention Facility and the need of any additional change orders.
Ed said what we hear is that probably Tuesday morning the 16th is the physical completion.
Don - will that be substantial completion of our contract documents?

Ed - it will be a TCO (temporary certificate of occupancy) and I think it'll be a substantial completion - that's the intent. I have heard nothing that is changing - there are a few odds and ends that still need to be completed.

The Sheriff has already put us on notice that before he moves in we've got plenty of slack time between now and mid to end November.
Don asked if the Board felt we should withhold any notification of default to the contractor and the bonding company at this point without waiving anything.
Ed - yes.
Commissioner Stowe - so if we don't have that TCO on Tuesday, John and Larry could make a decision to go forward with whatever is needed on Thursday.
Adjourn
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn until October 29, 2001. Motion carried.

Next Meeting October 29

Attest: Chairman of the Board

_____ _____

GARFIELD COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
MONDAY, OCTOBER 22, 2001

The Special Meeting of the Garfield County Board of Commissioners was held on Monday, October 22, 2001 in the Conference Room of the County Attorney at 9:00 a.m. Chairman Martin and Commissioner McCown were present. Commissioner Stowe was absent. Others present included: County Attorney Don DeFord, County Manager Ed Green, Assistant County Manager Jesse Smith, Blake Jordan of Sherman Howard and Alan Matlotz of H. K. Baum and Associates.

CALL TO ORDER
Chairman Martin called the meeting to order at 9:00 A.M.

COMPLETE FINANCING OF GARFIELD COUNTY ADMINISTRATIVE FACILITIES AND ROAD AND BRIDGE MAINTENANCE FACILITIES INCLUDING AUTHORIZATION FOR GROUND LEASE AND LEASE PURCHASE AGREEMENT
Don DeFord stated that Blake Jordan and Alan Matlotz had requested the meeting be called today for the sole purpose of completing the financing for Courthouse Plaza and the Road and Bridge Facility through authorization of what is generally described as a Lease/Purchase Arrangement of COP's.
Blake Jordan stated briefly what they would be doing today: there are two Board's here present today, the Board of County Commissioners and the Organization Meeting of the Garfield County Finance Authority which is a nonprofit Corporation which was recently created for the purpose of being the owner/leasor of the two buildings that will be leased.
The County Board of Commissioners will need to adopt a Resolution and the Organization Meeting of the Finance Authority.
Alan Matlotz has the numbers and the certificate purchase agreement to be executed, and execution copies of most of the basic documents.
Don asked Blake for the purpose of the record, to determine a quorum of the Finance Authority present. Members of the Finance Authority - Ken Krantz of 402 13th Street, Glenwood Springs and Dan Lyke of 2207 Crestwood Drive, Glenwood Springs were present.
Alan Matlotz presented the following information - this financing is very similar to the Jail Financing which was created about two years ago - it's a lease structure so there is a nonprofit corporation that owns the buildings leased to the County - Certificates of Participation are issued which are interest in lease payments sold to a variety of investors. For this financing due to improved financing position of the County, we went for an independent rating on this one and the County received an "A" rating on this transaction - this is a very good rating for a County. Based on this rating, the insurance premium that the County pays received a "AAA" rating which translates into lower interest rates. The interest rates on this financing are almost a full percent less than what we got on the Jail financing. The average interest rate on this financing at twenty-three (23) years the structure was for the financing of both to mature at the same time so the jail is paid off at the same time as these are and an average interest rate of 4.75%.
The financing includes proceeds to pay for the two projects - Courthouse Plaza and the Road and Bridge Facility at the Airport Industrial Park, a reserve fund which is invested and interest is earned that will pay off the last year, cost provisions for George K. Baum, Sherman Howard and Crane Title Insurance. BSR&F - a debt fund reserve for the one year payment and capitalized interest based on a Supreme Court interpretation we include interest in the financing that the County borrowed to pay the interest cost during construction. One of the issues raised by the bond insurer - they wanted more capitalized interest - so that is higher and raised the size of the financing, we were able to reduce the size of the financing however, by selling the bonds at a premium - so people paid more than one hundred cents on the dollar for the bonds. The ultimate size is not $9,460,000, the reserve fund $726,000 is the County's money invested for the last payment and the $586,000 in capitalized interest is the County's money which invested makes the interest payments during construction. The project fund is $8,004,143.41.
The Closing will be held on October 29th in Denver at Blake Jordan's Office - they are still waiting on the survey of property.
Resolution Motion

Blake Jordan summarized all of the documents: Lease Purchase Agreement between the Finance Authority and the County by which the County leases the two facilities on an annual basis; a Ground Lease which is how the Authority ends up being the owner but the County doesn't actually transfer the ground or the fee title - it transfers a long term lease to the Authority and then the Authority sends another lease back to the County - it's a lease and leaseback and authorizes that as well; it also contemplates the indenture of trust pursuant to which the certificates are issued, the County doesn't issue the certificates, they are issued pursuant to the indenture and most likely that would be the trust. The Trustee is the same as we had two years ago - U. S. Bank National Association and the other thing this does is approve the preliminary deed assignment and it authorizes the preparation of final rights, etc. and we need an authorization for the Chair to sign it, and lastly it authorizes the execution of a Certificate Purchase Agreement with George K. Baum & Company pursuant to which Blake will purchase the securities - this describes the transaction with interest rates once it is signed, Blake is committed to pay the County the prices and interest rates exactly stated in this document - our contract. The last thing this does is the same as the Board did two years ago, it sets up what is called a secondary market disclosure obligation which is a federal law that underwriters aren't allowed to purchase securities like this unless we all agree to provide annual financial information to what is called National Recognized Security Information Service (NRSIS). And it authorizes the NRSIS which if the Board is interested in seeing what those look like, Exhibit A attachment of the Resolution - these are the actual lease/rentals without taking into account any interest earnings, etc. - this is annual amount it takes to keep the lease alive - it's an annual appropriation lease - every year the Board has the option of deciding not to lease the facilities in which case you lose the facilities and the Board has expressed an interest to continue the lease every years, but you are not legally bound to do so.

Comment and Discussion

Don asked Blake if he was, other than the Resolution, going to ask the Board to sign documents today.

Blake said the Board could, he had execution documents of many of them - however, they would be back in Glenwood Springs for the Jail Dedication on October 26 - three days before the closing so it was up to the Board.

Don inquired as to the closing date.

Blake stated the closing was set for October 29, 2001 in Denver at Blake Jordan's Office and no one is required to be in attendance necessarily.

Don clarified for the record, the property that will be subject of the ground lease and the lease purchase is the Courthouse Plaza which is directly across the street from the County Courthouse and the southern approximate eight (8) acres of the forty-acre (40) parcel by the Airport - Don added that he does not have the survey of the property as of yet.

Blake said he will need that before closing and note conceptually when you approve it today what that property is - a general description.

Don summarized the motion needed by the Board - the approval and the Chair signing of this Resolution concerning the leasing of certain capital facilities and capital projects lease/purchase agreements and authorizing and approving in the lease purchase agreement the ground lease agreement and the execution of related documents and performance of related transactions.

Commissioner McCown so moved. Chairman Martin stepped down as Chair to second the motion.

Motion carried.

APPROVE BILLS

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the payment of bills; motion carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to adjourn; motion carried.

Attest: Chairman of the Board

_____ _____

OCTOBER 29, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 29, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Chris Chacos - Carbondale - Trails - shared information regarding the segment of trials he would like the Commissioners to consider during their budget hearings for 2002. The base of White Hill to 2nd Street eventually coming out on Hwy. 133 - it is .08 mile. Public Works in Carbondale is willing to work with the County's departments. It would be a benefit to the residents. Larry Ballinger of Carbondale Public Works is the contract person in Carbondale.

I. ***Award of Cattle Creek - Road and Bridge Vehicle Storage Facility***

Tom Russell, Tim Arnett and representative from Triple J Construction were present.

The Contract Administrator received a request from the Road and Bridge Department to issue a Request for Bids for a vehicle storage facility at Cattle Creek. C.F. Brenner Architecture prepared specification, and after final review by staff, a legal advertisement was placed in the newspaper. Fourteen potential bidders picked up plans to build the new vehicle storage facility. Eight responses were received ranging from $676,260.00 to $993,034.00. Triple J Construction out of Fruits submitted the lowest responsive bid of $676,260.00.

The architect project estimate was $904,000.00 - the total amount of funds available is $900,000.00.

The design/testing expenditures - $32,600.00; Design Services - $4,000.00; Civil Engineering - $10,000.00; Well and Testing - $13,000.00; 3-Phase Electric Pole and Transfer - $15,000.00 and Gas Service/Tap Fees - $5,000.00 for a total of $76,600.00. Added to the construction cost of $676,260.00 - the total project cost is $823,860.00.

Ed mentioned this was part of the 2001 and is included in the Road and Bridge fund balance with the end result of refunding the Road and Bridge Department after the sale of the current facility located in Glenwood Springs. This will accommodate up to 10 vehicles - 2,000 square feet is office space - 20 x 60 feet.

Commissioner McCown mentioned when this started, this was envisioned as an equipment shed and all facilities would be handled by the Rifle Airport Road and Bridge Shop. The several million dollar operation was to be in Rifle - this is not what we're talking about - this is another Road and Bridge Facility.

Chairman Martin supported the proposal saying the facility needs rest rooms and a place to report in - the rest room and a space office is not exhorbant.

Ed said there will be very little maintenance performed inside that building - safety inspections, wipers, that sort of thing, no oil and lube.

Tom added that the storage room will be used for storage of chains, barricades, and signs. The only maintenance that will be performed would be your safety inspections, tail light lenses, change of tires, changing light bulbs - otherwise is it a shell with a place for mail and the time clock. The future storage shed at Roan Creek was put on hold.

Commissioner Stowe clarified that there are only two basic facilities in the entire County - the staging facility and then the main facility.

Commissioner McCown inquired about the distance to the Roan Creek facility from Rifle than it is from Rifle to Glenwood Springs?

Tom said it is and it is something that probably needs to be looked at in the future - it isn't in these plans currently, but one day to have a storage shed in the Roan Creek area.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid to Triple J Construction for building the new vehicle storage facility at Cattle Creek in the amount of $676,260.00 and authorize the Chair to sign the notice to proceed.

Martin - aye; Stowe - aye; McCown - no. Motion carried.

A. ***Approval of Contract for 2001 Audit***

Ed Green presented the contract - the audit begins in December - Chadwick - 3 year agreement and the County has been pleased with their work. Next year we will go out for bid again.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Contract to Chadwick, Steinkirchner, Davis & Co., P.C. for the 2001 Audit for the sum of $19,800; motion carried.

B. ***Approval of Purchase of PPE Equipment - Guy Meyer - State Emergency Management***

Ed Green explained that this was opportunity to obtain needed personal protective equipment.

Guy Meyer submitted the request to approve the purchase of Personal Protective Equipment. Guy explained that this was sent to the State about three weeks ago. The grant is for $42,000 to purchase personal protective equipment. One and one-half weeks ago Guy did an emergency exercise thought the State Office of Emergency Management based on all that is going on around us. It was to really see how the system works because you hear stuff come over the news and then look around you in dismay. Guy copied on the exercise as it went along. The scenario that Guy presented was an Anthrax outbreak in the problem. We had done certain things and he was basically looking to see what kind of response we could expect from both State and Federal Government. The conclusion at the exercise is that we are on our own for quite a while which is rather bothersome if something like this should occur. Mary Meisner has talked to Don DeFord and the Board should have received a copy of a memo written by Don that referenced some of the health issues and statutory responsibilities that go with them. As we await for the grant, Guy said the eastern slope has raised some hackles and seem to think that more of the grant share should go to them rather than to the rural areas. What was requested today was to purchase eight, personal protective equipment sets which are approximately $182.00 each. The thinking is that two would go to Road and Bridge, two to Public Health, two available here in the Courthouse, and two to the Sheriff's Department. The equipment consists of level C suit, respiratory, decontamination kit, goggles, and the like.

Commissioner McCown asked if there are individuals trained to react to these types of things.

Guy said not at a technical level of response here, this is something who can go in and intervene and decontaminate somebody who could potentially be exposed. The Glenwood Springs Fire Department, and a number of other departments, a certain number of folks who are operational level training in Hazmat. The focus here is on dealing with a situation immediately, Mary Meisner and her staff and the Sheriff's department could be the first exposed.

Don DeFord spoke to Jim Sears about this issue and his response on this was that their look would be to put on the protective gear, go see what the situation was, look out and find out who should be dealing with it - this is the level of expertise we're talking about.

Guy added that today's request would be for $182 x 8 = $1600. Guy has not negotiated the price with a number of sources.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign an agreement to purchase eight (8) sets of Personal Protective Equipment not to exceed $2,000; motion carried.

County Road 323 Bridge Repairs

Tom Russell submitted a series of photos showing the progress on the Bridge repairs on CR 323 that began October 11, 2001 - it was mentioned there was a report of some cracks. This is a major route for large trucks. His crew began immediately and the bridge is not reopened for traffic.

Consideration of Fees for Medical Benefits

Ed spoke on an issue that came before the Personnel Committee last week. The question is do we want to increase the cost of the dependent coverage. Presently the employee pays $20 for dependent coverage. Ed focused on an increase of $20 for themselves and $40 for one dependent; with a total savings of $180,000 and a savings to the general fund of $100,000. During the budget presentation it was $2.9 for 2002 and an additional $500,000 vacancy savings. Within the last week, mineral severance tax of $200,000 - looks like our best project absent the consideration would be about $3.6 million end of year fund balance. The elected officials have not met with the Commissioners yet - this is scheduled for November 15th.

The current structure is a $20 cost for dependents no matter how many; the families receive a huge benefit.
The Personnel Committee requested the Board consider this within a month.
Mildred said there are some deadlines when employees need to make decisions.
Commissioner McCown suggested this be discussed with the EPIC Committee.
Mildred mentioned a survey had been completed by the employees.
Prescriptions for dependents as well as themselves will go up by $50 deductible at the first of the year.
There are some definite time issues.
Jesse said the employees have already taken a hit - the deductibles for health coverage, limits went up - the question is do we want to put a second hit on employees.
Commissioner McCown said he was more apt to change the amount for dependents to $40 each dependent.
Commissioner Stowe said he was more inclined to charge $40 for the spouse and then one price for the children.
Ed mentioned $40 for each dependent and $60 for an inclusive amount for all other children above the one.
This would be about a $75,000 hit to the general fund.
The proposal is $40 for a spouse or a child and $60 for a family and a deductible on each member of the family member of $50.
Chairman Martin said he would prefer the $-0-; but a $40/$60 would be better since the County is being hit extremely hard.
Motion
Commissioner Stowe made a motion that the future cost for health insurance for Garfield County employees remain at zero with a cost to have one dependent at $40 a month and the cost to add any additional be a total of $60 a month for the coming fiscal year. Commissioner McCown seconded. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

Executive Session - Legal Advice Concerning Land Use Issues

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; motion carried.
Don requested that the Commissioners, Mildred Alsdorf and he stay for the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session. Motion carried.

COMMISSIONER REPORT

Commissioner McCown - to be in South Dakota the rest of this week starting tomorrow afternoon about 6:00 P.M., next week BOCC meeting on 11/5/2001, Peer Reviews 8:30 A.M. Room 402 on Wednesday, and a Communication Board Meeting 1:30 P.M. Wednesday.
Commissioner Stowe - Rural Resort - Wednesday 1:30 - 4:30 PM in Eagle; also this week Southside Bookclift Soil District meeting; next week Ruedi Water and Power Authority Board meeting on Wednesday at 5:00 P.M.
Chairman Martin - Update on those Peer Reviews; booked out from the October 30th until the 4th of November.

CONSENT AGENDA

i. Approve Bills
ii. Sign a Resolution concerned with the Approval of the Service Plan for the Landis Metropolitan District No. 1 and Landis Metropolitan District No. 2.
iii. Sign a Resolution concerned with the Approval of the Preliminary Plan for the T.O. Ranch Subdivision.
iv. Sign the Special Use Permit for Logging activity in the Teepee Park area for Norm Carpenter/Intermountain Ranch (a.k.a. Tucker/Frase).
v. Sign the Acknowledgment of Satisfaction Subdivision Improvements Agreement, St. Finnbar Land Company.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda; motion carried.

Resolution - Sheriff - $38,500 Law Enforcement Assistance Fund (LEAF) Renewal

Mildred Alsdorf submitted the renewal Resolution and stated that Don DeFord has reviewed it and advised the Board that everything was the same, it is just a renewal.
Chairman Martin noted this particular grant is renewed nearly every year, it is direct funding in the amount of $38,500.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Law Enforcement Assistance Contract L-33-02 for $38,500 and to authorize the Chair to sign the Resolution; motion carried.

REGULAR AGENDA: PUBLIC HEARING

CONSIDER THE APPROVAL OF THE SPRING VALLEY RANCH PUD SUBDIVISION PRELIMINARY PLAN FOR A 5,948 ACRE TRACT OF LAND TO BE SPLIT INTO 502 RESIDENTIAL LOTS AND 75 AFFORDABLE HOUSING UNITS WITH VARIOUS RECREATIONAL AMENITIES, LOCATED APPROXIMATELY 6 MILES SOUTHEAST OF GLENWOOD SPRINGS, OFF OF CR 114 AND CR 115.

Mark Bean, Don DeFord, Cam Kicklighter, Celia Greenman of Colorado Geologic Survey, Michael Erion of Resource Engineering, Michael Gamba of Gamba and Associates, Bruce Hazzard of Design Workshop, Attorney Jim Austin, Chris Manera of Colorado River Engineering were present.

Don DeFord reviewed the notices, publication, posting, and other requirements in the Regulations with Attorney Jim Austin; he determined they were timely and in order, therefore, he advised the Commissioners they were entitled to proceed.

Jim Austin

Michael Gamba of Gamba and Associates answered the notification questions.

Don DeFord reviewed the notification requirements, submittals of notice to property owners within 200-feet of the property, notice posted, mineral owners and lessees with the applicant representative Michael Gamba of Gamba and Associates. Don determined that everything was in order, timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application with all Addendum's; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Zoning Resolution of 1978, as amended; Exhibit F - Garfield County Subdivision regulations of 1984, as amended; Exhibit G - Garfield County Comprehensive Plan of 2000, Study Areas 1 - 3; Exhibit H - Letter - Glenwood Fire Department dated 7/20/01; Exhibit I - Letters - Colorado Division of Housing dated 5/25/00 and 7/17/01; Exhibit J - Letters - Colorado Geologic Survey dated 7/30/01, 8/23/01, and 9/24/01; Exhibit K - Memo from Spring Valley Development, Inc. dated 10/22/01; Exhibit L - Letter - Michael Gamba dated 9/26/01; Exhibit M - Letter - Liv Bowden, John Mechling - CTL/Thompson dated 10/15/01; Exhibit N - Memo - Cam Kicklighter, Spring Valley Development Inc. dated 8/29/01; Exhibit O - Letter Arthur Darley - Holland/Hart dated 8/28/01; Exhibit P - Letter - Liv Bowden, John Mechling CTL/Thompson dated 8/28/01; Exhibit Q - Memo - Michael Gamba, Gamba & Associates dated 8/29/01; Exhibit R - Letter - Jeff Franke, Holy Cross Electric dated 7/25/01; Exhibit S - Memo - Steve Antohone, Garfield County Weed Management dated 8/6/01; Exhibit T - Memo - Bruce Hazzard, Design Workshop dated 8/29/01; Exhibit U - Letter - Bob Narracci - Eagle County dated 7/25/01; Exhibit V - Letters - Eric Schaller and Kelly Wood - Division of Wildlife dated 7/27/01, 5/22/00, 11/24/99; and 8/31/99; Exhibit W - Letter - Walsh Environmental, Dr. Allen Crockett dated 8/24/01; Exhibit X -Letter - John Dennison, Colorado State Forest Service dated 7/27/01; Exhibit Y - Letter - Cam Kicklighter - Spring Valley Development dated 8/24/01; Exhibit Z - Letter w/Attachments - Arthur Darley - Holland & Hart dated 8/23/01; Exhibit AA - Letter - Pitkin County dated 7/27/01; Exhibit AB - Letter - Jim Austin dated 10/23/01; Exhibit AC -Letter - Hartert & Wilson dated 10/16/01; Exhibit AD - Letter - Chris Manera, Colorado River Engineering dated 8/30/01; Exhibit AE - Letter Michael Erion, Resource Engineering dated 8/28/01; Exhibit AF - Letter - Michael Sullivan - 10/23/01; and Exhibit AG - Letter - Tom Smith - Austin, Pierce, Smith PC dated 10/24/01.

Chairman Martin entered Exhibits A - AG into the record.

Mark summarized the staff report highlighting the project information, major concerns, responses from referral agencies, suggested findings, recommendations; and deferring some comments to water engineering, civil engineering, geological concerns to Michael Erion, Chris Manera and Celia Greenman. This is a Preliminary Plan review for the Spring Valley Ranch PUD on 5,948.277+- acres. The project history includes in the 1980's a Sketch Plan was submitted and approved as part of the original PUD zoning and subdivision application. This request is to amend the existing PUD zone which was approved by Resolution 84-126 and 84-127 and then subsequently amended by Resolution 94-135. The PUD zoning and Sketch Plan allowed for 2,750 dwelling units and a neighborhood commercial center of 150,000 square feet, 35 holes of golf and 3,270 acres of common open space. Since the 1980's a Preliminary Plan was never submitted to the County, yet, the PUD zoning remained in place. For several years the previous

owners worked towards acquiring a water supply plan which satisfied a condition of approval. In 1994, the applicant finalized the water supply plan but needed an extension in order to prevent a lapse of the approval. By way of Resolution 94-135, such extension was granted by the Board of County Commissioners that the golf course be designed to minimize the use of chemicals. An application for a PUD amendment and Sketch Plan was reviewed in 1999, and was recommended for denial by staff based on critical concerns for water, and geology/geotechnical issues and major concerns for internal circulation, traffic impacts and wildlife issues. As such, the applicant chose to withdraw their application to address these concerns and other relevant issues. A subsequent application was approved by Resolution 2000-95, which resulted in a new project described in a subsequent section of this report.
Mark noted an error on Page 3 that the off-district zone district is noted as having thirteen (13) acres, that's incorrect and should be (eight point nine-five (8.95) acres - that was what was revised and part of the PUD approval. The original proposal had a little larger area.
The reviewing agency comments include: Glenwood Springs Rural Fire Protection District included a letter indicating that they have had numerous opportunities to review each segment of the application as it has progressed and feel the design standards are completely addressed at this time; the RE-2 School District did not submit any specific comments to us but the application will be subject to the cash in lieu of land obligation; the Colorado Division of Water Resources had reviewed the application a couple of times and noted that based on their information it is their opinion that the proposed water supply can be provided without causing material injury to decreed water rights and is adequate so long as: 1) the claimed water rights are dedicated to the project and the plan for augmentation is operated according to its decreed terms and conditions; Colorado Geological Survey reviewed and we have received three (3) letters to-date - the applicant has gone back and forth with several letters of comments, the Planning Commission did an on-site review; Holy Cross Electric reviewed the proposal - they will upgrade only after a contract has been completed. Mark gave a description of the proposal saying that most of the development is concentrated at the center of the property, on a plateau. Two (2) entrances into the project are proposed - one about 1/4 mile east of the intersection of CR 114 and CR 115; and the other on CR 115 at Landis Creek which is a deeply incised perennial stream. The project proposes to create the following: open space - 1,273 acres; open space/golf - 428 acres; golf clubhouse - 22 acres; residential ranch lots - 2,981 acres; residential meadow lots - 134 units; residential golf lots - 171 units; residential cooperative ownership cabins - 75 units; residential duplex town homes - 30 units; residential/duplex mixed use ; office, metro, utilities and institutional 75 units for a total of 577 units. Included in the total of 577 dwelling units is 20,000 square feet of commercial space and 75 affordable dwelling units included in the Residential/Commercial/Mixed Use (Village Center) District. Two fire/EMS stations are proposed within the Metro District. The project proposes six (6) phases to be started in April 2002 and to be completed in April 2008.
Road Impact Fees - the applicant has obligated to provide $2.4 million dollars to the County for off-site improvements - this is in excess to the road impact fees required under our existing impact fee system, but they were voluntarily agreed to by the applicant.
In terms of phasing, the applicant included a phasing plan - a six year Phasing Plan and as a part of one of the issues, as part of Phase II all roads necessary to connect all Phase II lots - Ranch and Estate Lots at the proposed Landis Creek entrance need to be completed before commencing Phase III; another issue is in addition to the Club House area, the original approval required that it should be a part of Phase I since the golf course can be completed in Phase I - the applicant has noted that the golf course will be started in Phase I but will not actually be completed and actually playable until Phase II - it will only take one year to build the Clubhouse, therefore it will be necessary to start the Clubhouse during Phase II; staff suggested that if this modification is going to be approved, that this condition of approval be modified at the same time the request to modify the issue related to the emergency boundary is addressed as a part of any PUD amendment approval.
Affordable Housing Units - 75 have been proposed to be provided - they were not obligated as a part of the PUD since there was no increase in density as a part of this PUD and they were not subject to our Regulations, so this is voluntary on their part.
Mark continued with the number of units proposed.
Recommendation:
The Planning Commission recommended approval of the proposed Preliminary Plan, subject to meeting the following conditions of approval:

1. That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission or in the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. As per Section 4:34 of the Subdivision Regulations, Preliminary Plan approval shall be valid for a period not to exceed one year from the date of Board approval, or conditional approval, unless and extension of not more than one year is granted by the Board prior to the expiration of the period of approval.
3. Valid well permits for all proposed wells must be obtained for all of the wells included in the water supply plan and copies submitted to the Planning Department prior to any Final Plat approval.
4. Prior to the approval of any final plat a noxious weed inventory of the area of the property covered by the plat will be submitted to the Garfield County Vegetation Management office. A more specific planting schedule, along with quantification of the acres or square footage of surface area to be disturbed and revegetated needs to be developed. Include reclamation cost estimates for seeding, mulching and other factors that may aid in plant establishment as part of any final plat application and include revegetation security to hold until vegetation has been successfully reestablished according to the County's reclamation standards. Additionally, a Soil Management Plan needs to be developed for the project and submitted with any final plat application.
5. The developer include as a part of the obligations of the development's private security to enforce the at large dog and cat restrictions included in the covenants and that the covenants be amended to include language recognizing the authority of the security personnel to enforce the regulations.
6. The following plat notes will be included on any final plat:
   "One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."
   "No further divisions by exemption from the rules of Subdivision will be allowed."
   "Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."
   "All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."
7. School fees, in the amount to be determined for the number of lots depicted on any Final Plat submittal, as per the formula in Section 9:81 of the Garfield County Subdivision Regulations, must be paid.
8. As per Section 4:34 of the Subdivision Regulations, with regard to phasing, all lots must be final platted within fifteen years.
9. Per the comments from the Division of Water Resources: (1) the claimed water rights are dedicated to the project, and (2) the plan for augmentation is operated according to its decreed terms and conditions.
10. The applicant will upgrade the electrical facilities, but only after the developer has entered into a contract to do so with Holy Cross Electric and at the developer's

6. expense.
7. 11. There will be an additional monitoring well developed or identified that is at least 2000 feet from the production wells. Either a new well or an off-site well meeting those criteria could meet the criteria. All of the monitoring reports will be available
8. to the public.
9. 12. All residential lots will have controlled irrigation and that individual well development be prohibited completely.
10. 13. Well water usage be restricted on agricultural lands and that well water only be used as a supplement source for golf course irrigation in the event of a shortage of surface water supplies.
11. 14. Wastewater reuse be encouraged to minimize the quantity of groundwater withdrawals.
12. 15. All lots that will require booster pumps or pressure reducing valves need to be noted on any Final Plat and in the covenants.
13. 16. It is also recommended that the applicant's engineer confirm that all nodes with residual pressure of less than 20 PI will not affect fire hydrants or individual
14. residences.
15. 17. The Homeowners Association must hire at least a Class C operator to operate and
16. maintain the proposed Ranch Lot ISD systems.
17. 18. missing
18. 19. The design guidelines need to include Best Management Practices which minimize directly connected impervious areas for storm water runoff within individual lots.
19. 20. The debris flow/retention structures detailed on Sheet D-15 need to be located on the drainage plan sheets, including the proposed size of the structure.
20. 21. The dam break failure analysis for an enlarged Hopkins Reservoir must be incorporated into the drainage plan in a manner adequate to prevent damage or potential loss of life or structures with the subdivision.
21. 22. Plat notes and covenants need to indicate that all lots will require a site specific geological and geotechnical analysis for any construction.
22. 23. Prior to construction, wetland areas need to be clearly marked and fenced.
23. 24. A maintenance and repair plan for the internal private road system must be included in the covenants for the master homeowners association.

24. Michael Erion, Resource Engineering - did the technical review of the civil engineering aspects of the proposed project. Comments were outlined in August 28th letter after a day-visit of the site had been conducted with the applicant's engineers to look at a number of areas where he had concerns. They also looked at the proposed improvements along the County Roads as they drove along. The water distribution system - what they have proposed will provide an adequate municipal type supply for the project. Some small items were noted in his letter. He further addressed debris flow and issues related within the drainage flow plan; Hopkins Reservoir as related to a specific dam break; drainage - specific considerations; geologic hazards and soils - all lots do have individual drainage plans designed by a professional engineer and added that all of the lots should have geological analysis - foundations for ISDS systems and the reason for that with respect to groundwater - this is insignificant from all groundwater up there - some situations there where poor location of the ISDS with cut and fill could be an issue - need to be located and reviewed by geologist. Specific R68 - building site - landslide area - needed to be moved and smaller - discussed with applicant - they concurred - low lying pond issue created by old landslide - needs positive drainage for wetting of that slope - man made hazard - recommended in Phase I - clean it up - road cuts through R68 - ultimate bench fill - applicant may want to take care of it now - respect to wetlands - clearly marked and cleared off during construction - road impact fees - proposed plan exceeds their required impact fees. Michael drove with the applicant’s engineer along the roads - a reasonable way to use the funds allocated. The CMC intersection is inadequate now and will be in the future - several cul-de-sac areas do exceed County standards - issues have been discussed with Sheriff and Fire Departments - only be allowed by approval of those two entities.

25. Chris Manera, Colorado River Engineering - Water Rights and Issues - 577 residential units, commercial uses and parks, and green belt irrigation. 695 EQR’s adequate. Decreed Wells - potable system - sufficient water to support - depleted effects to the Colorado River - paid back by acre feet allocated to Landis Creek. Ditches - available for irrigation - Hopkins Dam available to raw water system - physical

supply from Landis Creek cannot provide the needs to the golf course - the plan does allow for supplemental water from the main wells on the property. Review of the Case 87-CW155, there's also available augmentation credits to cover the use of those wells for the raw water system also. They noted in their review that in the past the Division of Water Resources has issued well permits for the Spring Valley Wells and those well permits in this application had expired and recommend that those be required as part of the final plat submittal.

26. The physical availability of the wells to supply the project have been reviewed pretty extensively and there was a well drilled in the late 70's and tested twice; there's also a well drilled approximately one and half years ago that was tested for over a two week period - both wells exhibited instantaneously yields in excess of two-hundred gallons per minute. This shows that there are yields available that could meet the project needs. He continued to summarize the groundwater use - the applicant agreed to monitor - additional well from the production well to review the draw down and available to the public - control the outside uses - limits irrigation uses - all the lots be included with the irrigation limits - application indicated - addition of golf course - agricultural uses. Recommended well water use be used as a supplemental use only for irrigation. Priority system for irrigation - reductions include fairways - water reuse.

27. Chairman Martin inquired as to the definition of extreme drought and the monitoring system.

28. Chris explained that this would be equivalent to a year like 1997 and two years in the 1950's that were classified as extreme drought. Without having site-specific data, we just can't nail down how much physical surface water is available at the site - no base line data. Chris said it is to be monitored by the Service District with results being forwarded to the County and this would be paid for by the District. He also addressed well permits do not include livestock - application as to horse facilities with no limits; it is all based on a residential equivalent system - tracking will be done and balancing with what water rights they have. District monitoring on ISDS Systems should probably be the District rather than the HOA unless they are contracting with the District.

29. Commissioner McCown - In Case No. 87-CW155 is the case that gives the adequate water supplies and the adjudication and how it will all take place, is there any stipulation that the Landis Creek and Hopkins Reservoir sources must be depleted prior to kicking in the wells for irrigation purposes?

30. Chris said there was nothing in the water rights.

31. Commissioner McCown - so basically the Landis Creek service and Hopkins service could be totally ignored and everything could be irrigated out of the wells?

32. Chris - it could to the extent they are on the augmentation credit limits per square footage.

Celia Greeman, Colorado Geologic Survey - there's some surface water on the sites that probably initiates from some streams and springs above and when she walked the site with the consultants, there was a substantial amount of standing and flowing water that was observed. There has been no attempt to estimate what ground water regium is doing in that situation. Mike Gamba has said that the plat notes could include some language that would state that high ground water conditions may exist on certain lots and should be mitigated. Some of these lots receive site specific investigations from CTL Thompson noting flows can be mitigated with foundation drains or with interceptor drains. What should be done up front and what should be left for HOA to deal with is a question she posed. The groundwater is a flag and should require more investigated work - installing some PIS monitors so that ground water conditions could be monitored over a period of time. There were a couple of borings placed in the golf-course area but borings were drilled in a dry time of year - December and February - this may not be representative of the wetter time which would be in the Spring and Summer. Preliminary Plan approval should be contingent upon more investigation on the groundwater and based on results some comprehensive planning on these lots could be initiated and would not be the responsibility of the individual homeowners. The applicant wanted to leave it to the later stage when designs for the individual homes are known and they can design individual foundation drains. She also noted that high groundwater in the subsurface tends to decrease the soil strength - no unstable slopes but when cuts into the hill side are done it could happen. Rock fall - the slopes should be scaled for loose rocks and there are some loose rocks below the roughed in roads that should be taken care of. Lot R68, the building envelope some have some language in the plat notes that states regarding the lot being smaller; and lastly she was given a sample of some conditions that could be included for the Preliminary Plat as plat notes and suggested the addition of a geological hazard study of the individual lots that were discussed by site specific investigations by CTL Thompson - just having a geological report done sometimes does not always address the slope stability issues.

1. Applicant Cam Kicklighter President and Tom Smith Attorney with Austin, Pierce, and Smith gave a brief update with respect to Atlantic Gulf Corporation.

2. Cam - Very confident today - address all the issues - primary concern - prepared to make a presentation on all or some of the key issues - based on comments to the staff - they could proceed with water and traffic as questions arise, this is up to the BOCC - also prepared to address the conditions from P & Z and inquired of the Board just how they would like them to proceed? Key consultants and graphic to assist the BOCC.
3. Chairman Martin - roads and transportation - Nickadee Recommendations
4. Cam - these issues came up in the PUD hearings both at Planning and Zoning and the BOCC - they did address this and had supplemental reports on the impacts of the roads adjacent or potentially impacted - outcome was that the conclusion by P & Z - no additional conditions other than the conditions which was in PUD that gave allocated the $2.4 million to the County to use for road impacts as they deemed appropriate.
5. Mark said, the proposal now is an application not to use any other road improvements other than to Hwy. 82 and CR 114 .
6. A lot of discussion was held with respect to road improvements, who would do, mentioning of CR 115 - Red Canyon Road, CR 110 just below the CR 114 intersection, and additional counts on CR 115 east of the project, also the frontage road at Cattle Creek.
7. Dave Hatton - submitted a response saying they did subsequent counts in the Fall of 2000 that included additional counts on CR 115 east of the project; CR 110 just below the 114 intersection and also a turning movement account during the morning and peak hours on CR 113, CR 110 and the frontage road at Cattle Creek CR 113. He summarized the December 14th letter of 2000 saying they found that the count on CR 115 east of CR 114 is 165 vehicles a day; CR 110 to Hwy. 82 and CR 114 and CR 115 vehicles per day were also done and an analysis between Landis Creek using the alternative route CR 115 which is really much slower and the distance deemed to be shorter showed no time saving therefore they concluded that less than 50 vehicles per day might use CR 115; using the short cut of CR 110 using same procedures they showed 150 vehicles might use this but neither one of those represent an alternate than using CR 114. Cam - reiterated that their proposal is to fully dedicate 100% of the $2.4 million to CR 114 and they do have a graphic illustration that explains the improvements. He referred to Michael Gamba for explanation.
8. Michael Gamba showed videos of the proposed improvements on CR 114 to Hwy. 82 with three lanes all the way, with a widening of the road all the way up to both entrances to the project - 20 to 22 feet just beyond CMC and then a graveled road proposing 20 feet of asphalt with 2' gravel shoulders. and that would extend all the way from the 3 lanes to the Landis Creek entrance. At the area of the intersection of CR 114 and CR 115 - this is currently a ‘Y’ with no traffic regulations and they are proposing to turn that into a T-Intersection with the through traffic being CR 114 to the eastern leg of CR 115 with a portion of CR 115 teeing into CR 114. And also proposing a condition of Nichadees left turn lanes at the entrance to the village, a left turn at the intersection with CR 115 as well as a left turn lane at the intersection with their main entrance and continuing the paved improvements another several hundred feet past their main intersection. At the Landis Creek entrance, we are terminating the paved improvements immediately to the west of that entrance. They are also proposing slight modifications of higher design speeds and making it a safer road. 40 miles per hour design speed from Landis Creek; 35 miles per hour to 40 miles per hour to CMC and down to the large turn, making improvements to the switch back to a true 25 miles per hour turn, 2 to 3 bends in the road will be posted at 30 miles per hour.
9. Chairman Martin inquired if the $2.4 million will pay for all of the proposed improvements and the purchase of additional right of way.
10. Michael said it will for the most part and he explained that some of the BLM property on the big switch back will necessitate them having to go through the BLM permitting process - need to be worked out prior to Phase I with approximately 2 years to get that issue resolved. They are alternatives involving some private property however these could be negotiated and pushed to the south east, a few other locations where alignment being proposed is outside the existent platform. The County really doesn’t have a platted right of way - from fence line to fence line on the top to fill some right of way - they're within the platted right of way and are staying within - elsewhere of the prescriptive right of way they will discuss with the owners of the Sod Farm - go through Lake Springs Ranch Project. High County Engineering are proposing some better alignment - and will give Spring Valley some additional right of way - it is a question mark as to cost - the construction cost is $2.4 million - how they will address the remaining segments of CR 115 are beyond the frontage property and must remain unpaved and rough as is - obviously that's what they have proposed - install channeling devices with selective signage on CR 115 just west of the PUD to discourage use of the Red Canyon Road as an alternate, alternative access to State Highway 82; the one that was their understanding during the PUD meeting, it was not the intent of the Board to make

that a requirement - that was to establish an additional fire emergency access along the east property line to improve response to larger lots. This is private property and they do not have the condemnation rights to force an access through some other private property. This was discussed at the PUD hearing and it was their understanding that this was not the intent of the Board to require such a thing. They provided an emergency route that would connect the end of a cul-de-sac in the middle of the Ranch lots to the existing Landis Creek Road to serve as an emergency access.

11. Michael said that Martin Berkley requested an unimproved 4-wheel drive road access easement across the alignment to their property - Spring Valley did agree and it is shown on the plan.

Improvements at the intersection of Hwy. 82 and CR 114 as to C-DOT's recommendation were addressed. The intersection is adequate - not below a service D which is unacceptable. They are proposing to improve what they perceive as a safety hazard only.

Mark indicated that traffic studies do not show an increase to the frontage road - the county was or will be intending a master transportation plan with C-DOT but it is not budgeted. Along with other proposed developments they will sit and actively participate in those discussions.

Other issues raised included: public access through the equestrian center, rounds of golf available for the public, drought issues were addressed by Bill Lorah and Liv Bowden of CTL Thompson; wildfire mitigation, dust mitigation. Best Management Practices, storm water management, ISDS on Ranch Lots regarding no impacts to the acquifer - recommended individual septic systems - provided in Exhibit 26 - a FAST system and it treats the affluent the as same as a central system - a typical leach field - the percolation date is applicable to these systems; connecting to the closest central wastewater plant is miles - Spring Valley Sanitation District - it was reviewed and determined not feasible.

Chris Thorne, Lawyer - referenced the impact on issues of drought, livestock - working with Hollard/Hart and Bill Lorah of Wright Water Resources - regarding ground water monitoring - who will oversee - a history given - Wright developed a plan to monitor - Nov. 2000 - Spring Valley continued monitoring - the Metro on wells inside the property - Spring Valley invited by other major ground water users Los Amigos, CMC, and Lake Springs - Berkeley Limited Partnership - all agreed to monitor - Basalt Water has agreed to monitor collect and report - up and running - data available to public - other well owners are encouraged to participate - additional data that can be developed. Basalt will oversee and not Landis Creek - no single family owned wells.

Commissioner Stowe - inquired as to the cost to participate ?

Chris Manera - not sure.

Bill Lorah and Ran Samuelson addressed the cost to participate and also mentioned there was about 50 wells with a depth of 300 ft. but domestic wells are much shallower.

Chairman Martin - inquired on the dry wells at 800 ft., are there any plans if Bill Lorah is right and nothing goes wrong, just in case any backup plans for wells that go dry.

Chris Manera - none specific - that’s why the groundwater study with Basalt - down the road accumulative impacts, if they show up, the Metro District and landowners will need sit down and work out a plan.

Chairman Martin said he expects to see a plan - it happened before.

Cam - said there would have to be a cutback or roll back plan and this would be put into effect - it would have an impact on other wells.

Chris - it would have an accumulative impact - the players sitting at the table with the most at stake and the ability to address it. Livestock watering that the wells included in their decrees 84-WC12 - and alternative diversions of 1957 priority data and for stock watering - each well as a '57 priority for livestock watering - the equestrian was included in the commercial aspects of the property.

Chairman Martin requested that Chris Manera give more information related to extreme drought. Chris - related to concerns extreme drought - definition was referred to Bill Lorah - the issue is water supply - 2 elements - water there and do you have the water rights to take it - the legal rights are present - the drought is usually defined on a frequency basis and in a probable sense - the 100 yr. flood is a frequency - one in so many years - this part of Colorado every 22 years - used the 22-30 yr. drought frequency - stream flows - Spring Valley is on groundwater, if on a surface stream you want a reservoir - there is the Spring Valley acquifers - basis 80,000 feet of acre feet storage - the Chenoa development will have a depletion of about 300 acre feet per year - a large reservoir to work from - pump tests and observations - they believe that 5,000 acre feet per year of participation's actually goes into the ground water and a 5,000 renewal into the acquifers system - changes from year to year, the new depletion proposed is 300 acre and Chenoa will deplete 500 acre feet per year.

The scenario of what happens in a drought year was explored - only 3,000 acre feet enter - in the wet years - same as a surface reservoir - no participation - they asserted they will still have adequate water for Chenoa and all the residents.
Chairman Martin - focused on the ones at the lower levels near Hwy. 82 will suffer first. This is his concern - want to take all those wells and a plan to make sure those residents at a lower level will be guaranteed water.
Chris this is not going to be apparent - no indications it will happen - based on consultants - won't occur - suggest that we have the ground monitoring and Basalt - that's the foundation for cooperative efforts to address down the road.
Attorney Tom Smith - emphasized that Spring Valley is not the only user - other individual and institutions like CMC and others - the point is - if based on unforeseen circumstances it is everyone problem - the letter from the State Division of Water Resources obtained in 1991 required a finding that it would not cause a legal material injury.
Chairman Martin - addressed zoning under the conditions of approval, mapping amendments, and preliminary plan and read from the Spring Valley 2000-95 Resolution where conditions of approval under (1b) (1c) and (2d) addressing a cemetery use by right - asked where it is - the County and City are looking for a parcel to provide for a regional cemetery.
Cam noted in was in the office district zone.
Chairman Martin - noted that the zoning could be updated.
Cam - response - the office district area was reduced from 13 to 8.5 acres - the acreage was added to open space; he also committed to no short-term rentals on the ownership cabins saying they are for open market sales. He added that these will be fractional owners that will rotate use by selected times of the years - they will be required to check in - it is a time share and has a fixed - fractional owner list who have specific weeks every year - not a fixed interval - selected. These cabins can have up to 4 owners - each cabin with 2, 3, or 4 owners will select a certain period of the years but not a fixed date over the years - can be determined per year as to season.
Chairman Martin referenced the Resolution 2000-95 conditions of the Club House in Phase I that is now in Phase II - would that be a request to amend?
Cam - at the time the completion of when the golf course would be ready - over a course of 2 years and complete the club house in one year - makes the most sense to start in the beginning of the second year so it would be completed.
Chairman Martin - requested a legal opinion since it is in original agreement - would this require an amended PUD.
Don - Yes, Mark has recommended that and it requires an amended PUD.
Chairman Martin addressed the private landowner, Lois Veltus who also had an access - the agreement has been in place prior to the 2000-95 Resolution. He questioned when this access was done away with, this agreement did not go away.
Tom Pierce - addressed the 2000-95 Resolution mentioned it was replaced entirely. Also that there were other reasons to put that question aside - there is no basis to grant an access easement for a private easement only.
The following individuals gave testimony in the public hearing:
1. *Lois Veltus* - 6651 CR 115 - impressed with the endurance since this was presented in 1983. Her late husband, Bob Veltus, agreed to the access and it was included in Resolution No. 84-127. She had comments and questions regarding access from her property to the proposed PUD.
2. Chairman Martin - suggested that she submit a memo for the Board to review.
3. Lois Veltus letter read into the record was entered as Exhibit - AH.
4. *Jim Austin* - 3726 CR 115 - read into the record a letter addressing three (3) items from the 1984 Resolution regarding water and exterior lighting saying these were approved in 1984 and reaffirmed in 1995 - both were contingent upon access as an offsetting benefit. He referenced Resolution 2000 - 95 saying that it provides that any modification to water be required - application 98-CW256 - not sure what for - the applicants have been clear and adamant as to their water and the potential of effects from the development.
5. *Eric McCafferty* - 30 Cedar Crest Drive - addressed the previous recommended conditions of the PUD and some additional concerns - he gave justification for the Board to make a decision of denial. His concerns were of a geological nature, the wilderness cabins - there is no prohibition in the zoning plan - these same men here today may not be the ones before you tomorrow and the analysis being made today

does not include vacation use on a short-term basis; also the use of roads; additional goods and services not provided - emblematic, such as Best Management Practices; vehicle speeds - shall not exceed 25 miles per hour but there is no agency devised to enforce to make sure this happens - it's in the application and should be a mechanism to enforce. No earthworks when wind exceeds 30 miles per hour but again there is no agency to enforce; water quantity - nothing about the water quality - no mechanism of who, what, enforced down the road - if others water quality or quantity is affected - not knowing the extend of water quality, he could find absolutely no mechanism of who that would be, how that would be, how it would be overseen and how it would be enforced down the road. Additionally, in the event that water quality is affected, no remediation program has even been contemplated, it may seem premature because you don't know the extent of the water quality degradation, but these items are what make a good plan and they are devoid in this plan; and in regard to ISDS - looked at Binder #3 and all he could find was a large scale map showing 10 or 11 locations where I presume a perk test was done - no where in the binder was the results of the perk tests or other criteria that meets Section 4.02D of the County's Subdivision Regulations which would include the soil percolation test, measurements of seasonable ground water levels, and depth to bedrock measurements. It's possible these exist and he just didn't find them, but if they do not exist, they've not met the letter of the intent of the County's Regulations.

6. *Pete Simmons* - 6000 Red Canyon (CR 115) - it is our privilege as Americans to address issues and we expect the County Commissioners to be honest and live up to obligations they take on in this position - also expect you to make decisions - right the facts if we mislead you - he said he wrote down the important things and submitted them to the Board.
7. *Chairman Martin* entered Pete Simmons remarks as Exhibit AI.
8. *Pete* addressed the right of ways with respect to CR Roads 114 and 115; the $2.4 million the developer has agreed to contribute as road impact fees; water, saying it is very important and Chenoa has submitted 62.7 pounds of reports on water within the Chenoa PUD, a lot of data has been summarized - the prospective reviewing divisions have reviewed the submittals and ok'ed them with no problem related to allowing this development. With respect to the water, even looking at the prospects of a ten year draught (of which there never has been one), the Spring Valley aquifer is more than sufficient to meet the needs of the entire Basin. It should also be noted that the PUD was originally approved in 1984 for 2,740 homes for this same parcel of land in Spring Valley - that development would have consumed 5 times more than Chenoa is proposing.

Michael Sullivan - 380 CR 115 - made four (4) points: 1) water and how this can affect all the citizens of Spring Valley claiming that looking at the worst case scenario, Chenoa will suck thousand gallons of water from the resident's wells and he referenced Section 7.04 of the Comprehensive Plan saying "development must mitigate the affect of water. He believes this development is an inappropriate one and will have adverse affects - he believes Chenoa developers should supply taps to existing residents when the effects on the existing water users are affected. He also noted that Atlantic Corporation is currently in bankruptcy and this should come out before they build. He questioned the lack of Red Canyon Road being included in the plan and hopes for a transportation system to be designed that will appropriately handle the transportation needs. A major egress point is less than one (1) mile from Red Canyon and a 5-year plan for the County Road and Bridge should be made and a portion of those expenses attached to the Chenoa development to fund the project. Presently the CMC and Hwy. 82 intersection is a disaster and with the additional homes it will bring a total of 12,000 vehicle trips per day - this will be a problem in the future - all Chenoa is doing with their plan is maintaining a level D of service

Cam Kicklighter responded to the concerns mentioned: the Veltus property has some legal concerns and showed a slide - Ms. Veltus property is contiguous to the Chenoa property - her property is improved with a single family residence and it has access. Chenoa does not impact the access to this property and does not make that access any more difficult nor make the need for alternative access any greater than it may already be. The request being made to the Commissioners for an additionally access point in the northwest portion of this property would be for future development of the Veltus property not for its current uses. Access is a private matter and there is nothing in the County Regulations that says a developer has to grant a private access easement to a neighboring property owners. The issue was raised by two neighbors, he explained an exhibit he had sent to the County focusing on if we were to look at conditions of prior approval in Resolution 2000-95 and said they are part of the PUD Amendment and Zoning - they are not separate from it. The rezoning is subject to all the conditions in the 2000-95 Resolution.

Chris Thorne - mentioned the water court application, the supply plan is completed - reviewed by the State Water and it was deemed to be adequate and approved by the County Attorney.

Tom Smith - added that as to compliance with water quality, this has been fully addressed and there are no suggestions that this will affect water quality.
Michael Gamba - on the ISDS tests - percolation tests were applicable to all of the standards - as said before, no results of the those tests indicated than a conventional ISDS system could not be used.
Tom Smith - spoke with respect to Michael Sullivan's comments on water concerns and the Red Canyon Road. He reiterated that the water experts have indicated that there will be no impacts to the water. And, with respect to Red Canyon Road, said they expressed a willingness for the County to use their dedication of the $2.4 million to do whatever the County deems the best possible use. Further, the County did not included CR 115 in it's capital improvement road plan and without contributions from the County or other projects this $2.4 million would be a mere drop in the bucket. As for Hwy. 82 and CR 114 Intersection, they are committed to finding a solution but all the problems will not be caused or solved by Chenoa alone.
Cam Kicklighter concluded the applicant's response and suggested they answer questions.
Commissioner Stowe inquired as to their confidence level of not causing injury or shortages to the existing landowners water, and asked why aren't you willing to provide taps - don't have to put taps but allocate for them just in case. He emphasized there would be no risk by saying you'll give them a tap.

1. *Chris Thorne* - responded from a water standpoint, the courts decreed the water and this is included in the plan before the Board today.
2. *Cam* - added that this part of the water plan was based on supply and demand - seeking two additional decrees to enhance their water - would be if they can go through the courts to do so - State requirements of EQR's - they think they will be successful through the Courts and could do what they are proposing.
3. *Chris* - part of the intention was to include those applications in the water supply plan - Garfield County said that only decreed water plans could be included so they scaled back.
4. *Commissioner Stowe* - asked them to entertain this willingness should their wells go dry.
5. *Cam* - water taps could be supplied and the landowner would pay for the physical line to get it to their line as well as the cost of ongoing maintenance.
6. *Commissioner Stowe* - had a question with respect to the Veltus request of an access easement to her property and asked the applicant if they would be willing to provide this and honor the request.
7. *Cam* - yes, he would be willing to negotiation with adjacent owners. The basic concern was if they harmed anyone or denied an access - in this case, Lois Veltus - her access if good and valid and no impact - they are open to any discussions - it's hard to determine at this point.
8. *Lois Veltus* stated the originally when the Spring Valley Development was before the County, it provided for access - the easement was there at that time.
9. *Commissioner McCown* - asked if the three additional lots owned by Ms. Veltus would utilize the new access if created and the one present.?
10. Lois Veltus - stressed that her access had been granted and she requested that access be honored. She agreed that the additional access would probably have a positive affect on her other three lots.
11. *Cam* - expressed that we'd be willing to sit down and discuss alternatives and negotiate in good faith and address concerns.
12. *Mark* - indicated that Celia Greenman would like to see additional conditions regarding geological concerns and her preference would be to have these included before approval.
13. *Pete Simmons* - Commented on the Veltus request for an access easement based on his prior experience and spoke favorably that Chenoa has gone overboard and hopefully when they approve this they will not to give her this easement.
14. *Chairman Martin* sworn in the speaker since she was at the hearing when this was done.
15. *Linda Bishop* 02663 CR 119 - they are down on the Glenwood side of Spring Valley, and already this July their well was dry and had Ron Samuelson come out and he said the entire acquifer in her area was going dry because of the three years of draught and that he's been to many other homes and that's the same situation. This is a big concern to her. She has one acre of outside watering for the 40 acre parcel; they don't water it all and they have horses and just fill their water troughs. Their well services three homes.
16. *Don DeFord* - asked the applicant a couple of questions: referring Binder I Section 5 - their responses to the Resolution on PUD - this is the question of road improvements and CR 114. In the applicant's response they indicated they are recommending that 100% of the $2.4 million dollars be devoted to the CR 114 improvements - are they actually proposing that if the Commissioners agreed to that 100% that they would build the improvements or that they will give the County the money at each Phase for the County to build the improvements? -

17. *Cam* - responded that they were under the assumption that this would their responsibility to fund it and build it under a contract in accordance with the plans and specification as set forth - providing the money to the County has not been previously discussed to his knowledge. They will built it according the specifications both at Preliminary Plan and Final Plat and to spend those funds accordingly.
18. *Don* - clarified that they would rebuilt CR 114 as you proposed in Preliminary Plan regardless of the cost?
19. *Cam*- that's correct.
20. *Don* - if the Commissioners do not chose to devote 100% of those expenditures to CR 114, how would they proposed that the County would receive the benefit of those funds?
21. *Cam* - have they discussed alternative plans?
22. *Don* - you were proposing that all moneys, in the first part, the condition on the PUD was that all moneys may be utilized by the County Commissioners for road improvements on roads impacted by the development. He assumed that he meant the Commissioners could use the estimated costs for those improvement on 113, 114 or 115 at their choosing.
23. *Cam* - that's correct.
24. *Don* - so if the Commissioners did choose to do that rather than devote all of the resources to CR 114, when and how would the County receive those funds.
25. *Tom Smith* - since there hasn't been a response to what they proposed, they haven't gotten to that point.
26. *Don* - said the staff needs to know that a Final Plat on what to require in their SIA.
27. *Tom* said they would assume that before Final Plat this would have been resolved.
28. *Don* proposed they resolve it right now.
29. *Tom* - then there would need to be a response to their proposal. He suggested that as a Condition of approval here that the allocation of funds to CR 114 or to other roads would have to be resolved by the BOCC at the first Final Plat review.
30. *Don* - does not agree with that.
31. *Chairman Martin* - under 1A which they are talking about, it says that this will be resolved before we go forward and this is part of the motion and the conditions of approval and says that you will work with staff and supply that information on how it best be used and it hasn't happened.
32. *Tom* - it has and they proposed to use that money on CR 114.
33. *Don* - agreed it was in their proposal and wanted to make sure that's in there.
34. *Chairman Martin* maintained he hadn't had any response from staff, no engineering, no feedback from the consultants that this is the best use of CR 114 and therefore he couldn't make that determination.
35. This issue was discussed fully.
36. *Don* - CR 114 improvements with the applicant's response to the conditions of the PUD, the applicant indicated via improvements would be split in three Phases and asked for clarification.

Mike Gamba- what they are proposing in Phase I is to improve the road from the end of the asphalt just pass CMC all the way into the main entrance of the project; in Phase II they propose to improve CR 115 up to the Landis Creek entrance and in Phase III they are proposing to complete the alignment all the way back to Highway 82.

Don - on the same improvement question, asked if it would be necessary to acquire any private property to undertake the improvements they are proposing.

Michael - as proposed in certain locations yes. With the Lake Springs Ranch, the current alignment stays within the prescriptive right however they are proposing to giving them some additional right of way to improve the alignment through there - there are two deficient curves that would have to be signed at less than 40 miles per hour - the proposed conveyed right of way would be to provide a better horizontal alignment through that stretch. All the way back to CMC they are within the prescriptive right of way, the one specific spot he's aware of that they are out of the prescriptive right of way is on BLM property. If they do have options to push the curve further out and negotiate with private property owners, as we go down the hill there are some other minor spots out of prescriptive right of way; if there is difficulty in getting additional right of way, they can still accommodate that it would just mean a lower speed curve at that particular point.

Boots Fergerson with Holland/Hart - when the BOCC approved the Landis Metro District the service district included as part of its obligation the responsibility for the oversight of the maintenance in compliance with maintenance obligations for all ISDS within the property. All of the Ranch lots were included within that district, the only other waste water issues that were included were the obligations they

otherwise have to construct the facilities that will eventually be conveyed to the other sanitation district. It's always been contemplated that the service would be provided through the district.
Chairman Martin inquired as to where the cemetery was - it is a use by right in the cemetery, it is listed.
Cam - in Exhibit 3 - the institutional site, is about eleven (11) acre site and is near the Village Center and proposed main entry. This is the proposed church or cemetery site.
Don - one technical question - in terms of the fractional ownership, will these be separately deeded.
Cam - yes.
Water
Lois Veltus emphasized once more that she had the access to her house since in the seventies and her point was that she had this access when the Spring Valley Ranch Company freely granted me and adjacent property owners the easement and accesses to the road.
Chairman Martin noted that the applicant stated he would negotiate with Lois on that particular issue.
Jim Austin - one more clarification to determine if he understood from the applicant that if they do get their two additional water applications granted by the court that they will in fact offer taps to all adjoining landowners?
Cam - there are two additional decrees that they are pursuing through the water court system - but we believe that those additional decrees allow us the additional capacity that is not currently in their application - this application is sized specifically to our community - and to arbitrarily allow additional taps, although we are extremely confident the supply is there, it would upset the mathematics and how the State reviewed the process, etc. Therefore they didn't want to go back to that even though they are extremely confident that the water supply is there. With these two additional decrees that would give them the capacity to do this.
Chris Thorne - two additional thoughts - this discussion came up in the context of a well going dry and that being caused by Spring Valley well pumping. What Cam is saying is to the extent that someone can demonstrate that Spring Valley's well pumping has caused their well to go dry, he's willing to allow them to tap into the system if they pay the fees and service charges that the District charges.
Cam - one of the other unknowns that Bill Lorah addressed was that there is the potential that if somebody's well does go dry, it may be the result of a neighbors well that caused the well injury, and Chenoa may not be the cause - so they wanted to have some mechanism to in fact determine that they are the cause when there could be other possibilities. But, they are prepared to do this. it could be a well to well injury and need some mechanism to prove they are the responsibility party.
Cam - this is assumed to be for existing wells up there today.
Yes.
Don - in terms of, do you have the ability to commit the District to allow those taps? The water rights will be transferred to the Metropolitan District won't they?
Boots Fergerson - they could easily accommodate that with a condition of the conveyance of the water rights to the District from the developer.
Don - with the existing court cases, will those - any rights obtained through those be transferred to the District?
Boots - That's what is anticipated.
Don - Will that happen?
Boots - they are out there and they are not decreed but the intent is that when they are decreed, they would be transferred to the District.
Don - so, if you prevail, you will transfer those rights to the District then?
Boots - that's right.
Don - and then can the District commit to out-of-district service without an amendment to the service plan?
Boots - as I recall, I don't believe we need an amendment to the service plan - it wouldn't generate an amendment to the service plan if there were annexations into the district of additional properties, but he will review this because he doesn't recall specifically looking at that specifically. No, actually we can do it because they contemplated the service, water and sewer and other services from the district for the affordable housing component and the Village Center which are outside of the District, so they did include that, the ability to provide service extra-territorially and separate and apart from an annexation. In most of these instances that annexation is not something that's desired by these well owners.
Don expressed the reason he was concerned is that if this becomes an issue, it's likely to become an issue later when the people sitting in front of the Board no longer control the district and he wanted to make sure

that the service plan today would permit and indeed require the district to provide the service they are committing to right now.
Boots suggested that he would review the service plan, get with Don on this to the extend that we need to amend the service plan at this point and if so they will prepare an amendment and bring it to the Board accordingly. However, he said he feels pretty sure they have the capability.
Don confirmed that if they don't have that capability they would make that amendment.
Boots - absolutely.
Motions
Commissioner Stowe moved to close the Public Hearing. Commissioner McCown seconded, motion carried.
Motion
A motion was made by Commissioner Stowe to go into an Executive Session to obtain legal advise but not to have deliberations. Commissioner McCown seconded. Motion carried.
A motion was made by Commissioner Stowe to come out of Executive Session. Commissioner McCown seconded; motion carried.
Deliberation - Motion to Continue
A motion was made by Commissioner Stowe to continue the hearing until November 5, 2001 at 2:30 P.M. at which time the Board will do their final deliberation and decision.
Don asked the applicant a question in regard to the motion. Earlier the applicant waived the time frame for noticing and hearing and the Regulations provide an additional 15 days for the Commissioners to deliberate to themselves and then come back in public to discuss the matter and make a decision, is there any objection to continue in this matter for deliberation for the end hearing until the 5th of November?
Chairman Martin noted for the record that the applicant did agree to go ahead and comply with having the final deliberation on the 5th of November at 2:30 p.m.
Motion carried.
Other Issues Not on the Agenda
Don DeFord and Carolyn Dalghren mentioned there were three items that needed direction from the Board:
Four Mile Ranch - $58,000
Don explained that $58,000 was being held until the improvements were completed by the Four Mile Ranch Development. He asked the Board if they were at the point to have formal consideration on the distribution of these funds or should he have further discussions with the developer.
This was decided to be on the Agenda at the November 5, 2001 meeting at the end of the day.
County Road 116 - Annexation and the Bridge in South Glenwood - Advice
Don said the City Council did sign that agreement and authorized the Chair to sign it. He was under the impression that they weren't going to approve it but found out later they did.
Don advised Jesse and Ed that they need to set aside $200,000 next year for that purpose.
Proposed License Agreement - Courthouse Plaza Area with City Hall
Don explained that the County has received a proposed license agreement from the City to use our property which eventually will be the Courthouse Courtyard area for part of their staging during the construction of City Hall. Don said he discussed this with Randy and he is very uncomfortable with going forward with the signature of that agreement right now. He thinks we still may need to use that area substantially in the next 30 days. There are already issue with timing with the contractor - he does want to put the County in any kind of position where the contractor could argue that we allowed interference with their performance and so Randy and Don communicated with the City hat at this point we're not in a position to sign that license agreement to use that property.
Executive Session - Advice on the Agreement on the Property Acquisition, and a Personnel Issue
A motion was made by Commissioner Stowe to go into an Executive Session to obtain legal advise and discuss a personnel issue. Commissioner McCown seconded; motion carried.
Don DeFord requested that Carolyn Dalghren, the Commissioners, Ed Green, Mildred Alsdorf, and he stay for the session.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session and to adjourn. Commissioner McCown seconded. Motion carried.

Attest: Chairman of the Board

_____ _____

NOVEMBER 5, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, November 5, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Barton Porter, Shirley and Lee Smith his sister and brother-in-law were present.
Barton explained that Shirley and Lee are doing an extension permit to get the well dug and tested. They completed that portion of the process and just now got a surveyor who will possible come on site tomorrow, November 6th.
The problem is they let the time frame fall through the cracks and they actually need another 90 days to get everything handled. This is a request for the Board.
A motion was made by Commissioner McCown and seconded by Commissioner McCown to extend the Ed Smith Exemption to take place and allow an exemption until February 4, 2002; carried.
COUNTY MANAGER UPDATE: ED GREEN

Ed Green gave his update that included the following:

i. Employee of the Month - Kathy Lancaster - Nursing Department

Members from the Nursing Staff were present including Mary Meisner and Sandra Barnett.

Ed said Kathy's coworkers comment that she has been here for twenty (20) years and served that time mostly in administrative functions in the nursing department.

ii. Consideration of Placement of Cornerstone - Courthouse Plaza

Ed Green submitted a history of the cornerstone of a building - the ceremony of laying a cornerstone is well documented beginning in the 13th Century in Scotland.

The arrangement proposed was submitted to the Board. The Glenwood Lodge #65 located at 901 Colorado Avenue with R. D. Law, the Order of Ceremony for Cornerstone Ceremony and the standard Cornerstone Details are the ones who would like to handle this for the County.

Commissioner Stowe - liked the idea and mentioned that a Cornerstone typically contains a time capsule. Since this is the original site of the Garfield County Courthouse when it was moved from Carbonate to 8th Street and Pitkin Avenue it is really symbolic. Also, it is tradition - the Masonic Lodge laid the Cornerstone of this building.

Ed mentioned if the Board wanted to move forward with the ceremony a motion would be needed.

Don DeFord commented that as far as there is no religion involved, he didn't see a problem.

Jesse Smith mentioned placing a copy of the Courthouse and a photo of the new building.

Commissioner Stowe made a motion to approve the installation of a Cornerstone as provided by the Grand Lodge of the Masons in the new Courthouse Plaza Building with a time capsule to be placed behind that Cornerstone.

Commissioner McCown seconded. Motion carried.

iii. Rose Ranch P.U.D. - County Road 109/River Road Intersection HCE - Randy Withee

Randy and Tom Russell

Don discussed this with Tim Thulson - part of an amendment process, preliminary plan or both will necessitate the Board undertaking this in a public hearing. Mr. Nash has not been in contact with either Don or Mark Bean on this issue.

iv. ***Request for Construction Permit for Installation of Utilities in Public Right of Way, Robert and Mava Leighty***

Tom Russell submitted a letter from the Leighty's regarding the request to install underground utilities within the existing right of way along the West side of County Road 125 along with Exhibit A. This proposed installation will include running electrical and natural gas service and reinstalling an existing underground telephone line over a distance of approximately 800 feet.

If the request is granted, they propose to initiate construction activities on or about November 15, 2001 and conclude operations on or about December 15, 2001.

Commissioner McCown mentioned his concern over adding an additional step in the process.

Don - the County can request an approval by the Board. Normally, the Road and Bridge Administrator has handled this. Look up potential Resolution for utility installation 6 to 7 years ago. Don said the Statute is clear that we can not deny use in the County right of way but we can place conditions.

Commissioner McCown requested Tom to submit to the Board the general conditions of approval to the Board.

Chairman Martin wanted the cost per foot and asked if Garfield County has any standards. It is a dollar and cents issue. This would need to be presented and adopted.

Commissioner Stowe - how are we protected? Is this with a bond? Can we put in a condition that addresses this?

Don - may be something the Board could include for a private individual to bring security to the Board. The correct way it is handled is to bring the current conditions and the Board can make a decision as to when they need to be involved.

Commissioner McCown said he sees this as administrative.

Don DeFord agreed it could be.

Tom said he had heard that we needed to do that, so they are going to address the bonding issue when we do the Road Standards and there will be a minor installation versus a major installation - this is standard how most municipalities and counties do it throughout the State.

Commissioner Stowe said he would like to see is the bonding issue addressed. Also, he wanted to make sure the trench is deep enough and out of our roadway.

Commissioner McCown said he would like to know who the contractor is because that's who is responsible, is it Qwest? Holy Cross? KN Energy? Sounds like they're all going in the same trench.

Tom Russell stated that whoever pulls the permit is ultimately responsible.

Motion

Commissioner McCown made a motion to allow the request for a construction permit for installation of utilities in a public right of way, County Road 125. Commissioner Stowe seconded.

Chairman Martin requested Tom to make sure those provisions were provided to the contractor. Motion carried.

Gary Hill - on County Road 336

Commissioner McCown mentioned Gary Hill was given a violation and in the Code Compliance Monthly Report he noticed that it's been completed. When he left Wednesday, it had not been completed.

Tom met with Gary Hill last week prior to Wednesday.

Commissioner McCown mentioned Gary called him on Tuesday night.

Tom said they went out on the site and he and Gary Hill are working together on a lot of things.

Barton Porter - Cattle Guard at Alkali Creek

Chairman Martin stated that Barton Porter reported this was still low - Jake looked at Garfield Creek and fixed it, but not the Alkali.

County Road 252 - Mr. Elder

Commissioner McCown mentioned he was still getting calls.

Tom met with Mr. Elder and Craig in his office and hopefully they came to an agreement.

Commissioner McCown received two calls on Friday.

Tom said this was after they were in his office; they are continuing to work with Mr. Porter.

Letter from Garfield County Housing Authority

Ed said the letter from the Housing Authority stated the IGA needs to be renewed and funds have been budgeted in the 2002 Commissioner's Budget for this Agreement, and requested direction to proceeding with an extension.

Chairman Martin indicated this was a yearly operating IGA between the Housing Authority and Garfield County through the HUD funding.

Motion

Commissioner Stowe so moved. Commissioner McCown seconded.
Don clarified that this was for one year time period. Don said it could be renewed by letter, but there should be something in writing, so does your motion include authorization for the Chair to sign any necessary written documents.
Agreed.
Motion carried.

e. ***SCAAP (State Criminal Alien Assistance Program) Funds***

Sheriff Tom Dalessandri reported that the second (2nd) funding on SCAAP funds.

The last one they received a few months ago was around $90,000 plus dollars and he was just notified that we are to receive a second award of $116,908 which should be deposited this week with the Treasurer. This brings the total this year to about $210,000 which is up until this year has not been a funding source for them, so they are very pleased to receive these funds.

In relation to these funds, Tom recalled the last time they received these funds, they asked for some reapportions of moneys for expenses to cover recruiting, jail expenditures, etc. Today, with the new award, Tom asked that the most important is that they are to receive some of those funds for our purchase of their electronic fingerprint machine for the new facility. For some time they have been working on a federal grant to install a computerized fingerprint machine - to date what they do is the old fashion ink and roll method. A lot of these get rejected because of operator error. Law enforcement across the country is rapidly moving away from this and in the near future they fully expect that CBI and the FBI require that all departments have or make use of the electronic instrument. It runs about $75,000, actually the instrument is about $65,000 and they did apply for a grant which was received; the downside is that we also applied for a wavier of the matching funds which was not provided. Therefore, they have to provide the 25% match. The award along with the match to cover the cost of the instrument will run about $28,500. He requested to be able to proceed with this so it could be ordered and get it installed.

Les Beckman estimated it would take about a month to order and receive; then is will need to be mounted but everything else is installed.

This is particularly important for the jail because the other agencies will be able to make use of this instrument for their printing as well when they bring people into the jail area.

Tom explained how the Jail Bondsmen will come into the booking area and how they had marked a place for the installation of the equipment during the construction process.

Additionally, Tom asked for overtures for cost of the jail during the last several months and noted there will be some administrative staff positions requested in 2002 - administrative staff has been successful in applying for these grants, but he needs more staff in order not to keep placing a burden from the records staff to administrative functions; therefore, as the Commissioners review these additional funds he requested they consider allocating these funds toward those costs.

Tom mentioned there will be an ongoing research effort for similar amounts of funds and when the new jail facility opens there will be an ability to house the INS prisoners - the new jail is approved as a holding facility for INS, the current jail is not. Prior to moving into the new facility, the INS will do an inspection to certify the facility.

In response to the Commissioners inquiries, Tom clarified that the SCAAP funds are not a reimbursement, it is an award relative to the ratio of prisoners that you hold - it's a funding source to the County Jail - before being a certified facility. Once the jail is a certified facility we will still receive INS Reimbursement funds as well. Tom said they expect the rules and regulations for INS may be stricter not so much on us but the impact will be upon us as a jail facility.

So, these SCALP Funds are an award; we also receive funds for reimbursement for prisoners we hold.

Commissioner McCown inquired of Jesse the best way to go about this since it would be amendment going both ways to the existing budget not knowing we were going to get the $166,908 - it would reflect a change to the general fund and then the $28,500 that the Sheriff is requesting, if we grant that, would be a budget amendment to his budget?

Jesse Smith - no, the way the budget is set up it wouldn't need to be - there is a line item in the budget current for SCALP revenues so it can go right out of it.

Motion

A motion was made by Commissioner McCown to accept the $116,908 and that $28,500 of it be approved for the matching portion of the electronic fingerprinting machine for the Sheriff's Office for the jail. Commissioner Stowe seconded.

Ed - do you also agree that the second and third priorities should be the jail and contingency overages.

Commissioner McCown - I think so.

Ed - and then admin. staff after that.

Commissioner McCown - I don't think that this has to be included in a motion.

Ed - all right.

Jesse - the admin. staff is a different issue this will be in the 2002 budget.

Commissioner McCown - exactly.

Jesse - but this is going to impact 2001.

Commissioner McCown - but I think the overruns and all of that should be

Jesse - that will wash out this year.

Sheriff Dalessandri - once again we have ever expectation that next year we will receive another award.

Ed - Tom and you guys will meet on the 14th to talk about and then the administrative staff.

Chairman Martin - All right - let's keep it straight, we're going to go ahead and accept the money, allocate the $28,000 plus for the electronic fingerprinting machine. All those in favor?

Motion carried.

i. CR 336 - Gary Hill - Tom Russell met with him last week and they went out on the site; they are working on the problem.
ii. CR 252 - Alkali Creek - Cattle Guard - Tom is continuing to work with Mr. Elder.
iii. Housing Authority - IGA Renewal

Ed Green stated the funds for the Housing Authority IGA renewal were budgeted for the 2002 year under an operating agreement.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to renew by letter the Housing Authority IGA and authorize the Chair to sign; carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

Don DeFord gave his update.

Request from Richard and Eileen Kock to vacate a public road in the Elk Creek Development due to some setback issues. There have been discussion with Building and Planning and Road and Bridge. This item has been set for a December agenda.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to Public Hearing on December 17, 2001 at 10:00 A.M. Motion carried.

EXECUTIVE SESSION - ***Sale of Property - Directions to Staff - Personnel Litigation - Provide Legal Advice - Land Use Items***

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

Don requested the following individuals stay for the session included himself - Ed Green, Jesse Smith, Mildred Alsdorf and the Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come

Rural Resort

Commissioner Stowe - Last week the Rural Resort met and they are going to go under the North West COG as the administrative arm of the Rural Resort, continue to function as an independent group and pursue the same priorities they've always had and this should result in about a 40% cost saving in the budget for the dues we pay to Rural Resort next year if the project cost savings are correct. They voted to do this last week and it will be formalized within the next two months.

Garfield County is not a member of NWCOG and are not required to be a member in order to be in this group - it will be similar to the quantity and quality of the Water Board that is now under the umbrella of NWCOG - the members of that are not the same as the members of the COG. Wed 5 PM Ruedi Water and Power Authority will meet at the new Basalt Fire Station in El Jebel.

Commissioner McCown - 1:30 PM Wednesday - Communication Board

Chairman Martin - 11/11 - Veterans Day - there is a dedication of first bridge in Garfield County to be named the Veterans Memorial Bridge in Carbondale at Hwy. 133 and Hwy. 82. This starts at 11:00 AM. There will be many people present from State and Federal level, City, County, etc. Also some new laws at Special Session - a conversation with Mr. DeFord - items for areas for annexation, the mandatory adoption of a master plan and the contents as well as the comprehensive planning disputes and mediation requirement as well as the impact fees. Mark has been supplied with all the information. It does make some differences. Election is tomorrow and Garfield County is a member of the Colorado Intermountain Fixed Guideway Authority - they have a $50 million dollar question on the Statewide Ballot. Growth Forum - Parachute on 4:30 PM on Wednesday, and the Farm Bureau requested the Commissioners to attend their annual meeting 6 PM Friday, Fireside in Rifle.

CONSENT AGENDA

i. Approve Bills
ii. Renewal Sunlight Liquor License/Change of Name -from Ski Sunlight to Sunlight Inn
iii. Sign Exemption Plat and Resolution of Approval for Lucite Fische

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - c; motion carried.

REGULAR AGENDA

i. Human Services - Mountain Valley - Bruce Christensen

Bruce presented a video report showing his program in action. The oldest case on file with Mtn. Valley Development is age 78. He covered the different service areas showing early intervention for kids under 3 years ago. This is designed to help families to mitigate any developmental delays and train the family to be the main source of supplying their needs. Employment section has been most successful; they have 75 adults employed. They are paid at least minimum wage and these employees are paying taxes. There has been a lot of work trying to match people with their interest; employers are happy with them. These are folks who may be able not to work or have other barriers of significant levels. Community activities with the residential program and Mtn. Valley has the largest area budget for these 75 people who live in residential. They are supplied with housing, food, medical care ranging from independent living to a group home. There are residential facilities in Glenwood, Carbondale has 1, Vail has 3, and Rifle has 1. There is to be no more growth of facilities in Glenwood due to the hiring of help being a problem and Bruce supports the balance factor with number in the communities - everyone who did live here wants to stay in Glenwood however, as the clients they serve are growing in numbers, a lot are moving into Rifle and Eagle County. Among the clients they serve there are significant health issues - cost of insurance for 242 people is outrageous. These clients come from the Roaring Fork Valley - the largest percent of their clients now live in Garfield and there may be 12 in the mid-valley, and a few in Eagle and a few in Pitkin County. Eagle County has been growing faster than Garfield County. Their budget is $5.1 million and they are the largest human services agency in this or any other county they serve; Colorado West is second in this area with 50 employees.

Fees obtained from the State amount to $4,000.00.

The residential program is the largest expenditure 365 days x 24 hours x 75. Problems with recruiting and retaining employees started about 6 years ago; finally 3 years ago the salaries were raised above what State funds provided - raised from $7.00 to $10.00 hr. But, even with that salary increase, problems still exist in this area. Bruce said they have been running deficits on the personnel side of the budget. Health Insurance for 68 employees at an average of $450 per employee is the biggest challenge however he mentioned it was the same throughout the valley. In 2002 this will increase to over $600 per employee. Mountain Valley works with Colorado West but they are also facing needs. They have been working with the State on a plan; the two biggest problems for Mountain Valley Development is: 1) growth and the cost of living.

On the "Plus Side" MVDS received their 9th year full year accreditation; they opened the Store which has been a great PR piece and they are succeeding in the community with some participants Bruce said he never conceived they would accomplish such skills. Ms. Owens reviewed their program and was most impressed.

Bruce said he does work in the United States for the accreditation Commission and what he sees in other parts of Colorado and in other states that strikes him as a difference is that these folks in this area are a part of the Community - we live a State where folks who are different are accepted.

Bruce commented how much they appreciate the help of the County.

The Commissioners mentioned that CCI was meeting before legislation to talk to lobbyists about funding for services so needed in this area. As for health insurance, all of Garfield County is having to pay a huge price for health care. The possibility of Mountain Valley Development Services as part of the health insurance at Garfield County was something they might be able to discuss.

Bruce thought perhaps with appropriate legislation the State would allow them to come in the State Plan. In Grand Junction there is a 2% turnover; Mt. Valley has over 200% turnover. Grand Junction has the State Plan.

Bruce mentioned that Ken Steiny and Margaret Long were looking into space with him at the old Clagett Hospital in Rifle.

Chairman Martin suggested that Bruce and he sit down and discuss these issues before November 26th so he could be better informed when he goes before CCI.

ii. ***Rose Ranch - Richard Nash - CR 109 Intersection Change in Plans to Workable New Plan***

Randy Withee, Tom Russell, Jeff Nelson, Mr. Richard Nash, Tim Thulson and Joe Hope were present.

High Country Engineering submitted a letter to the Board regarding the options for the intersection based upon physical restraints that prohibit the intersection to be constructed as designed. The grading that was shown on the original plans encroaches on to the adjacent land owners which would require their cooperative and permission to complete the work as well as rebuild their existing driveways. One of the owners is being very uncooperative at this time and is not interested in negotiating with the developer. There also exists an overhead power line inside the County Road Right of Way which causes further problems with the original design.

Option A - leaves the west side of the County Road as it exists and does not grade onto the adjacent owner or impact the power poles. This option would provide right turn acceleration and deceleration lanes for River Edge Road onto County Road 109. This option does not provide left turn lane for traffic turning onto River Edge Road.

Option B would provide all of the lanes that were required by Road and Bridge. This option requires installing a 2' curb and gutter 2' off of the existing power poles and shifting the turn lanes partially onto the Rose Ranch property.

Don DeFord informed the Commissioners that the action they are about to begin discussing was formerly handled in a public hearing and any changes in plans would have to be handled in a public hearing as well. There are other property owners adjoining this intersection who do have an interest in this that have not been notified pursuant to your regulations.

After discussing this it was agreed that minor amendments were necessary and a public hearing would be set for Tuesday, November 13 at 1:15 P.M.

Colorado West - Potential Closing of Detox Center (Michael Lucid)

Michael Lucid, Gary Cline, Chief of Police for Dillon - Colorado West Director Renae Brown, Staff and Board members were present.

Michael explained his meeting with Glenwood Springs Council who agreed to provide 2 months of funding while they worked out a plan to develop a local funding for the center.

In the 1980's the problem became apparent and now the funding for Detox is under pressure. The problem is that the State only provides 14 cents per capita and this area in the State has the highest rates for Detox; therefore with no increase with funding - expenses are escalating and revenues are the same. Henceforth they are looking for a local solution.

Gary Cline, Summit County participates in a funding process for their Detox Facility. He explained how it works based on a funding formula. First of all, Gary emphasized each agency that uses the detox must be charged. The Detox is in place as a public safety and public health concern. If you lose your local Detox, it will have a major impact as there are no others that close in proximity. Black Hawk and Golden lost their Detox Facility and now they have to take those individuals to Denver at a great expense to transport. This is beyond Law Enforcement to a Social Issue. The clients are referred by law enforcement agencies, self-commit, hospitals, and agency referrals. The numbers from each entity times the formula derived to pay for the facility is assessed to each entity. The self-admits could be charged to the city, town or county where they came from - this way the responsibility for payment of costs is spread out.

Michael said that most all of the cities and towns have agreed to have this a budget item for 2002 to cover their referrals. The real issue is that some have a willingness to participate as long as the process if fair. Rifle is not sure if they should fund referrals based on philosophical grounds as well as the reality of that cost being assessed. If they decide they should participate then they may say they can't this year; Carbondale the same. The County is already a player contributing $25,000. They are before the Commissioners today to let you know what's going on and to ask if the County can participate in a different way and/or add additional funding. If we are forced to close our facility, then it becomes a social issue. The Sheriff would be able to have some interesting conversations however, he has commented that this is not a law enforcement issue. If detox were to close it would impact emergency rooms. The Detox Facility is a unique operation - a number are referred by other social agencies and do not burden law enforcement. The question then is, are there other resources for the County to support the Detox Facility besides the human services fund. Michael also encouraged participation by this Commission in a meeting where they will be attempting to bring all the players to participate in a brainstorming session and identifying the problem and finding solutions. This session that will take place at the Glenwood Springs Town Council Chambers where Terry Wilson is sponsoring it. They are hoping to have about 20 Chief of Police, the Northwest Association for the Chiefs of Police as well as other agencies who are willing to participate. This will be held on Thursday.

Gary Cline mentioned that the Glenwood Springs City Council has given us until the end of the year to come up with that funding solution.

Chairman Martin said he would like to see the County contribute another $8,000 in addition to the $25,000 already allocated. He summarized that we cannot afford to lose this facility.

Gary mentioned that the City of Glenwood gave the dollars conditionally - these funds will go toward their share when the plan is put together.

Commissioner Stowe asked why Glenwood Springs contributed $17,000 but nothing from Carbondale or Rifle. He could not agree with Chairman Martin to have the County contribute another $8,000 at this point.

Commissioner McCown agreed with Commissioner Stowe saying this was not just a County problem even if the residents in Carbondale and Rifle are county residents. Ultimately, they need to participate and in order to do so, the Town and City Councils need to be at the negotiating table because the police chiefs do not hold the purse strings.

The brainstorming session will be Thursday, November 8, 2001 at 9:00 a.m. at the City of Glenwood Springs Council Chambers.

Garfield County Services Center, Inc. - Annual Meeting

A motion was made to go into the Garfield County Services Center, Inc. Board of Directors' meeting by Commissioner Stowe and seconded by Commissioner McCown; motion carried.

Don DeFord announced that this was set to conduct an annual meeting of the Garfield County Services Center, Inc. regarding the Taughenbaugh Building.

The members present were: Chairman Martin, Commissioner McCown, Commissioner Stowe as Director for Marian Smith and Mildred Alsdorf, Secretary.

Updates and Election of Officers were business items for today's meeting.

Ed Green gave the annual report saying that the building was repainted two years ago and certain improvements have been completed as well as moving around of some of the offices: Road and Bridge expanded into the Nursing Office; the Nursing Office moved to the first floor formerly where the Clerk & Recorder was located. In doing this, there is a need to improve the carpet for the Road and Bridge area especially for any tenants after the Road and Bridge moves to their new location at the Airport. This is not a pressing issue.

Commissioner McCown inquired why this building was being handled differently than other county facilities.

Don DeFord mentioned it was because when the County took over the building it was condo minimized under the Rifle City Land Use Regulations. It still exists that way today - it is controlled by this nonprofit organization so the County has control of all of the condominium under one entity. Don has discussed possibly reorganizing it a couple of times with the City Attorney and in each case it seemed better to have an annual meeting versus going through the rezoning that's required for this structure.

Commissioner McCown clarified that when the property was sold it would be sold as a condominium.

Don said that was correct.

Ed added that the County did our safety audit with all buildings and are proceeding to make all corrections as necessary; plus the carpeting that will be accomplished over a period of time.

Chairman Martin mentioned the repairs necessary for the parking lot.

Ed mentioned this would be a Road and Bridge function.

Reappointment of Officers

Motion

Commissioner Stowe moved to re-appoint the same officers Chairman Martin - President, Commissioner McCown - Vice President, and Secretary Mildred Alsdorf; Commissioner McCown seconded; motion carried.

Motion

A motion was made by Commissioner Stowe to authorize the Secretary, Mildred Alsdorf to file all the necessary papers; Commissioner McCown seconded; motion carried.

Adjourn

Motion was made to adjourn the meeting was made by Commissioner Stowe and seconded by Commissioner McCown; motion carried.

City Council Agenda Items - Discussion

The following items were mentioned to be placed on the City/County Joint Meeting for Tuesday, November 6, 2001:

By-Pass Study

Property Acquisition

Property - Courthouse-Jail

Old Jail Removal Schedule

Jail Meeting - 10:00 A.M. Tuesday, November 6, 2001 with Ed Green, Chairman Martin, Haselden, Reilly/Johnson, and Sierra Steel.

Randy reported there were a lot of items on the punch list and will do an assessment of the progress of Haselden with respect to these items. There are some issues with the millwork. Tom Dalessandri scheduled to move the prisoners over the November 17th weekend. He is currently moving administration over into the new facility.

Chairman Martin asked for a written update after tomorrow's meeting.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

SPECIAL USE PERMIT FOR ACCESSORY DWELLING - LOCATION: APPROXIMATELY 4 MILES NE OF CARBONDALE OFF OF CR 107. APPLICANT: PATRICIA LACERTE

Don DeFord, Mark Bean, and Chris Grieger from Balcomb and Green were present.

A request was submitted to have this rescheduled on the Commissioner's Agenda.

1. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set this over for December 3, 2001. Motion carried.

BEECRAFT SPECIAL USE PERMIT FOR ACCESSORY DWELLING. LOCATION: 0244 COYETE TRAIL, RIFLE, CO. APPLICANT: DONALD AND SUSAN BEECRAFT.

Kit Lyon stated she received a phone call saying they were not going to proceed. She requested written notification.

WEST RIFLE INDUSTRIAL PARK - ANNEXATION TO CITY OF RIFLE. LOCATION: WEST OF RIFLE, NORTH OF HIGHWAY 6 & 24. APPLICANT: JAMES SLAPPEY.

Kit Lyon, Don DeFord and Mark Bean were present.

Kit submitted a memo to the Commissioners acknowledging receipt of a copy of the West Rifle Industrial Park Annexation Application received on October 2, 2001 with a request for comment.

Staff expects the impacts of the annexation on the County to be minimal. The development plans do not currently anticipate access onto the adjacent County Road 364. There is a possibility that future development plans may change.

Staff Recommends:

1. That the Garfield County Board of County Commissioners recommend to the City of Rifle that the entire portion of County Road 264 which is adjacent to the subject parcel be annexed into the City of Rifle in the event access is proposed onto County Road 264;
2. That the applicant be made aware that access onto County Road 264 may be denied by Garfield County in the event that the adjacent County Road is not annexed;
3. That the applicant had six (6) months from the date of a staff letter stating non-technical compliance to make the land use development application filed with Garfield County (for preliminary plan) technically compliant, and that as of 10/30/01 the application has terminated;
4. That staff be authorized to write a letter to the City of Rifle, on behalf of the Board of County Commissioners, stating the above and have it signed by the Chair of the Board of County Commissioners.
1. Kit requested authorization to write the recommendations in a letter to the City of Rifle.

A discussion was held with respect to a portion of a County road being annexed in the City and vacation of the same.

Don informed the Board that the same requirements would be made for the City the same as for the County - if the entire portion is to be vacated then everyone on the road would need to be notified; it is a portion at the end of the road, then those people within a reasonable distance of one mile are notified.

Commissioner McCown voiced a concern from a public thorough-a-fare but once the City annexes, decides to vacate the portion that is annexed, it would cut off access to the oil and gas companies at the direction of the property owner to that property which is deemed private property beyond the fence. The private property owner does not want to see this road vacated; however once it is annexed into the City of Rifle only the parcels that belong to Jim Slappey, Schultz and Gillstrap.

Don informed the Board that if the City of Rifle planned to vacate that portion of road under the State law, they would probably have to notify everyone - however, they could not vacate it if it left the property without access. Since this property is so large, Don felt it had additional access other than this, therefore they could probably vacate it. Also, the County has to comment on the annexation of a road unilaterally with no other property but if they annex a road with another portion of property they would not necessarily have to have County approval to do that.

Mark Bean asked the Board if they wanted the Building and Planning Department to comment on this issue.

Commissioner McCown said that would be his request. Basically, should this road ever be annexed to the City that there will always be an easement allowing access to the properties that have historically been provided through the public road.

Commissioner McCown commented that CR 264 is on old highway bed and a good portion of that road continues on through Clough’s property all the way to Webster Hill - if we do still end own that, Clough controls access on it.

Don clarified that this CR 264 goes onto to Clough's property and exits his property.

Commissioner McCown - the old State Highway does continue - it goes under the culvert at the interstate at the foot of Webster Hill that takes it out and hits the Anvil Points Road and goes up the same roadway.

Don said he would have to look at this to determine if this is still CR 264.

Commissioner McCown wanted to ensure continuous access that that property.

The Board directed staff to include the fact of continuous access in the letter.

LOT LINE ADJUSTMENT - LOTS 5 & 6. SECOND AMENDED PLAT OF AREA II, OAK MEADOWS, FILING NO. 4. APPLICANT: ROBERT BARMORE.

Mark Bean submitted a memo to the Commissioners stating the applicant has proposed to move the property line between Lots 5 and 6, to allow for the placement of two houses in a configuration not consistent with the original lot layout. The proposed amendment does not create a lot smaller than allowed in the Oak Meadows Filing 4 PUD. Any structure will have to meet the appropriate setbacks and be approved by the Architectural Control Committee of Oak Meadows Ranch.

Staff recommends that the Board authorize the Chairman to sign the proposed amended plat.

Motion

Commissioner Stowe made a motion to approve the amended plat for lots 5 and 6, Oak Meadows Ranch and the Chair be authorized to sign the plat as amended. Commissioner McCown seconded; motion carried.

ADD SECTION 3.15, COMMERCIAL DRINKING WATER CONSTRAINT ZONE TO THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED AND REZONE AREAS TO

DRINKING WATER CONSTRAINT ZONE (DWC AND COMMERCIAL DRINKING WATER CONSTRAINT ZONE.

Mark Bean, Keith Gilstrap for Schultz and McDaniel, and Don DeFord were present.
Don questioned Mark Bean regarding the required mailings and notifications - he advised the Board these were timely and in order and they were entitled to proceed.
Chairman Martin 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 - Garfield County Zoning Resolution of 1978 as amended; and Exhibit F - Garfield County Comprehensive Plan.
Chairman Martin entered Exhibits A - F into the record.
Mark reported from his written report that Garfield County and the City of Rifle have entered into an agreement with the U. S. Department of Energy to develop regulations restricting the use of ground water in an area that includes property to the west of Rifle that have been identified as having potential ground water contamination due to contamination by radioactive material from the UMTRA site in Rifle. As a part of the UMTRA clean up, DOE identified an area to the west of the old Union Carbide site and the site that has radioactive material contaminating the groundwater in a plume that goes west from the site to the Colorado River toward Webster Hill. In return for the County and City adopting "institutional controls" to prevent the use of groundwater for domestic purposes for the next 100 years, DOE will provide funding to get City water to the West Rifle I-70 Interchange. All other areas that cannot connect to the City water supply will be required to utilize a reverse osmosis (RO) water treatment system, to be paid for by DOE. Anyone wanting to develop or improve properties in the area to be served by City water, prior to City water being available, will be required to install an RO system at their own expense, until the City water is available.
During the previous proposal, the agreement was conceptual and had not been adopted. On Friday, September 28th, the Board of County Commissioners, City of Rifle and DOE entered into a Cooperative Agreement to provide funding for the waterline and RO systems. At that hearing, it was determined that some of the property that needed to be protected was not included in the proposed district and that some of it was zoned Commercial/General, not Agricultural/Industrial or Resource/Lands. As a result, the Drinking Water Constraint (DWC) zone test proposed previously would result in a down zoning of these properties, if it would have been applied to their property. The County agreed early on in the process, not to change the uses as existing land owner had to right to consider as options under the present zoning.
In response to this issue, the County has proposed to create a zone district that is identical to the Commercial/General (C/G) zone district, except that all uses that could depend on groundwater for domestic purposes would be required to either install a water treatment system on the lot or connect to a public water supply. The proposed zone district CDWC # 3.15. 3.15.01, 3.15.02, 3.15.03, 3.15.04, 3.15.05, 3.15.06, 3.15.07, 3.15.08, and 3.15.09 was submitted for discussion, input, changes, and decision.
Mark continued to review the major issues and concerns including zoning, compliance with the Comprehensive Plan, error in established zoning, change of circumstances, applicable county regulations, compatibility with adjacent uses, public health, safety and welfare and recommended findings with a recommendation.
James Slappy’s property will be subject to the Rifle drinking water constraint or institutional controls as they have them once it is annexed. At this time, it will be subject to the County's.
Recommendation:
The Planning Commission recommended Approval of the proposed zone district text amendment to add Section 3.15, Commercial Drinking Water Constraint Zone to the Garfield County Zoning Resolution of 1978, as amended. And rezoning of those properties located south of County Road 264 in the S1/2N1/2 of Section 18, T. 6S, R 93 W. of the 6th P.M. that are presently zoned Commercial/General to Commercial Drinking Water Constraint Zone (CDWC) and all other lands in the same area to Drinking Water Constraint (DWC) Zone.
Commissioner McCown inquired - CR 264 splits one of the two parcels - the way it was written, on the south side of CR 264 it would be zoned one thing and on the north side of CR 264 it would be zoned another. He though Schultz' property was on the north side of CR 264.
Mark Bean said those are the areas that are zoned commercial - those areas south of CR 264 and this is the way it is currently zoned. The piece of property just to the west of the commercial limited zoning is zoned

A/AR/D which is the equivalent to the resource lands lower valley floor and agricultural industrial zone district.
Keith Gillstrap - on behalf of Schultz/McDaniel property - his concerns were on the rezoning of this property, will it stay commercial/general? His interest in the property is through a propane storage facility and trucking facility, etc. If the zoning is going to change then it would obviously change his use of the property and they did address through Jim Slap's property the use of 264 - at some point these properties will be annexed into the City because they have a water line right out in front of all the properties and everyone will want that water. He doesn't want the City of Rifle saying he can't use CR 264 - we would have to rezone to their specifications and his concerns were that the County was on that same train of thought that he would have to rezone this property based on application of water, etc.
Commissioner McCown - said he wouldn't be able to use CR 264 - he would have to access his property off of Hwy. 6 & 24. That's the message they are sending Rifle. If ever the need changes and Keith approaches Garfield County for access to that, then it would probably either be denied or it would become part of the annexation into the City and it would be upgraded to their standards. The Schultz's were told this the day they were in before the Board, that they would have to reconfigure their lot so that all of their lot would access 6 & 24 which they also have access permits. The property owners were given the choice when all of this water hearing came up, to (a) access into he City of Rifle taking in and being able to use 264 but having to go to the expense of upgrading it to the City's standards - no one wanted to do that - the Schultz, Bill Clough, nor Slappey. They wanted that road to stay in and under the control of the County - they wouldn't use - they all had access off of 6 & 24 - that portion of CR 264 would stay a County road but would not be accessed by any activity that takes place on those lots adjacent to 264 - this is still the Commissioners stance. A diagram of Slappey's property shows he is clearly accessing all of his lots from 6 & 24. And he has not seen anything like that from the Schultz but their design would have to be similar so that all of their access would be off of 6 & 24.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to add Section 3.15 the Commercial Drinking Water Constraint Zone to the Garfield County Zoning Resolution as amended and rezone the areas listed above into that said zone district; additionally the Drinking Water Constraint Zone for those areas not Commercially Zoned.
Mark clarified that only those that are zoned commercial presently - there were areas within this area that were not presently zoned commercial.
Commissioner McCown - then all areas in this would become zoned commercially.
Mark - they would come under the Drinking Water Constraint Zone, the areas that are presently zoned commercially.
Commissioner Stowe - the zoning remains the same and we just add the Drinking Water.
Motion carried.
DELIBERATION AND DECISION ON APPROVAL OF THE SPRING VALLEY RANCH PUD SUBDIVISION PRELIMINARY PLAN.

Mark Bean, Cam Kicklighter, Michael Gamba, Bruce Hazzard and Michael Erion were present.
Chairman Martin mentioned that this was a deliberation and decision on the approval of the Spring Valley Ranch PUD Subdivision Preliminary Plan; the public hearing has been closed and the Commissioners were not able to review any documents not submitted in the public hearing prior to closing it.
Don DeFord recognized that the County has received a number of documents which he described generally as:
Correspondence from the Colorado Department of Transportation together with some appended regulations concerning access;
2 - Correspondences from Counsel for the Applicant together with various documents appended to those. These are not in the public record at this time and if the Board wishes to consider any of these, then the public hearing must be reopened.
Commissioner McCown inquired as to the liberty Don has as answering their questions with respect to the C-DOT information that came in - can he direct questions to Mark about that?
Don DeFord said without getting into the substance of their comments, he could tell the Board that is was comment upon C-DOT as it concerned the intersection of CR 114 and Hwy. 82 and it was in response to the tender of the application for preliminary plan to C-DOT asking for comments. This came in after the

Board closed the public hearing. The letters from the applicant were written responses to some of the questions that came up during the course of public hearing process putting down in writing some of the response in a logical framework. They covered a variety of topics.
Chairman Martin mentioned he reviewed his notes and referenced Section 1.22 Subdivision Regulations and that is dealing with how the Board of County Commissioners can go about doing things on 1) is discretionary and 2) is the mandatory rules. "The Board of County Commissioners may deem land premature for a subdivision when growth patterns of such form and physical shape are created such that governmental inefficiency unnecessary public costs or financial burdens result from the providing of the extension of public services and that the public supported facilities which can not be accomplished in the plan, order, or efficient manner or when the services or resources necessary for the viability of subdivision are either un-assured or not reasonably curtained." This is where we are with all the different holes he found in this and stated that he feels the provisions that allow the Commissioners the wide latitude in evaluating the physical and financial criteria necessary to successfully build the subdivision, reports and testimony submitted that the impacts of several Garfield County roads would not be satisfactorily mitigated by Chenoa or the proposal nor would the County have the resources to mitigate such impacts itself. And further that the Garfield County Sheriff's Department also submitted comments stating that its ability to provide service would be severely constrained by the development. Holy Cross Electric stated that it does not currently have facilities capable of serving the development and that the testimony that was brought out and not refuted was that the Chenoa owner in bankruptcy so that the necessary resources for the viability of a subdivision are neither assured nor reasonably certain and that the same for the 2.4 million dollar committed for the road improvements and they may file for relief of that as well and we've not seen any proof that they wouldn't and that Garfield County would be required to mitigate all road impacts that have not been identified but will, I'm sure, by virtue of the development has an impact. And also under Section 1.51 Subdivision Regulations - the regulation process is a three-step that no approval or condition of approval shall be given from anyone one step until all requirements of the preceding step have been successfully completed. And from the testimony we gathered, the differing opinions from the Colorado Geological Survey and the consultants geologic survey required that the Board of County Commissioners (BOCC) find that the mandate of such regulation has not been met. And thus, the BOCC cannot approve a preliminary plan and allow it to proceed to final plat until those items are resolved. And that the Subdivision Regulations also state that the BOCC can not even make a conditional approval unless all requirements of the preceding step have been satisfied. Moreover, the Planning Commission required that on it's preface, that the applicant, to resolve the differences of opinion regarding the necessary and additional geological study - we had testimony that this did not occur. And so the P & Z is presumed invalid and the BOCC must deny the preliminary plan. And also under 1.1 Subdivision Regulations that not all items were found to be complete under 2000-95. One of them was the Condition 1a which was the road improvements, Condition 9 the irrigation, Condition 12 the engineering standards that are going to be used regarding CR 114 and CR 115 other than a proposal was presented. I don't feel this Board had enough information to accept those at that time and in fact prior to this proposal, there was supposed to be a four-lane that was recommended in 1984; also Condition 22 the maintenance and the designation of public and private use was in question as well as the Condition on the wilderness cabins and what exactly they were going to be conditional ownership; also we didn't get into the Best Management Practice and who's going to enforce those and how are they going to be satisfactorily met and who's going to regulate those as well as who is going to enforce all the rules and regulations on speed limits during construction, who's going to enforce the earthworks and who's going to monitor the 30 mph wind, who are we putting in charge of that. And I didn't feel that the quality of the water monitoring program was detailed enough and I felt uncomfortable on that as well to render a decision and I don't feel, even though I looked three times and still didn't see it other than testimony that the map was there - information may be there under 4.92D of the Subdivision Regulations, the ISDS information. So in summary, I came up with this that Garfield County Regulations provide that a three-step process is logical and sound for positive land use and may with increasing levels of data input, however, the applicant can file a combined PUD application and process it simultaneously. When one does that all of the details of this three-step subdivision process have to be put before the County simultaneously and I don't feel that they did that and have failed to meet the conditions of the regulations and the special conditions of the P & Z. So, I feel that denial is in order based on these items. There was one more and that was the secondary access of the Fire Department on their request which was the original PUD approval. Also, another item which was the phasing and the building of the

clubhouse of Phase I which was condition of approval that has been requested to move, however there needs to be an opening of the public process on that PUD process to really address that in my opinion.
The Commissioners heard the Spring Valley Ranch PUD Subdivision Preliminary Plan on October 29, 2001 where there was a lot of discussion, input from concerned citizens, and ultimate questions from the Board with respect to water issues, road improvements and cost to the county - what to expect when the County reviews the plan, access easements promised in 1983 under Resolution 84-117 and 2000-95; water taps available to local residents in case of a well water shortage, nonresidential policy for hiking, biking, golf, equestrian, neighborhood picnics, percolation test, questions regarding property for a cemetery, ISDS systems outside the District Boundaries; could outside district boundary landowners apply for taps - the capability to transfer those rights - how, could and would it happen.
The Commissioners requested to hold deliberations and deliver a decision today after they had time to review the additional submittals and comments made during the hearing.
Deliberations and Decision
The Board continued to deliberate on the information presented at the public hearings. Questions were posed to Don DeFord for clarification.
Commissioner Stowe inquired of Don DeFord, is there was validity in his statements to deny the application based on failure to perform on some of the conditions?
Don DeFord - John correctly cited the provision of 1:51 that requires that you cannot obtain approval or conditional approval of any step until you've appropriately completed the preceding step - the three steps of Garfield County Subdivision being Sketch Plan Review, Preliminary Plan and then of course Final Plat being the last one. Also, in your Preliminary Plan Regulations, any applicant is required to comply not only with the Subdivision Regulations but your Zoning Code as well so that incorporates any PUD approval as well. As with any fact finding process there are three of you making the determinations and each of you may have your own views as to whether or not there's compliance with the conditions of approval. John went through a number of items that each of you need to look at to see if there has compliance before they move to the Preliminary Plan stage.
A motion was made by Commissioner McCown to reopen the public hearing. Commissioner Stowe seconded;
Martin - nay
McCown - yea
Stowe - yea
The Commissioners proceeded to go through the various documents making comments and obtaining clarifications on road impacts to both CR 114 and CR 115, geological issues, ownership of wilderness cabins, water quality and ISDS systems, fire protection, egress and access, density, and C-DOT recommendations with respect to CR 114 and Hwy. 82 intersection.
Comment was given by: Tom Smith, Cam Kicklighter, Dave Hatton, Mark Bean, Don DeFord, Chief Piper, Michael Sullivan, Roy Viet, Pete Simmons and Hal Terrell.
Motion
Commissioner McCown moved to close the public hearing. Commissioner Stowe seconded; motion carried.
Commissioner McCown - I have no idea how to include everything in this motion given the hundreds of pounds of material, the motion itself should weight about fifteen pounds, but I would make a motion to approve the Spring Valley Ranch PUD Preliminary Plan with all the recommendations of staff in their packet dated 10/24 as well as all testimony by the applicant and conditions that the applicant has agreed to in testimony [there are 27 recommendations outlined in Resolution 2002-07 - these were included in Commissioner McCown's motion.] I don't know exactly how to address it as a condition, Don and maybe you can help me through this, under the problem we encountered with the access road - that was clearly left in the PUD and not addressed - you said it would be our responsibility or the applicant's to come back and alter or amend the PUD, I don't know how we address it as Commissioners, I would attempt to do that - I could delete it as a condition but I don't have that authority.
Don DeFord - you do not at this juncture, you could require them to come back and demonstrate that they have amended the PUD prior to the approval of the first final plat, with the recognition that you have to retain the discretion to deny that as well, in which case their final plat will have to conform to the PUD.
Commissioner McCown - I would include that in my motion as a condition of approval then.
Chairman Martin - I have a motion to approve.
Commissioner Stowe - Is that all - you want, go ahead...

Commissioner McCown - I've looked through my notes and I can't find anything else that I didn't cover given the fact that I did include all testimony that has taken place both from the applicant and the County on conditions of what they would do, i.e. pertaining to the County Road not only the $2.4 million, but they would rebuilt it to our standards even if it exceeded that amount - things of that nature that were testified to, the good faith negotiations on the right of way would be included, I have mixed emotions on that, I think our subsequent Resolution took care of the previous Resolution, but if they're doing that on good faith, I would also include that in my motion.
Don DeFord - Larry for clarification is your motion including then the proposed conditions that Mr. Smith set out in Exhibit AK on November 1st?
Commissioner McCown - yes, and that the applicant would be the permittee for the access.
Don DeFord - as set forth in State Regulation?
Commissioner McCown - yes.
Don DeFord - okay.
Commissioner Stowe - with the addition of last remark, I would second your motion, Larry.
Chairman Martin - we have a motion and a second. And I still feel that Section 1.5 of the Subdivision Regulations has not been accomplished, therefore, no approval or condition of approval shall be given for any one step until the other requirements and the proceeding steps have been successfully completed; consideration also under Section 1.22 that the Board shall deem an area premature for subdivision, I feel that this is one of them simply because of the difficulty of a motion for approval, I think that there are many issues that could be addressed, that should have been addressed, that have no final resolution only we propose to do this, we have not formally accepted any of the proposals verbatim, one of them being the acceptance of $2.4 million dollars which I believe would have to be a second type of a motion, in my opinion and determination, and I'd really urge you to consider those two probations under our codes before you make your decision. Any other comments?
Commissioner Stowe - I have none.
Don DeFord - I have one question for clarification and it does arise as a result of the Chair's comments, does your motion indicate on the road improvement to CR 114 whether or not you wish them to build the road as designed or to offer the funds for use by the County?
Commissioner McCown - the intent of my motion was to do the road improvements that they agreed to in the Phases they agreed to and in the amount to whatever, to $2.4, $2.8 but a minimum of $2.4 million and not to give that money to the County, but for them to them to do the improvements to those roads to our standards.
Don DeFord - thank you.
Chairman Martin - any other clarification? Call for the question, all in favor?
Commissioner McCown - Aye
Commissioner Stowe - Aye
Chairman Martin - All opposed? Aye.

Executive Session - Personnel Issue

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair; motion carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.
Commissioner Stowe made a motion to do away with the year end event this year and put funds into the employee appreciation once a year. Commissioner McCown seconded the motion; motion carried.

Adjourn

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

Attest: Chairman of the Board

_____ _____

NOVEMBER 13, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:30 A.M. on Monday, November 13, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 8:30 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Accident on Dry Hollow Road - Silt

Tom Russell reported to the Board on the accident on Dry Hollow Road. This was on a curve and Tom went out on site and took at look at the road. He said striping will be done today and Silt is doing their part of the road as well. The accident was due to speed and alcohol. It is the first one to happen in several years on this road. The speed limit signs are posted and Tom notified the Sheriff that speeding was a factor in this accident. Once the striping is in place, it will help.

Update on Red Canyon Road at Fisher Creek
Roger Wilson had contacted Tom and he checked on the Red Canyon Road at Fisher Creek and found it to be real lumpy. The only future maintenance is to apply Mag Chloride next year. They will grade it once again but they are waiting on some moisture.
Cattle Creek Staging Facility
Commissioner Stowe - Ron Perau spoke to him and said he would like to pave the road coming down through but he needs to know if he can it do it since it's County property, or is there plans for him to be able to acquire that right of way from the County and then it's no problem for him to pave it, or does he need some sort of an agreement with us that he can pave it and we won't come in and rip up his pavement a year later.
Don DeFord - From a legal perspective if he's going to do any kind of improvements on County property, we need to have some kind of an agreement on that specifying the type of improvements, hold harmless provisions, insurance provisions, and particular bonding provisions because we don't want any allegations of a lien against government property.
Tom Russell - suggested to check with C-DOT because some of that right of way is owned by them and some is also M & M Construction's right of way.
Tom said there was no agreement to sell part of this right of way to Ron Perau, but what we had decided is to go ahead and move the fence on the property line to allow Ron some room to get to his back lot.
Commissioner Stowe asked if it would make more sense to sell that little triangular wedge.
Don - the Board can do either one, but probably a total transfer of that property is the best if we're not going to have any use for it - just do a boundary line adjustment and transfer the property to him.
Tom - the County property is separated from his property by M & M's property so it's not a continuous piece to Perau's property.
Commissioner McCown - suggested to transfer it to M & M and then let Perau and M&M to work out their own access agreement - it's no longer a County road, so he could pave it or whatever he wants to as long as M & M Construction doesn't care.
Don DeFord agreed this would be the best way. If M & M is the adjoining property owner then the boundary line adjustment is with them.
Commissioner Stowe - inquired as to the purchase price and would it need to have a survey to establish the value.
Commissioner McCown didn't know if M & M would even have any interest in buying that property.
Commissioner Stowe said he will call Ron back and suggest getting the two of them to come in and speak to the Commissioners.

Tom - said he will get a copy of the survey to the Commissioners and the information he has on that lot. And he added he'll try to depict on that survey where they were going to put the fence in the final construction.

COUNTY MANAGER UPDATE: ED GREEN

i. ***Draft of Proposed Participating Agreement Between Garfield County and the White River National Forest Regarding Weed Management*** - Steve Anthony

Steve reported that in the past they have worked together with the Rifle and Rio Blanco Districts on various projects. The Rio Blanco District assisted Garfield County this past May in our efforts to manage noxious weed on the Interstate between Rifle and the Mesa County line.

The Rio Blanco District has also offered to loan us their hydro-seeded to re-vegetate a County Road cut project this fall. This agreement will allow both the County and the Forest Service to continue to work together in the future. The $2,500 limit for both entities, an annual agreement, in effective until December 31, 2006.

Don asked if they dealt with the actual use of the equipment so that liability and insurance will cover it while being used by the County.

Steve noted on page 3 CA - the equipment is to be returned as is.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the participating agreement between the Forest Service and Garfield County after the review of the County Attorney on the final draft and the Chair be authorized to sign. Motion carried.

ii. ***Rifle Gap Cocklebur Update*** - Steve Anthony

Steve reported that Bob Wigg, Park Manager at Rifle Gap, is currently soliciting cocklebur treatment bids for Rifle Gap. He is seeking bids for two applications, an initial late spring treatment with a follow-up.

Steve said his department currently has some funds available under the "professional services" line item - these funds have been used in the past to hire private contractors with specialized equipment, an example being fall treatments on Russian Knapweed with ATV's. This year we have not not spent some of these funds for contract work and have waited to see if we could help develop a cooperative cocklebur project that may utilize these funds.

Bob Wigg was requested to submit the bids to the County and today the request before the Board is to consider contributing to this project out of the 2001 Professional Services line item.

Commissioner McCown suggested Steve talk to Norm Hunt regarding some possible funds from the Silt Conservancy District that they would be willing to provide.

Steve indicated that Bob Wigg was planning to talk to them.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to apply any funding left over to this Cocklebur problem. Motion carried.

c. Weed Board Appointments - Steve Anthony

The terms of three Weed Board Members expired in October, 2001. Those individuals whose terms are expiring are Dawn Keating, Doug Piffer, and Susan Sammons. Doug Piffer has asked to be considered for a second three-year term. Susan Sammons and Dawn Keating have said they do not want to be re-appointed.

Steve mentioned some other folks that don't want to be as well and are leaving early, so he will get with Trish and when advertisement is done for other Boards, they will tap into the advertising. Doug Piffer's term has expired and suggested the Board could re-appoint him if they wanted to do so.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Doug Piffer for a second 3-year term . Motion carried.

The Commissioners recommended to get something going right away due to the fact that Steve may not have enough interested members to have a quorum.

d. Landowner Weed Management Cost Share Program - Steve Anthony

At the Commissioner's meeting held on October 4, 2001, the Soil Conservation Districts (SCD) reviewed the 2001 Weed Cost Share Program. The program has grown from 31 participants last year to 48 landowners this year. The acreage treated has increased from 1100 to 1784. The County has contributed $15,000 in 2000 and 2001. In 2000 we received a grant from the State Noxious Weed

Trust in the amount of $15,000. Steve said he is preparing to write another grant proposal to the State for $15,000 for 2002. At the October 4th meeting, the Commissioners heard a request from the SCD's to increase the County's contribution from $15,000 to $25,000 for the program. That request was not acted upon at that time - staff would like to determine if there is interest from the Commissioners in contributing an additional $10,000 to the Cost Share program.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to increase the amount of funds toward this to $25,000. Motion carried.

e. ***Russian Olive***

Discussion was held with respect to how Russian Olive is flourishing and taking over Garfield County and what possible enforcement can be instituted on private property.

Commissioner McCown - suggested that by putting it on the Noxious Weed list would place a ban on them being sold in the County. He also suggested some enforcement and education with respect to how to control the Russian Olive.

Steve - said Eagle County Weed Manager and he have been working on Tamarisk in the Canyon and there are some Russian Olive as well; this is a whole different deal and you have to treat Russian Olive once it is cut within one-half-hour in order to kit it. This is currently on the County Weed List and after a year the State did so likewise.

Ban from the Nursery

Commissioner McCown stressed that he wanted to address the sale of the ornamental Russian Olive Trees by the nurseries and tree farms.

Ed asked how the Board wanted to handle this issue with the nurseries and tree farms since it is already listed on the noxious weed list.

Don said he want to look into this before he advised the Commissioners, therefore he will review this and send back a recommendation.

Commissioner McCown stated that the County does have the authority to enforce management and eliminate the ones that are growing wild.

COUNTY ATTORNEY UPDATE: DON DEFORD

EXECUTIVE SESSION - *Litigation (2) Issues; A Land Use Issue - Provide Legal Advice; Advice as Your Statutory Duties as Chief Financial Officers of the County; and a Discussion on Contract Negotiations*

Don suggested to proceed with the agenda items and have this at the end of the meeting.

Update on Courthouse Plaza

Roy Stanek was present and reported they were a little ahead of schedule on the 'critical path'. He said they meet every Friday to review the progress with Randy Withee. Things are moving along very well.

COMMISSIONER REPORT:

Commissioner McCown - Ground Breaking at 3:30 p.m. today at the new Hospital site on the Airport Road; and budget meetings with the elected officials on Wednesday and Thursday, but there is a conflict - there is an Northwest Oil and Gas Commission Meeting Thursday in Rifle from 10 a.m. to 2:00 p.m. but he will let Jim Evans sit in on that for him and he'll be here both days for the budget hearings.

Commissioner Stowe - Elected Budget Meeting - Wednesday and Thursday; Rural Resort - Friday 9:00 A.M. in Room 301 at the Courthouse.

Chairman Martin - C-DOT, 2 p.m. today - City Hall, Glenwood Springs; Land Use Review on Friday with BLM and the way of doing their land use, everything from payment in lieu of taxes to oil and gas leasing to what they are going to be trying to enforce on weeds on the roads so he will be gone on Friday from 8 a.m. to 5:00 p.m. - this is at the Ramada Inn in Grand Junction.

CONSENT AGENDA

i. Approve Bills
ii. Sign Resolution of Approval for a Floodplain Special Use for Ron Van Meter
iii. Sign Resolution of Approval for a Floodplain Special Use for Doug and Lou White

Discussion

Bills - some items that Commissioner McCown noticed with respect to lots of items being paid with credit cards from yearly fees to Associations and he didn't feel this was an appropriate use; he did

find several finance charges and asked if there was a problem getting vouchers processed in a timely manner.

Jesse said no, the problem is getting them in on time to the accounting in a timely manner.

Commissioner McCown suggested giving some direction to those responsible for getting the vouchers in on time.

Jesse mentioned that Lois has a periodic financial meeting with all the focal points and she can address this on the agenda.

Commissioner McCown - again, there are some sizable cell phone expenditures and still requested monitoring be done in Social Services. There were two large bills in addition.

Jesse mentioned there were 33 credit cards on that bill.

Commissioner McCown mentioned he felt this should be reined in and if credit cards needed to be pulled in and then reissued under a new policy, we can.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda, Items a - c; motion carried.

EXECUTIVE SESSION - *Litigation (2) Issues; A Land Use Issue - Provide Legal Advice; Advice as Your Statutory Duties as Chief Financial Officers of the County; and a Discussion on Contract Negotiations*

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

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

Adjourn

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

Attest: Chairman of the Board

_____ _____

NOVEMBER 19, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 6, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
COUNTY MANAGER UPDATE: ED GREEN

i. ***Airport Statistics Report*** - Jesse Smith and Kenny Maenpa presented the report and discussed the final stages on the Master Airport Plan; this needs to be submitted to the FAA by the first of December. It takes approximately 90 days for them to review it and make changes or recommendations.

Kenny attended the Colorado Aeronautical Conference last month and they indicated there would not be any cancellations of major projects for the Airport. Also, Kenny presented a grant for $45,000 for a runway project next year.

Regarding the Master Plan, some decisions need to be done; an EIA request for proposals for the Environmental Assessment on the runway extension project - it takes about 12 months. The safeties around the runway are included.

Fuel Sales to date for this year - 4% drop - this month is down - but December is a big month - this is due to decrease in air travel, lack of snowfall.

Parking Areas - is this going to put our project off?

Kenny said these are mandates without funding - the FAA says that's why you collect passenger funds - they have offered some flexibility to allow airports to make some adjustments. This was a big discussion last month.

Airport Terminal Conceptual and Budgeting Proposal Recommendation - Professional Services Contract - Kenny Maenpa

Jesse said this was in the Master Plan and approved previously. The Terminal will require entrepreneurial thinking. RFP's have been requested for architectural - they received 4 proposals and Dale and Kenny are recommending the Phil Vaughan bid be accepted as it was the lowest at $21,620 for design.

The Board cautioned Ken to have Carolyn Dalghren review this and make sure there is not another amount due for construction or construction management.

Dale mentioned they needed a firm dollar amount.

Ken said once they get the conceptual design they will use this as an example to apply for grants.

The terminal proposed will include all the modular, old airport site, approximately 15,000 - 20,000 square feet. It will also have a restaurant included which would be for lease and a potential revenue source for the Airport. Long-term leases in order to pay on the loan was discussed - Ken said they would have these with the FBO and the others who lease. He hopes to have leases with BLM as well.

Construction and

Bid not to 21,262 - Phil Vaughan - completed early next year 2002 - the funds are in this year's budget - 2001. Payments will be made as the work is done.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the $21,620 as an amount not to exceed bid for Phil Vaughan for the conceptual design of the Airport Terminal;

Discussion included making sure this is only for the design and not for the construction management. Motion carried.

ii. ***Personnel Policy Changes - Judy Osman***

Judy handed out the current policy and the new policy that will be available in January if the Commissioners approved moving ahead toward a pay for performance plan. Whenever a change takes

place, the Personnel Policy must be changed. Language 1.01 - adds a paragraph of a market review plan 1.02 - market system etc. and makes it clear that the Board has the final approval. 1.04 - market versus a classification of points system. The Personnel Committee voted and approved the changes on October 26, 2001.

This year the market survey is almost completed. This will be done regularly. Currently Judy said they have surveys from approximately 10 - 12 counties. Almost all are using outside sources.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the new changes in the Personnel Manual as presented and discussed by Judy Osman; motion carried.

iii. ***DoLa Planning Grant Application Support Letter***

Jesse Smith explained the purpose of this with respect for the budget. It will create a 501 Fund for the Jail and a 505 Fund for the Courthouse Plaza. This would keep these costs very clearly identified.

Motion

A motion was made by Commissioner McCown to approve both Fund 501 and Fund 505; Commissioner Stowe seconded; motion carried.

d. Letter from New Castle requesting a letter of support of the Town of New Castle's plan to update the current land use plan, which was prepared in 1982. The grant is for $86,000 at no cost to Garfield County. Commissioner McCown moved to authorize the entire Board to sign a support letter as mentioned. Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

Executive Session - Personnel - Litigation - Outside Counsel - Contract Negotiations - Update on Prehm Ranch

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items. Motion carried.

Don requested the Board, Mildred, Jesse Smith, Carolyn Dalghren and he remain for the session.

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

Approval of Outside Counsel - Cathy Greer

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to retain the Firm of Wells and Race, Cathy Greer to represent the Board on personnel litigation; motion carried.

Board, Jesse, Mildred, Carolyn and Don

COMMISSIONER REPORT

Commissioner McCown - Light week - Turkey Day - Thursday.

Commissioner Stowe - Turkey Day

Chairman Martin - attended the City Council meeting of Glenwood Springs for the Board - discussed the Downtown Association and thanked Jesse Smith for the work he did on formulating an example on how much the DDA would receive on a $100 million worth of assessed valuation over a four-year period. It was an eye-opener. Jesse showed the City Council how the formula worked and they were in awe on how much it would generate - they got real excited. There was some conversation with the College, Colorado River District and the School Board - all of these entities want to get together and talk to the County to compare notes and see real live examples of how it impacts their mill levies as it includes sales tax and mill levies to do the improvements. Also we wanted to know what the blight was that was to be removed from the City of Glenwood as part of the statute. They are planning to have another work session. The City Attorney advised City Council there was no dire need to have this done by year-end 2001. This is a 25-year project that affects five different special districts - the County's mill levy would also be included.

Jesse indicated that his formula included a $100 million of assessed property values and that each year that assessed valuation will have $20 million and $10 million of new construction each year - based on that, then the first year the taxes to the district are based on 20% of $20 million dollars; the second year that jumped to 58% going to the DDA and 8.7% to the rest of the entities. The following year it went down to 38% for the DDA but also to 7% for the rest of the other folks. It continued to go down. The DDA presented the concept to the Council using an example that only generated 1% going to the DDA and Jesse felt this was unrealistic and the Council's reaction was that this was not bad - that's what prompted Jesse to work this through and show them how it really worked.

Before the next work session, Jesse will work with Shannon and develop our pro-forma using actual numbers.
Commissioner Martin concluded that CCI starts Monday.
Mildred Alsdorf will be at Clerk's Conference next week.
CONSENT AGENDA

i. Approve Bills
ii. Sign Mylar of Amended Final Plat for Antler's Orchard Development Company Plat 1 Tract Numbers 29 and 36 and portions of tracts 28, 30, and 37. Applicants: Tom & Cecilia LaFrenz

Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - b; carried.
MARTIN MEHAN - MOTHER-IN-LAW QUARTERS IN PRIVATE HOME - Discussion

Mark Bean, Randy Russell, and Martin Mehan were present.
Martin Mehan presented information for discussion - what they are asking is a slight modification to allow flexibility to have a single family home with two cooking facilities. Carolyn's mother was diagnosed with a gluten problem - starting writing cookbooks for the people who have the Celiac Disease. Martin and Carolyn retired - found the ideal location in Los Amigos - got an architect - asked Carolyn's mother if she would like a place in their home. They designed the home, would need to be attached to their residence, process of getting approved by HOA and review committee. Did fine until they reached the building but can't have two kitchens - must be separated - basically that's the request - need some flexibility. There is only one family in the home, can't have rentals in Los Amigos. There is nothing specific in the Policy - that's why they are here.
Chairman Martin - they have encountered it before.
Mark it is more than just a policy - it's the interpretation - it becomes an Accessory Dwelling and would fall into a two-family unit or an accessory - the Los Amigos doesn't make allowance for a two-family or accessory dwelling .
The County does not enforce the covenants but would enforce the zoning. A possibility was suggested to amend the PUD zoning if that is the desire of the Homeowners Association.
Greg Boeker - will talk to his attorneys in the future.
Martin stated that this doesn't help now. He submitted copies for the Board and outlined the part for the extra dwelling except for a kitchen and bath.
Commissioner Stowe - the problem the County gets in is that you could sublet that extra dwelling should we approve it; then the Commissioners are subject to everyone else who requests this. That's why a letter is necessary.
Martin -suggested that he could sign an agreement with the homeowners that he will take out the stove and convert this into a wet bar, then it would refer back to a single family dwelling.
Commissioner McCown - said his concern would be that the dwelling units could double the density if this is allowed. Martin's mother needs a separate sink and stove in his basement. This makes it tough.
Martin - the building has been approved; she doesn't want to write cookbooks, all she does is all the recipes - she uses potato and rice flower due to her not being able to use gluten because it damages her esophagus.
Commissioner McCown mentioned the only option would be for Martin to request a letter from the Homeowners Association to change the zoning and create covenants to be in compliance with the changes. He suggested that Martin go ahead and later add the stove is he can get the letter of support from the Homeowners Association. Then come back to the Board.
Mark attempted to contract Greg Boeker - he was out of town.
BUILDING & PLANNING ISSUES: PUBLIC HEARINGS
SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATION: 11700 CR 204, DEBEQUE, COLORADO. APPLICANT: DEBORAH SNOOK
Kit Lyon, Don DeFord and Deborah Snook and her son Jonathan Snook were present.
This is under the new notification - a 30-day notification. The notification Don has is dated November 1, 2001.
Kit said it is under the old regulation; it was submitted prior to October 1, 2001.
Don said in this case, the notification is okay.
Kit responded to Don's questions on notification and mailings.

Don reviewed the regulation requirements for noticing - notice to property owners, notice to mineral and lessee owners, proof of publication, and posting. He determined these were in order and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Kit submitted the following Exhibits into the record: Exhibit A -Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 1984 as amended; Exhibit E - Staff Report and Attachments; and Exhibit F - Application Material.
Chairman Martin entered Exhibits A - F into the record.
Kit this is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the R/L Zone District on approximately 35 acres located off of County Road 204 in DeBeque, Colorado.
The applicant has a new modular house, approximately 1,264 square feet in size that currently occupies the thirty-five (35) acre site. The modular is served by a driveway to County Road 204 (Roan Creek), for which a driveway permit has been issued. A second unit (mobile home) also occupies the site. This unit is being temporarily occupied by the applicant's son and his family. The plan is to gut this unit, and move it to another location on the property, to be used as storage. The applicant proposes to place a new dwelling unit on the property for her son and his family in the exact location that the mobile home currently occupies. In summary, the existing modular will be the accessory dwelling unit, and the new house will become the primary unit, while the existing mobile home will become storage.
Kit continued to review the major issues and concerns, suggested findings and recommendation.
Recommendation
Staff recommends Approval with the following conditions:

1. 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;
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements and requirements of the driveway permit; That all State and local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;
3. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased;
4. That prior to issuance of the special use permit, that the following information be provided;
    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 two (2) dwelling units;
    5. An assumption of an average of 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 independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
5. That the existing 900 square foot mobile home unit may be gutted (all plumbing and electrical fixtures shall be removed) and used as storage, but under no circumstances shall it be occupied as a third dwelling unit.
6. That this approval shall be valid until 11/19/02. If the applicant fails to meet these conditions by 11/19/02, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

1. Discussion was held with respect to the issuance of a temporary permit until November 2002.

Mark stated that a temporary occupancy permit could be issued for 6-months. Normally it doesn't take more that 6-months to get the modular in place.
Kit has copies of correspondence - they’ve always included the statement that this is subject to the Building Department Code and will have to live with exactly how it's approved.
Commissioner Stowe clarified that if there is a TO and it isn't completed by then, the TO would go away.
Motions

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow for an Accessory Dwelling Unit with the conditions noted by staff 1 - 6 paying special attention to Number 6 and noting November 19, 2002 deadline next year for automatically being revoked and that it all goes away otherwise not allowing you to live in the single wide any longer as well. Motion carried.
PRELIMINARY PLAN AND PUD AMENDMENT. LOCATION APPROXIMATELY 1/2 MILE NORTHEAST OF THE STATE HIGHWAY 82 AND CR 100 INTERSECTION (CATHERINE'S STORE) OFF OF CR 162. APPLICANT: ESTATE OF JOHN STIRLING

Don DeFord, Attorney Sherri Coloia, and Mark Hamilton, Paralegal with Coloia and Haupt for the applicant, and Mark Bean were present.
Don reviewed the regulation requirements with Mark Hamilton for noticing - notice to property owners, notice to mineral and lessee owners, proof of publication, and posting. He determined these were in order and advised the Board they were entitled to proceed.
Chairman Martin 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 Attachments: Exhibit D - Project Information and Staff Report; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Garfield County Subdivision Regulation of 1984 as amended; Exhibit G - Garfield County Comprehensive Plan of 2000 Study Areas I and II; Exhibit H - Ltr. Division Of Wildlife dated 5/04/01; Exhibit I - Ltr. Division of Water Resources dtd 10/27/01; Exhibit J - Ltr. Division of Water Resources dtd 5/22/01; Exhibit K - Ltr. Colorado Geological Survey dtd 5/8/01; Exhibit L - Ltr. Carbondale and Rural Fire Protection District dtd 6/29/01; Exhibit M - Ltr. Carbondale and Rural Fire Protection District dtd 5/06/01; Exhibit N - Letter from Sheriff’s Department dtd 5/1/01; Exhibit O - Additional information submitted after the report was prepared from Tom Zancanella - 11/13/01; Exhibit P - Ltr. Division of Water Resources - dtd 11/14/01; Exhibit Q - Letter received today by fax from Temple Glasier dtd 11/19/01.
Chairman Martin entered Exhibits A - Q into the record.
Mark stated that this is a Planned Unit Development (PUD) amendment to the Stirling Ranch (aka Sun Mesa) PUD plan and zone district text and a Preliminary Plan for the estate of John Stirling on a four hundred twenty point seventy-six (420.76) acre tract in the original PUD and thirty (30) acres in the additional property located off of County Roads 102 and 162 approximately five (5) miles northeast of Carbondale.
The applicants are proposing to amend the PUD Plan to add three lots (25,26,27) in an area not originally included in the development; and to amend the lot lines for Lots 11 and 15 to accommodate a new looped roadway to access the new lots; and to split the original lot 23 into two lots and reduce the allowable spa guests rooms from eleven (11) to two (2) rooms or cabins. In addition to the PUD Plan amendments, the applicants have proposed revisions to the PUD zone district text, which include the following:

- Removal of provisions for a ski area
- Removal of the multifamily zone district, resulting in three (3) zones; residential/single family, open space and commercial/recreational (spa lot).
- Commercial/
- Recreation zone reduces the number of guest rooms from eleven (11) to two (2) guest rooms or cabins, along with a manager's residence.
- A total of thirteen (13) ADU's are to be allowed on Lots 2,5,8, 10-12, 15, 18, 20 - 24, and all other residential lots are restricted to a single family dwellings.

The application for a PUD that was approved originally in 1985, included 20 single family lots with three guest houses and 16 multifamily units on three lots of 417.33 acre tract of land. This represents a gross density of one d.u./11.59 acres. In 1987, the PUD was modified to allow for a commercial health spa, with up to 29 rooms with a maximum of 58 guests and reduced the multifamily units from 16 - 12. In 1999, the PUD was modified to include 22 single family dwellings, with a possible 11 ADU's and spa was reduced to a maximum of 11 rooms and a maximum capacity of 22 guests.
Comment were received from reviewing agencies: Division of Wildlife, Colorado Geological Survey, Carbondale & Rural Fire Protection District, and the Garfield County Sheriff's Department.

Mark continued to review the major issues and concerns, recommended findings; and recommendation. The Planning Commission recommended Approval of the proposed PUD Plan and Zone District Text Amendments and Preliminary Plan Modifications, subject to the following conditions of approval:

1. 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.
2. The amended Final Plat for the Stirling Ranch PUD will include building envelopes for each lot, including building envelopes for lots 25 - 27 that are at least 50 feet back from the plateau rim.
3. As a part of the Final Plat submission, the Stirling Ranch PUD Final Plat will include water line easements from Well P to the proposed water storage tank for Lots 25-27. Further the construction drawings for the Final Plat submission will include a water line from Well P to the water storage tank and the engineer's estimate of subdivision improvement costs will include this improvement.
4. The development may have an electronic gate at the entrance, provided a KNOX key switch is provided on the gate.
5. The extended Schooner Lane will be designed to a Semi-Primitive roadway design, with a 40 foot right of way, two 8 foot wide driving lanes with a chip & seal or a gravel surface.
6. The following geologic recommendations will be included in the covenants and included as plat notes for lots 25 - 27:

   a. No residences will be located within 50 feet of the plateau rim. The plateau rim will be staked by the applicant's geotechnical engineer and shown on the Final Plat, with a legally described building envelope shown at least 50 feet from the line.

   b. Cuts and fills will be no steeper than 2:1 (horizontal to vertical) and no deeper than 10 feet.

   c. Development specific geologic and geotechnical engineering studies be performed for the planned development.

   d. Loess deposits present at foundation depths be closely inspected by a geotechnical engineer prior to the completion of the foundation and any recommendations made by the engineer will be incorporated into the foundation design.
7. The proposed 10,000 gallon water tank will meet the following criteria and be incorporated into the Final Plat construction plans:

   <u>Tanks/Cistern Design and Location</u>

   - Tanks/cistern drawings should be submitted to the fire district prior to installation.
   - Tanks/cisterns shall be constructed of concrete, steel, fiberglass or other approved material.
   - Access opening shall be provided for inspection and maintenance of tank/cistern(s).
   - Tank/cistern shall be self-filling.
   - Tanks/cisterns in areas with high water table shall be designed to prevent floating when empty.

   <u>Piping and Connections</u>

   - All suction, fill and vent piping to be minimum ASTM Schedule 40 steel or PVC.
   - All PVC piping to have glued joints.
   - Any exposed PVC pipe to be primed and painted to protect from ultraviolet light.
   - Suction piping and tank venting shall be capable of delivering 1000 gallons per minute for three-quarters of the tank/cistern capacity.
   - Maximum lift from bottom of suction piping to fire apparatus pump connection shall be maximum 15 feet vertical distance.
   - Maximum distance from suction pipe connection (dry hydrant) to fire apparatus pump connection shall be 15 feet. (Note: standard fire apparatus carry two 6" by 10' long suction hoses for connection fire apparatus to cistern suction connection.)
   - Tank/cistern suction connection shall be 24" above finished grade.
   - Threaded suction connection shall be 6" NST male thread with cap.
   - Fill pipe connection shall be minimum 2 1/2 " NST female thread with cap.
   - Fill pipe connection shall be 35" above finished grade.
   - Exposed piping shall be protected from vehicular damage.
8. All dwellings on LOTS 25-27 will be designed to allow for the ventilation of possible radon gas buildings and that the same requirement be included in the architectural control provisions of the subdivision.
9. School site acquisition fees, as to be determined based upon an appraisal of the added property for lots 25 -27 prior to development approval and within the last two years, will have to be paid as a condition of any Final Plat.

10. The road impact fees for Traffic Study Area II, which requires a Road Impact Fee of $384/ADT will be paid for lots 25, 26, and 27. Fifty percent (50%) of the road impact fees are due at the time of Final plat approval, with the remaining 50% being collected at the time of building permit issuance.
11. The proposed open space areas adjacent to Lots 8, 25, 26, and 27 and south of the new Schooner Lane and emergency road be merged into the adjacent lot as a part of the amended Final Plat.
12. The following language be included as plat notes and be included in the covenants for the proposed subdivision:

    "One dog shall be allowed for each residential unit within a subdivision; and the dog shall be required to be confined within the owner's property boundaries."

    "Garfield County has adopted a "Right to Farm" provision in the Garfield County Zoning Resolution, 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 strong rural character and a healthy ranching sector."

1. Discussion included the letter from the Division of Water Resources, the augmentation plan can be moved from one to another; the width of the roadways, right of way - 50' being all that is required for a subdivision; cuts and fills not more than 2 - 1; dog limit being enforced through the covenants - only one dog allowed; and the 10,000 gallon water storage - approved by the Fire Department.

Dave Powell - Timberline Engineering - Engineer on the Project was present for questions.

Adrian Crouch - requested clarification on Well P and where the well was located; also on the road location, this is an extension of Schooner Lane, Becky's house is way up here, looking down on Catherine's Store - concern of commercial activity; also her concern over the showing of horses, trailers, and concerns regarding traffic.

Mark Hamilton - spoke on the concerns of commercial activity saying that there is only one thing and that is a spa for the enjoyment of guests - certain home occupations similar to Garfield County; he added that if you buy a lot, you can keep a couple of horses in the Community Barn - it is seen as an amenity and is not for the public - there are also equestrian trails however, the covenants have signature provisions, how it is laid out, how billing will take place, etc.

Mark Bean stated that provided the Board approves this, the applicant will have one year to submit an amended plat, and an engineer's stamp on the proposed plat.

Motions

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

Commissioner Stowe made a motion to approve the PUD and Text Amendments and Preliminary Plan for the Stirling Ranch PUD also known as Sun Mesa PUD Subdivision Sun Mesa with recommendations made by staff noting changes on No. 8 and Mr. McCown's exception to DOW in Condition No. 1 - except that horses may be kept within 1/4 mile of critical wildlife habitat, provide certified weed free forage for feed and to include the plat note - ventilation of possible radon gas from No. 8. And all testimony stated by the applicant is part of the motion to approve. Commissioner McCown seconded. Motion carried.

CONTINUED - REVIEW REGULATIONS, TEXT AMENDMENTS AND COMPREHENSIVE PLAN REVISIONS TO HIGHWAYS, MASS TRANSIT AND GEOLOGIC HAZARD REGULATIONS

Senior Long Range Planner - Randy Russell submitted the amended Staff Report.

Chairman Martin swore in the speakers.

Exhibit D - Amended staff report was added as well and entered as part of the public hearing.

The anticipated Countywide mapping will be site specific and during subdivision review the applicant is required to provide the information and the state response to and comments - it gets to a lot of these issues and may address them; if it's approved, then it means approval of the subdivision. The exception to these issues are lots to the subdivision - we may want a geologist to go out on site - the numbers there will be small. Most are covered by review or the 1976 Study that was done. As to when - to get the specific - we would need to see grants to fund that.

Commissioner McCown commented that yet we rely on the Engineer and then the State comes in - "whatever you pay, they will say."

Randy stated this standarized the issues.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried.
Motion
A motion was made by Commissioner Martin who stepped down as Chair to adopt the Geologic Hazard Regulations, subject to the deletion of Section 6.14.01 (4). and authorize the Chair to sign the Resolution. Motion died for lack of a second.
The Commissioner decided to hold Deliberation and Decision until December 3, 2001 - there will no more public input.
ABATEMENTS: PUBLIC HEARING - TOM BROWN, LINDA ANROLD, SEQUEL CAPITAL CORPORATION

Chairman Martin admitted the Oath.
Shannon Hurst, Sean McCourt, Bruce Cartwright and Agent David Rodenberg representing Tom Brown were present.
Abatements- ***TOM BROWN (4)***
Sean McCourt explained and submitted information with respect to the abatement.
Sean submitted Exhibit A - Submittal from the Assessor's Office including the Abatement for tax year 2000 - $92,253.00; the overview of the abatement including the notice that Tom Brown filed the protest on 6/22/2001; denied protest waiting for net-back from Tom Brown; the fact that Bruce and David had to take time to protest to the County Board of Equalization - noted they didn't have the information - however it was that the Board of Equalization should deny the abatement and let it go to the next level. Unfortunately - they did not file a timely protest at the Board of Equalization and in the meantime Sean continued to work on it in case they could file an abatement or go to District Court; Sean recommended it be denied, Don DeFord and Steve Rippy and the Statutes all know the basic understanding that we can't go though if they have appealed.
Bruce Cartwright submitted Exhibit B and explained that this is somewhat of a fortunate stroke; they filed the abatements 10/31/01 - statutory requirements of Sec. 39-1-113 "notice is required to be given to the person who signed, if there is a difference then it is deemed that no such notice was provided. He said they learned about the hearing by calling Sean McCown.
Shannon Hurst mentioned that Notice is to provided by mail.
Mildred Alsdorf stated that the County Clerk's Office noticed Tom Brown.
Bruce Cartwright noted that they were not objecting to notice. The abatement request before the Board is for Oil and Gas - Oil and Gas is assessed pursuant to 39-1-113 subparagraph 1 and then paragraph 'd' within subparagraph 1 and what's required of a taxpayer is to file various information required by Statute that will list the amount of production that is received, or that is produced, as well as the amount that's sold and the price that is realized for that at the point of valuation which the point of valuation pursuant to statute is further defined by the property tax administrator is the well head. Well, oil and gas is seldom sold at well head so there are procedures called Net-back Procedures to net the production back to the well head. The tax payer and its agent, which was DMS and Company who filed the returns for production year 1999 for tax year 2000, failed to take the authorized deductions. It is a self-assessment system that oil and gas is under. What is provided on the Declaration Schedules, the Assessor records a production and sales amount and then records a sale price to come up with the assessed value which is then multiplied by 87.5%. If the tax payer in filing the declaration schedules has made a clerical error and has not recorded the correct amount realized at the point of valuation, it is in that a clerical error. It is not a valuation, the valuation that is used and the measurement that is used, is the yardstick of production and sale price. And that's the case here; now why should this abatement be allowed? He provided for the Board specifically 39.10.114 - Sections I a, allows for all adjustments to be remedied except it holds out under section a and e where it can be - erroneous valuations for assessments, irregularity in eleven, clerical errors, or over valuations. What Section D does, it prohibits where a tax payer has challenged an over valuation pursuant to 39.5.122 those are arguments are not allowed to be brought before you for an abatement. I contend that this is not an over valuation, an over valuation cannot occur when in fact the taxpayer renders the property and self-assessed the property. An overvaluation is a situation where the Assessor would go out and discover a real property is a prime example. And if a taxpayer on real property came in and challenged the over valuation, and then was denied, and then later came back in, sought an abatement, that's what the Legislature in my opinion has contended with that particular section. We've provided to the Board the vision of property taxation, Assessor's reference library which is abbreviated ARL, Volume 3, Section 6 and that specifically lays out

the method in which oil and gas is to be taxed. So there's no question as to the legitimacy of the value that should be placed on the oil. Really, what's a question here is - did the tax payer commit an error - which I believe the Assessor would agree that the tax payer did commit an error in rendering property - that error resulted in an erroneous valuation and that is not limited when a challenge to the assessment is made initially under 39.5.122 and later under 39.8.106 which happened in the instance case. There are two cases that are specifically on point, Landmark Petroleum Company and Coquina Oil Company - both cases deal - one deals with an arbitrator error that was made after a challenge to 39.5.122 happened where a clerical error was allowed to be corrected in that case. In Coquina Oil Company, lost the case, there is a dissenting opinion that is on point because of the amendments that were made to 39.10.114 after the Coquina Case that allowed for both taxpayers errors as well as for Assessor errors to be corrected. This is what we have here, it is not an over valuation. It was a clerical error made in the declaration process; that is within the purview of the statute to be remedied through the abatement process and we urge the Board to allow the abatement.
Don DeFord - asked the Assessor's staff, in listening to the argument presented by Tom Brown on clerical errors, a basis for abatement versus over valuation, do you agree if their position that this is a clerical error.
Sean stated that he has never really found a good definition to clerical errors - this is too broad. Getting back to what they said, we do have six wells that probably account for a third of this total abatement which probably could be blamed on the Assessor's Office and the problem is that the prior company handling this, DMS and Company, didn't understand how to report take in-kind sales that were on these wells and us not understanding their method, we applied what we thought was the correct procedure to those which came up with an over valuation on those six wells - again that's about thirty-percent of this abatement. The rest of the $60,000 is right back to what we're talking about - this net back. So, we ask is it a clerical error or is it over valuation - our position is that if this hadn't been protested, if they had gotten in on time as they did in 2001 or if it came in after the fact like remember we did 1999 abatement, in both those cases we wouldn't be here - it's kind of a timing issue - these guys came on the scene right at the end of the protest period, they didn't have the information, they knew the steps to go through to make it work, they haven't addressed why they didn't file at Board of Adjustment, they didn't, so now we're back to an abatement - our position is that we feel like it's left our office - we can't sit here and approve an abatement when really it looks like it's gone beyond our office procedurally.
Don clarified for the record on this, is this the valuation of real property or personal property?
Sean - real property.
Commissioner Stowe mentioned that had they filed on time it may be different.
Bruce responded that Mr. McCourt is right in one respect and that is a lot of the adjustment was the cause of taking in-kind which is where one of the working interest owners or to the royalty owner takes the production in-kind and it was reported incorrectly - I think it caused some confusion in the Assessor's Office, but there's actually the single adjustment net back and clerical error included is where the Assessor actually picked up the sales volume and price on one of the largest producers and that value was associated with two wells, thereby substantially over stating the value. While the assessment of oil and gas is done as real property, that issue is not crystal clear to be honest with you because without any production there is no assessment of oil and gas properties except for the minerals severed from the surface, in that case there is a minimal assessment, but the assessment of oil and gas really more on the personal critique because it is severed but it becomes taxable.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.
Commissioner McCown clarified that Don's recommendation in Sean's packet, is it because of the failure to present this in a timely manner through the appeal process.
Don said normally he wouldn't discuss this on the record, but will because John's already introduced it, indirectly it is - what the statue prohibits is the filing and consideration of an abatement once the protest process has been undertaken and a notice of determination mailed to the taxpayer and that clearly by the record has been done in this case and applies to real property that's why I asked that question. That's the basis, so indirectly because they didn't finish the process would be i.e. so that's why we're here.
A motion was made by Commissioner McCown that we deny the abatements on Schedule Numbers 0908506, 0901400, 0901800, 0903900.
Commissioner Stowe seconded. Motion carried.
Chairman Martin - now you can take the next step.

LINDA ARNOLD

Shannon Hurst presented the abatement for Linda Arnold. The Commercial Appraiser did go out to the property - stucco siding, some problems - estimates for cost to cure running in excess of $300,000 - they lowered the value substantially - a new appraisal this year - $3,977.57.
A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; motion carried.
A motion was made by Commissioner Stowe to approve the Abatement on Linda Arnold based on the Assessor's statements in the amount of $3,977.57. Commissioner McCown seconded; motion carried.

SEQUEL CAPITAL CORPORATION

Shannon Hurst presented the Abatement for Sequel Capital Corporation saying it was for leased equipment is not on the site - the abatement is for $105.82.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Abatement of $105.82 for Sequel Capital Corporation; motion carried.
PUBLIC MEETINGS

EXEMPTION. LOCATION 0621 COUNTY ROAD 235, SILT, COLORADO. APPLICANT: KELLY & MICHAEL LYON FAMILY, LLC.

Sam Phelps, Kit Lyon, Don DeFord, Kelly and Michael Lyon and Attorney John Savage for the applicant were present.
Commissioner Martin - announced that he has a direct conflict and stepped down from the Board.
Chairman Pro-Tem Walt Stowe presided over the hearing.
On the question regarding Noticing Requirements.
Verbatim
Kit stated the new noticing requirements were in the record - it went to Kelly Lyon - the letter was dated October 2, 2001 - I mailed it and described the three things that were needed for publication and noticing specifically calling attention to the fact that the 30 day noticing requirement would apply.
John Savage - The Board amended 8:31.
Don DeFord - it was 8.31 and it was effective October 1, 2001.
John Savage - Is this for applications that were filed after that?
Don DeFord - We specifically set a date.
John Savage - this application was mailed after that.
Kit Lyon - It was, it was my understanding that anything scheduled on or after October 1st would be under the new requirement.
Don DeFord - That was what the Board directed.
Commissioner McCown - scheduled or filed?
Don DeFord - I thought it was anything that was scheduled.
Kit - I was under the understanding that it was scheduled, so when I rescheduled this on October 2, I went under the new notice requirements. October 1st was when, she didn't remember the date the public notice went to hearing. Public notices were changed - might have been before that.
Don DeFord - This is the difficulty we have because what's been done has been a hybrid notification that probably meets neither requirements - the mailings I have were mailed on October 22nd, that is more that 30 days and the old regulations were between 15 and 30 days - the new regulations provide more than 30 days, so they meet the new regulations on mailing, but not the old ones.
Commissioner McCown - October 22 is less than 30 days.
Don DeFord - Sorry, you're right. Okay so it would be within that then - so they do meet the old rule.
John Savage - These are the old rules, but not the new rules. That's because of the mineral rights notification, right?
Don DeFord - Yes.
John Savage - I remember the discussion on the Stirling Ranch there was a discussion whether or not it had been filed by October 1st and therefore the old notification applied. There was a discussion in the Stirling

Ranch case about whether or not the old or new publication rules apply and they said it had been filed prior to October 1 - it was the old ONES.
Mark Bean - They had filed and gone through Preliminary Plan with the Planning Commission prior to October 1. They started public notice process through the Subdivision process prior to October 1, which goes to the Planning Commission too.
Don DeFord - well, we had a discussion with the Board about this issue and the record would help - if I knew - we discussed this issue. But my recollection is that we decided that we needed to fix a date so we didn't continually have application coming in but we needed to have sufficient time so that everyone that was being set for hearings would have an opportunity to provide notice - and that's why my recollection was that it was based on the setting that we established a date and said after this point, they must meet the new regulations because they have an opportunity based on the settings to give people to meet our notification requirements.
Mildred Alsdorf - Are the Minutes needed?
John Savage - What exactly does the Resolution say?
Don DeFord - I don't have the Resolution in front of me John, that's why I need the record to find out - I need the Resolution.
Kit Lyon - I understand there's severed mineral rights in this case, if we were to go under the old regulations, was the notice at least 30 days out of that, because it would need to be since that Statute took effect July 1st.
Don DeFord - Were there severed mineral interest lessees of record and do I have that in the notices provided?
Kelly Lyon - Should be - Thrasher - I know we got it back.
Don DeFord - The ones I have that were returned letters for -
Kelly Lyon - No, I'm sorry, they received it is what I meant. We have a copy of it here, and we have a copy of your copy.
Don DeFord - OK, I have Charles B. Thrasher Estate, were there any others?
Kelly Lyon - We own the balance.
Don DeFord - That's the only severed mineral records.
Kelly Lyon - Yes. We sent it out 30 days and we posted the notice on the property right on the road October 12th.
Don DeFord - Why don't I go ahead and establish that under the old notice while we are waiting on the Resolution to make sure what that requirement notice is. In terms of notification, did you verify ownership through the use of the Assessor's Records?
Kelly Lyon - Yes.
Don DeFord - And when did you check with those records to verify that ownership most recently.
Kelly Lyon - October 2nd, 2001.
Don DeFord - Based on that check, did you first of all mail to every property owner within 200 feet of the developable property?
Kelly Lyon - Yes.
Don DeFord- And you've given me notice of that through proof of mailing and returned receipts, isn't that right?
Kelly Lyon - Yes.
Don DeFord - Good - in terms of compliance with State Law, you also mailed to all mineral owners and lessees of record?
Kelly Lyon - Yes.
Don DeFord - Based upon the same check with the Assessor's Office?
Kelly Lyon - Yes.
Don DeFord - What you gave me - there was just one, is that right?
Kelly Lyon - That right.
Don DeFord - And you've given me proof of that as well haven't you?
Kelly Lyon - Yes.
Don DeFord- Was the property posted given notice of today's hearing?
Kelly Lyon - October 12th.
Don DeFord - Did you use the form provided by the Planning Department?
Kelly Lyon - I did.
Don DeFord - Was it visible from a public right of way?

Kelly Lyon - Yes sir.
Don DeFord - Which right of way?
Kelly Lyon - County Road 235.
Don DeFord - Is it still in place?
Kelly Lyon - Yes - it was last night.
Don DeFord - Good. Thank you. I think based on that testimony under the old regulations, you would be entitled to proceed. We just have to wait and see which regulations you're under.
Chairman Pro-tem Stowe - And I apologize to the audience, please bear with us - I know you have been sitting here for two hours. Our hopes are to go ahead and hear this today so you guys don't have to make another return trip - but if for some reason and we proceed without proper notification then anything we decide today could be challenged and overturned. So it is critical that we be on the right notification proceed before we even start the hearing.
John Savage - Gentlemen, this is a subject I've brought before this Board, we have to come up with a method so we, the public, know what the rules are. There has to be some method for publication of rules and regulations of Garfield County so that we as practitioners and for the public know what the rules are.
Mark Bean - It's on the Internet - on our Web Site.
John Savage - Current?
Mark Bean - Current.
John Savage - How often updated?
Mark Bean - Generally within a couple of weeks after they're done.
John Savage - That's what we're talking about, a couple of weeks. When I last looked at them, the regs. for the County Regulations were sometime in 2000 - the Cover Page. So they may in fact be current but the Cover Page says.
Chairman Pro-tem Stowe - Our Regulations, I think they're fairly current, John, when we change one, they're readopted and they are posted. We don't change our Regulations that often in fairness to the County - when a Regulation is changed it is available, in this particular case, the letter was sent out that reflected the new regulations.
John Savage - I understand that and granted it's part of the State Statute on position - there's no requirement - for Counties, basically up until 10 to 15 years ago, they were passing and then heading rules for laws, so there's no mechanism in State Statute under the Creation of Counties for Codification of State Codes in County Codes but as Counties urbanize there are more and start passing more rules, regulations, laws, statutes, whatever we want to call them - there's got to be a better mechanism for those in the County to find out what they are. The listing in that area really helped but what's difficult now with what's on the Internet, is being able to tell how current we are - as I said, when I was looking at it a couple of weeks ago, the Cover Page, and I had stayed at the office that morning and they had a current session that was updated till relatively recent, but the Internet dates are the year 2000 date on it.
Don DeFord - These are the Minutes from October 1st which was the date the Resolution was passed - it reads - that at the Public Hearing at which the Resolution was adopted amending the time frames for notification throughout our Code, at the end of the hearing, I stated, approved today but will be any application after October 1, 2001 will need to comply. After I made that statement, it was then passed. The Resolution itself does not have a specific effective date, that's why I asked that question. It appears to me that this talks about application.
Commissioner McCown - Not hearing dates?
Don - Not hearing dates - or not settings in which case this application being submitted before that date, would be under the old regulations.
Commissioner McCown - So notices are adequate and we can proceed.
Don - Yes, I've already been through there with the record on notification.
Chairman Pro-tem Stowe - I guess, with that we can start the hearing, all those who are wanting to testify, will you please raise your right hand - do you swear to tell the truth and nothing but the truth?
Audience - I do.
Chairman Pro-tem Stowe - Kit.
Kit explained there was some information that arrived just today - one is a letter from Jeannie Marcotte - a letter of support from the application and a letter from the Peach Valley Homeowners Association which makes a number of comments and suggestions; and a copy of a letter from Eneratech dated November 16th which arrived by E-mail - copy was submitted.

Kit explained that this is a request for an exemption from the rules of subdivision for Kelly and Michael Lyon Family, LLC on 80 plus/minus acres located about 3/4 mile east of Silt, Colorado in Peach Valley with access from Davis Point Road (County Road 235). The applicants proposed to create four (4) lots west of the road with a sixty-five (65) acre remainder parcel to the east of the road, for a total of five (5) lots. Kit continued reviewing the staff report with major issues and concerns, staff recommended findings, and the recommendation for approval with specific conditions.

Recommendation:

Staff recommends the Board of Commissioners Approve the Kelly and Michael Lyon Family, LLC Exemption request for five (5) lots, with the following conditions:

1. 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.
2. 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. The extents of all easements and proposed, must be shown on the plat.
3. That the applicant shall have 120 days (until 3/19/02) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;
5. That the 1978 Garfield County Zoning Resolution, Subdivision Regulations, and the Colorado Department of Health standards shall be complied with.
6. All recommendations made by the Burning Mtn. Fire Protection (BMFPD) shall be followed. It shall be the applicant's responsibility to initially fill the tank and fire protection system, and the Homeowners Association's responsibility to maintain it. Plat note #1 shall be corrected accordingly. Prior to any final approval of the exemption, an amended well permit which specifies fire protection for five residential lots must be provided, or a new well under a separate well permit must be installed to serve the fire protection tank.
7. All required improvements, including but not limited to roads, drainage, and fire protection, must be installed and operational prior to the final signing of the exemption plat. Each well must meet the criteria is Section 8:42D (1-7) prior to signing of the exemption plat.
8. The fences along the county roads shall be set back to coincide with a 60' wide right of way along the entire portions of Davis Point Road and Peach Valley Road adjacent to the property. A sixty-foot (60') right of way shall be provided for the entire length of the county roads adjacent to, or within, the property with the following exception: In the immediate area of the existing root cellar and barn (i.e. within 20' to either side of said structures), only a forty-five (45') wide right of way shall be provided.
9. A sixty foot (60') right of way shall be provided for Peach Valley Road and Davis Point Road, except the right of way may narrow to 45' to each side of the existing barn and root cellar (a 20 foot length in each direction) along Davis Point Road. Extra right of way shall be dedicated at the intersection of the two roads for safety reasons, as proposed in the application materials.
10. The plat shall indicate a "no disturbance or building" zone on Lot 5, the remainder lot, in the wetland areas. The building envelop of Lot 3 shall be amended to respect a 25' setback from the top of the steep slope along the eastern boundary, consistent with HP Geotech's recommendations. Any future proposal to amend the building envelopes is subject to the public hearing process since the building envelopes have been required as one method of mitigation of the rock fall hazard.
11. Lots 2, 3, and 4 shall provide a site specific lot development plan as part of a building permit application. The plan shall be prepared by a qualified licensed professional engineer in the State of Colorado. At a minimum, such a plat shall address mitigation of geotechnical hazards, design of Individual Sewage Disposal systems, foundation design, and any other issue in need of an engineered solution as determined by the engineer. Prior to final inspection, said engineer shall certify that the improvements have been installed according to said plan.
12. The Covenants shall be amended as follows:

    a. The covenants must be amended to include fire protection for Lot 5.

    b. The covenants shall only allow one dog on each lot, consistent with the regulations (section 8:60 (I)(1)).

    c. Either the well permits or the covenants must be amended so that all stated uses are consistent with the existing water rights.

d. The covenants do not specifically address the outdoor use of water on the lots. The well permits restricts irrigation of home lawns or gardens to a maximum of 6,000 square feet, and the covenants shall state the same restriction.

e. Section III H prohibits mineral extraction activities except by the current mineral rights owners. Since potential for mineral extraction exists, this section of the covenants shall also contain a disclosure to potential lot purchasers alerting them to the possible impacts of mineral extraction.

f. Section III T states that it is the individual lot owner's responsibility to control weeds on their private property. It should also state that is the responsibility of the Association to control weeds on common areas such as the fire protection tank and the easement/road for fire protection.

g. Section VI (1) states that in addition to the association, Garfield County shall have enforcement rights of the covenants.

h. The covenants shall contain a detailed maintenance plan for the ISDS systems and shall also state that all building improvements must be contained within the building envelopes.

13. That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit 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. sew., 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 all exterior lighting will 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."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Lots 2, 3, and 4 shall provide a site specific lot development plan as part of a building permit application. The plan shall be prepared by a qualified licensed professional geotechnical hazards, design of Individual Sewage Disposal systems, foundation design, and any other issue in need of an engineered solution as determined by the engineer. Prior to final inspection, said engineer shall certify that the improvements have been installed according to said plan."

"Any new buildings shall avoid areas of natural drainage. Natural drainage shall be preserved to the maximum extent possible."

"All recommendations made by the Burning Mountain Fire Protection District shall be followed.

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, 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. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"Potential Lot Purchasers should be aware that the Colorado Department of Health suggested limits for dissolved solids has been exceeded for all the domestic wells. Lot owners may need to treat the potable water supply to improve taste and quality."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Applicant

Civil Engineer Peter Belau - Eneratech Engineering, Applicant Kelly Lyon representing the Lyon family, owners, and Sam Phelps, Surveyor for this project, presented.
Peter Belau - There's four lots that are proposed that are west of Davis Point Road - alluded to the Plat on the wall - the remainder parcel is a large parcel that's east of the road approximately 65 acres. The property includes what was approximately 0.8 out-parcel owned by the Sovern's which is south of Lot 4 west of Davis Point Road and during this process the Lyon agreed to provide an additional approximately 6 acres to the Soverns to kind of clean up some issues associated with that- fence lines didn't match the property line - it did not meet the minimum 2 acres required in this zone district - this has been taken care of with an agreement between the Soverns and the Lyons. There also previously were some issues regarding building envelopes and building locations of the proposed four lots as part of this exemption - Kit Lyon arranged a meeting with all of us on site with the engineers and we were able to resolve all these issues - thanks to Kit for being proactive so to get these resolved so we don't have to have long debates during this meeting. We do have some comments regarding the recommended conditions for approval that the staff put together as Kit outlined those, also John Savage, the Attorney for the Lyon family prepared a memo with his recommended list of conditions - (passed them out) and whatever the pleasure of the Commissioners is, we can go over these at this point or wait until we get some comments from the public and address them after the public input - that's all we have in terms of the applicant - we're here and available to answer questions.
Chairman Pro-tem Stowe - Are these recommendations of Mr. Savage similar to what Kit has outlined as far as objections and amendments?
Peter Belau - Yes, there are some additional discussion in there and some other minor items that I can point out if you wish. suggestions in addition to what the applicant suggested.
Commissioner McCown - Don, do you have a copy of this,
Don DeFord - Yes.
Commissioner McCown - Page 2, Number 12, Section G - John, Section 6
Don DeFord - Were you looking at Johns
Chairman Pro-tem Stowe - John Savages
Don DeFord - Number 12
Commissioner McCown - 12G Section 6
Don DeFord - Yes, we don’t enforce covenants. This brings up a discussion though that at some point I need to have with the Board; we do not enforce Covenants, however, we need to be a party to some Covenants in order that they not be amended without our permission - so what we wouldn't want to enforce them, we would want to have the ability to restrict modification or alteration - and that would only apply to those we require, not to something else. In other words, take the classic dog one, we don't want to enforce the dog one but we don't it amended or removed without our approval. So there should be a provision in any set of Covenants, not for just this project, but any that has enumerated Covenants, and we'd have to list them - Garfield - they can't be amended or altered without our permission - that would be all, but not the full enforcement issue.
Commissioner McCown - I don't have a problem with that. To me there was an indication of enforcement.
Don DeFord - There is in this and I don't think John would have a dispute with what I just said.
Kelly Lyon - No, we talked about that, yes.
Audience - Can the public see that?
Don DeFord - It's a public document, sure.
Commissioner McCown - As far as I'm concerned he can.
Chairman Pro-tem Stowe - Any other questions of the applicant at this time, Larry?
Commissioner McCown - No.
Chairman Pro-tem Stowe - At this point we will go ahead and take comments from the citizens, what we'll do is pass the microphone around, I don't think we had a sign up sheet - I know several of you want to speak - we'll ask that you limit your comments to about three minutes each and identify yourself, your address and then go ahead with your comments and statements. Please respect each other's opinions and go in an orderly fashion and only one person at a time. Raise your hand if you want a mic.
Public Input
These comments were summarized.
Wayne Austin - He has a certain interest in purchasing Lot 3 and he's been looking at a modular unit - he's a general contractor and can upgrade any structure to meet the aesthetics desired - most modulars today have been greatly improved and upgraded to meet the current codes - some are built better than some stick

built homes. This subdivision stimulates the economy and would like to see it go forward. Feel it is a benefit to the community.
Lisa Martin Schwaab - Opposes this subdivision based on historical preservation - traffic congestion - Mr. Lyon has addressed the fact that this doesn't correct the density - it increases congestion. The well water average ½ gal per minute - any further additions and wells will compromise her well - she is a 6 year resident - 3 new homes have been built in the area since she's lived there - well production continues to drop. The County promotes agricultural usage - has a Right to Farm Condition, however with this proposed density it jeopardizes their right to farm. She referred to a domestic issue regarding a small herd of cats that were neglected and the cats were forced to move to the neighbors - one neighbor paid out over $1,000 to care and relocate these cats - it's distracting - the feline leukemia is a concern as most of those cats were not inoculated. Also there are wildlife issues - the Division of Wildlife (DOW) put in a new fence for Herb Nelson to preserve an alpha field - where do the wildlife go if this is forced on the neighbors.
Glen Ault - Full support of the project - now - there is a need for economically priced housing for the lower valley - people are moving due to the growth in the area.
Richard Kay - Lives on top of Davis Point - in favor of the project - Kelly a contentious builder - if the wells go dry - live off a cistern - not near the burden as some say - if anyone needs to go to a cistern system, it only takes 2 loads and that's enough for a family.
Max Patton - Lives up Divide Creek - wants to purchase one of the lots - might be a good neighbor if people get to know them - he doesn't share the same opinion of a modular - people need to get over the image of modulars - many are born with a wooden spoon and not a silver one in their mouth - this is within his budget - in favor.
Verbatim
David Urion - I own two properties - 0334 and 0355 - and I'm the President of Ware and Hines Ditch - I want consideration to be given - I drilled wells, didn't get the exact amounts as before and the ditches were running at this period of time - water levels do go down as we all know during the dry period during the summer - and we don't know what will happen in the winter - I would like some kind of verbiage included in the conditions for fire protection. Also, I'm concerned about the septic system and leach fields location - will this get through the current wells and how far apart are these separated? What about further subdivision in the future on the large lot - how many homes - how much taken away from the area as far as the aquifer - the densities of septic systems - a concern - for the ditch area and water table, the terrain - certain wells would be affected from septic systems over a period of time. These homes will be close to the public road and in close proximity to his own wells - these types of soils are prone to cracks and crevices. The irrigation system - how will they divide the water up to the given lots and future lots? What about mud flow mitigation, last year was a terrible mud wash - mud could end up in the ditch? Who has legal ownership of the tank? What about rights of ways, how will these be cared for. What about housing density - what is the code - 2 acres or 5 acres?
Summarized
Marge Alessandri - question about the sewer systems and the possibility of leaking into someone else's wells - David made a good point about mud slides - a rock came off of Davis Point - the possibility of this happening - rocks will slip. Water is a serious concern - there is no water in Peach Valley - current wells are pumping at low volumes. Roads are unsafe in this particular area and all along Peach Valley Road. She had to put a barricade in front of her home to keep traffic from coming through.
Debbie Dice Stewart - Comment: This area needs help to move into the 20th century. Landowners have the right to do what they can with land with the caveat of safety and best interest for the public welfare - she is concerned about school buses - the roadway that is 45' is very dangerous - some places it is 60' - a total of 60' for all of the roadway needs to be pushed for - it is very uneven, broken up in several places, breaking into the ditch just off 235 Road - thrilled they are interested in work on it - they are making an attempt - Peach Valley is agriculture related - dogs, fences and keeping fences up needs to be enforced - cows jump fences too. Concern about the well - the plan calls for a well to be drilled next to her - she has noted a drop in well capacity - this is having an impact on the acquifers - what about the septic systems - the building site location is above 235 Road - where would you put it without future contamination? Modulars - asked not to have a wall to wall to wall area of modulars - they can be beautiful homes if cared for properly.
Gail Kuhns - 214 Road - she said she didn't understand the proposal, and cannot be totally informed when she doesn't understand. She is speaking from the heart - there are written laws - there our moral laws that are unwritten - regarding the road - thanked the Lyons for preserving the old cellar and barn as these are historical and should be allowed to remain on the Peach Valley Road - we have lived in this area in a way

of honor - we all have the right - the Bill of Rights guarantees everyone the right to the pursuit of happiness - the rights of the Lyons doesn't coincide with hers. The landscaping - a lot environmental trash - the more that come in, the more the trash - how can we protect the historical and the preservation of an old agricultural land. Mr. Lyon has a lot of land, could he possibly do a recycling center and the County is in need of a new cemetery - what about donating that large lot for a cemetery - she'd rather look at grave stones than house stones.
Dawn Patton - Lives in Rifle right now - speaking from the heart - she would love enough land for her kids to run around in the open nature versus walking the streets late at night - therefore, she thinks this is a marvelous addition - something to do rather than hang out - the Lyons are proposing something great.
Terry Ballinger - He appreciates modular homes - not everyone can afford stick-built homes. Doesn't understand why the uproar about modulars in this area.
Verbatim
Ken Kuhns, Jr. - 3465 Peach Valley Road just north of the junction of Davis Road. I feel it is good to rearrange the Davis point. Pointed out on the on the map displayed - there is a real need to require the full amount of a 60' road all the way. David talked about where the road is really tight. Certainly he wouldn't change anything there in terms of requiring the full amount of width - this has been a terrible spot for a lot of years. It's even steeper down here - no guard rail, blind curves on Highway 6 coming from the west side traffic, etc. - you can see where they are putting the sites - next to some pretty hefty cliffs. Referred to the petition for exemption on the whole situation, according to the County and assuming he has the right document -
Commissioner McCown - clarified that the document he has is from the attorney for the applicant - Exhibit H.
Ken Kuhns - The one he has is the Petition for Exemption - the one his wife talked about earlier. At the bottom of this there is a narrative - referenced H - "narrative explaining why the exemption is being requested" - assuming the Board has this on file and would like to know what that is and would like that to be a question to be answered because it applies the second part of his comments in terms of the applicant's ability of this exemption. It says, "The Board of County Commissioners has the discretionary power to exempt a division of land from the definition of subdivision and thereby from the procedure in these regulations provided the Board of County Commissioners determines that such an exemption like what's being proposed will not impair or defeat the stated purpose of Subdivision Regulations nor be detrimental to the general public welfare." This seems to him to in the sense of what's going on here is applicable to a subdivision exemption - we're not paying attention guys - this is coming back to the Commissioners and we'll all be back here in a year or less so what is the charge of the Board here? According to his understanding of this application form the Board needs to determine if this is actually an exemption because someone wants or deserves this and would like to see what was written here because it was asked for in this application done - he doesn't have a problem affordable housing or with modulars - some are very beautiful homes. It that what we're doing here? Is this affordable housing or is this affordable subdividing? The overview, you guys know what's heading out on this west end of Peach Valley - School Board or people in the District just voted in the possibility of a High School out here, someone else wants to subdivide - for all practical purposes this is doing that - there's road and water issues - Ware and Hines is a pretty good ditch but as it gets down west of Peach Valley Road where it crosses it is often dry - water is not going to be available for fire protection - wells have been impacted - the broader issue is what's going on in this west end of Peach Valley as well as what the Town of Silt is doing. Opposes this subdivision exemption. He would like his question answered.
Chairman Pro-tem assured Ken they would answer his question.
Kit Lyon - Commented it would be better to have Mr. Lyon state the reason.
Kelly Lyon - Speaking to the reason for the request for the exemption - it is a right as a property owner.
Chairman Pro-tem Stowe - Kelly, you're not required to answer the question.
Kelly Lyon - One other thing, there are a lot of other things that the Lyon family does - they farm 455 acres and a lot of people don't know that - they do it themselves.
Ken Kuhns - I would like to have my question answered - give a narrative of why the exemption is being requested.
Kit Lyon - This is how it reads on the application - "It is our intention to create five lots as allowed under present Garfield County Subdivision Regulations as an exemption and hardship application. The hardship exemption is applicable because CR 235 also known as Davis Point Road bisects this property. The

property is currently zoned for two acre size parcels - all five of the proposed lots meet or exceed the two acre minimum allowed by this zoning." That is his answer.
Verbatim Continues
Applicant
Peter Belau - One of the issues I would like to answer was the question on the location of the wells - in terms of relative location to leach fields - we did go on site and attempt to locate the wells as far as possible from what they anticipated to be the building sites, most of the building sites are expected to be away from the road higher in elevation - you get a nice view. I would like to add some comments regarding the proposed conditions whenever the Board is ready for that.
Chairman Pro-tem Stowe - Larry, you had some questions?
Commissioner McCown - Yeah, and maybe - I just can't get my hands on them right now. The map showing the building envelopes - side conversations regarding the map - it's everything inside the dotted line, am I correct.
Kelly Lyon - That's correct. They're all over one acre
Commissioner McCown - I know they're adequate in size or they wouldn't have been on here.
Kelly Lyon - Right.
Commissioner McCown - Other than Lot 2 the location of the well is not denoted I don't think. Am I just missing it? Pointed out the wells - they're all adjacent to the roadway?
Kelly Lyon - Yes sir, close.
Commissioner McCown - So given the topographic on this other map, it is safe to assume that the houses there and the ISDS systems are going to above those wells?
Peter Belau - Yes, in elevation
Kelly Lyon - And we had a field technical engineer out there.
Kit Lyon - Peter, I did have one question on your previous statement - are you able to achieve one-hundred foot separation between all the wells and the ISDS locations.
Peter Belau - Yes we will be able to.
Kelly Lyon - Yes, more than that, but yes. I would imagine there would be two or three-hundred feet, but I know that a hundred feet is the minimum.
Chairman Stowe - Questions or comments from staff?
Kit Lyon - Well, I went over the Conditions of Approval already, and I stick to what I stated previously as far as the other recommendations proposed by the applicant in John Savage’s memo - we could go through those if - there are some issues that those read and I would not support those conditions, I would stick with the ones that we've got.
Commissioner McCown - Which ones in particular, Kit? I glanced over them briefly and I thought they looked fairly consistent with what we've got.
Kit Lyon - Okay - some of them are except one thing I noticed is that they're asking the condition to be just on the four lots instead of all five lots - that's not historically how we've handled exemptions - all the lots created through exemption process, we recognize as exemption lots and that the conditions would be applicable to those - I would have a concern about that. Just wanted to clarify that the opinion I got from the Division of Water Resources was from Dwight Whitehead and that was on October 3rd, that conversation took place - so I do believe there still is a problem with the legal rights for filling the tank. Condition Number 7 - they're saying all the required improvements have been installed and are operational, I would have a concern about that because nobody's gone out from the County to certify that those are operational.
Kelly Lyon - Who from the County would go out and do that?
Kit Lyon - Normally our County Engineer would.
Kelly Lyon - Okay, because they were all operational when you were out there on October 2nd.
Kit Lyon - We did, we didn't do any inspection of those improvements. The fence - on replacing it again - I have a concern about the DOW's position on this and also putting a burden on the lot purchaser rather than just taking care of it through this process and then there was a discussion about livestock versus domestic animals - and again, historically there has been a difference between those two and according to the Division of Water Resources and the horses, cows, etc. have not been domestic animals the way that we handled that in the past and the way the Division is strict with us on that. I just went through them pretty quickly but those are the things that I noticed straight off.
Chairman Pro-tem stowe - Do you remember we have a 60' right of way through there - how far off is that DOW fence? I mean is that something's going to impede our reconstruction of that roadway?

Kelly Lyon - The fence is not so important anymore, in fact it would probably be good to take that fence down because deer can't get through it for one thing, so we don't have many deer on the property - they come in from the back a little bit. I think originally what happened on that fence was, and the reason, I don't know if you've seen it or not, but it's a tall fence and I think probably that Mr. Nelson talked to DOW about twenty years ago into putting up that fence to keep the deer out of his orchards. And actually along the road does no good to keep the deer out of the orchards, the orchards per se is actually fenced with it's own fence. There's no big deal in giving up the fence along that road. What we didn't feel like it would be right if we gave an additional 60' wide piece of property where's it's 45' now - most of it is all sixty, on an exemption like this. You know if we were doing a hundred unit subdivision I'd say yeah I'll give you sixty, you know, something like that, and I think something like, I think that we offered to give that corner of Lot 1 so that you can make a left turn down there - that is a bad turn - we offered to give up
3,000 sq. feet of our property - there's a lot of houses built on 3,000 sq. feet so that's giving up a lot of property but now that we offered to give that up it's been suggested that we also give 60' wide were it's 45' wide, and I didn't feel like that was right. And maybe I'd like to hear your comments on that.
Commissioner McCown - I don't, the way I understood chronologically that happening was us requiring 60' as a condition and you coming back countered with giving up the 3,000' at the corner.
Kelly Lyon - Okay.
Commissioner McCown - Do I understand that correct?
Kelly Lyon - Okay, that's correct, That's right.
Commissioner McCown - So, I don't think we've ever varied on our 60'.
Kelly Lyon - Okay.
Commissioner McCown - I mean, I think it's a very good gesture your giving the three-thousand at the corner to make it a safe intersection.
Kelly Lyon - Well, if we give 60' I don't think I'd be as interested in giving up that corner.
Commissioner McCown - You're giving 15'.
Kelly Lyon - Yes.
Chairman Pro-tem Stowe - And I think the recommendations of staff were to allow you to have 20' either side of your barn
Kelly Lyon - Yes
Chairman McCown - Yes, to preserve that.....
Chairman Pro-tem Stowe - And in exchange for that, rounding that corner down there, that was the concession that was offered by the County.
Commissioner McCown - Preserving that area.
Kelly Lyon - Yeah - you know, I can move the barn which you know it's a historical thing, it's a pretty neat old milk barn - and we'd like to kind of preserve that - but I can move the barn easier than I can move that concrete root cellar on the other side.
Commissioner McCown - And I think we were willing to live with the fact that the road wouldn't narrow down in that area
Kelly Lyon - Okay
Commissioner McCown - The question I have at the intersection where you're giving up the property, and they're not talking about realigning that intersection so that is a 90 degree turn, you're talking about making it wider?
Kelly Lyon - Well I think it probably be making it a 90 degree on the left, wouldn't you Sam?
Yeah, what we're talking about
Commissioner McCown - So it would be realigned so the property that's in the existing roadway now would become unusable and would for all essence probably expect to transfer to Lot 5. So you're not really giving up 3,000' at that intersection.
Chairman Pro-tem Stowe - Putting it another way, the County would probably be willing do that.
Commissioner McCown - You're talking about coming here, making this a 90 degree intersection
Kelly Lyon - Yes, yes we are.
Commissioner McCown - This property would go away from the County's standpoint and would transfer to you for Lot 5, so you're giving - we're trading apples and apples.
Kelly Lyon - Okay, I see, okay. I think that's a wonder, okay, I think - I hadn't thought of it that way, yes.
Commissioner McCown - Okay
Kelly Lyon - Yes, and I'd like for the County to do that.
Commissioner McCown - I think we would be willing if this is approved.

Kelly Lyon - Yes, okay, I see what you're talking about now
Commissioner McCown - You would get an equal exchange.
Kelly Lyon - Yes.
Don DeFord - Larry, just for clarification, I don't think any one condition deals with exactly that way - it should state an exchange of right of way rather than deeding it.
Commissioner McCown - It would in the conditions of approval.
Don DeFord - Right.
Commissioner McCown - So we're still talking about 15' of additional right of way on the road.
Kelly Lyon - Yes, now which side of the road would you like it on?
Commissioner McCown - I don't know at this point if that matters to us.
Kelly Lyon - Could we work that out with Sam, we won't ask the County
Commissioner McCown - I think the key thing would be working with the ditch, would be a critical factor as well.
Kelly Lyon - We don't have a problem there.
Commissioner McCown - It may transfer from side to side as the ditch crosses the road.
Kelly Lyon - Well, all the ditch, see that little line back there on lot five (5), that's the ditch.
Commissioner McCown - This?
Kelly Lyon - Yes.
Commissioner McCown - The sixty-foot (60') may be here, before it crosses the road here, it may be on this side.
Kelly Lyon - Well, it's sixty (60) down at the bottom. It starts right there. Yeah, it starts there and goes north and that's the fourth-five (45') - we've already got sixty (60') down there.
Commissioner McCown - Okay, I'm sorry. Well, that'll be easy then. We'll probably do it on the west side or east side.
Kelly Lyon - Yes, I think that would be the most logical.
Commissioner McCown - Looks like would be less impactive to anything.
Kelly Lyon - Would you have enough faith that we could have Sam to work that out, however it worked out best? To line that road straight, you know?
Chairman Pro-tem Stowe - Okay, I think so ....
Commissioner McCown - Depends upon which hat Sam's wearing.
Commissioner Stowe - Okay, looks like we've got a couple more citizens.
Kelly Lyon - Well, let me tell you, Sam looks after the County pretty good.
Chairman Pro-tem stowe - Sir, you'll need to come up and get a microphone or...
Audience - I think you can all hear me anyway but maybe your
Chairman Pro-tem Stowe - The recording machine may not be able to. Thank you.
Commissioner Stowe - Need to identify yourself.
I'm Joe Dice, I live up on Silt Mesa but I own property in connection with my daughter on the 214 Road right across from where this is going in. I'm the one, we are the ones that had the historical buildings that I'm not figuring on because I'm only going to last about ten to fifteen years and anyway you're talking about this road here - you have got a lot more problems with this road if you fix that so these people can drive 60 mile an hour on that and then you put them over on 214 Road, these people that have moved in the past twenty-years down there that don't know how to drive slow - don't know how to pay attention to what's going on, there's going to be a lot of trouble, we've got that culvert on that Ware Hines ditch but down there just on the , just where that come under, where you're intersections at just, no your next culvert up there on 214 right there, it's pretty hard for two cars to pass on that and man, that right angle turn will be a beautiful thing because I'm getting so that's I've had to take my old semi out of there and haul my cows out the corral there - I'm getting so now when I have to go down there and back up cause I don't have power steering any more - so that right angle turn would really help me and that would be a nice thing, but why take out one little piece of road that's 45' now and leave that pipe over there on that ditch and you get on down here on this thing coming out on Davis Point - you've got a lot more problems - you fix it so people can drive 60 mile an hour down there and not paying attention to what driving, they're going to forget to stop when they get to 6 & 24 probably. So I, you know, why ask a man to do all these things to a road when you've got so many other problems - you people come in and built that road up out there on 214 Road out through the valley here a few years ago - that's road narrower now than it was then - it's a better road in the middle, but you can't see on that road - I don't know who's bright idea that was, but you know, we're talking about where that old barn is and that shed is, people have been driving on that road now for how

many years, I've been living down there going on 34 years, something like that - and I was able to do it, but I guess I don't mess on it quite so hard anymore, we seem like we get along down there and if you're going to start doing something down there, you better start doing a bunch of things and it's not up to Kelly Lyon to have to do it all because Peach Valley Subdivision come in here quite a few years ago, they created a lot of problems in the Valley, we have Cedar Hills come in creating a lot more problems and we're getting more houses all over that thing out there and where are we going from here I don't know, we can't ask Kelly to fix up all of the problems that we've already accumulated out there.
Commissioner McCown - Joe, if I could, first of all we're not asking Kelley to fix up the road, second of all just because we get a right of way doesn't mean we're going to turn the road upside down and build a four-lane on it tomorrow cause we haven't got the money to do it. But in the future, if we ever want to improve it, we have the width to do it, so you wouldn't have one of those they want to do it - so you wouldn't have one of those little narrow tops ones like you're talking down everyday. I agree wholeheartedly with that but in order to do it, we do need the right of way.
Joe Dice - I can understand that.
Commissioner McCown - Doesn't mean we're going to improve it.
Joe Dice - I agree with that and I also sitting here listening to all this and I said I wasn't going to say anything.
Chairman Pro-tem stowe - Okay, Ken you wanted to add something to that.
Ken Kuhns - Yeah, I really agree with Joe, I'm puzzled here, why you're arguing over 15' difference there, I mean, you go out and look at that place and I mean if staff went out there, yeah the barn is an old barn but it's a square little building - to exempt somebody from having to go the legal distance there I think is ridiculous and if he's going to tear up the rest of the place anyway, that root cellar, I'm sorry, I can't see a whole lot of historical value there - to say, well we're going to exempt you there, I mean if he's going to move the road up there, he could easily move the road you know, to the east further and get around, or get you the distance you need on the root cellar as well as the barn. I'm curious about somebody that's wanting to come in and change all of this and do all of this and now we're worrying about historical buildings and you guys are going to go along with it and give him an exemption on the right of way that you ought to be sticking with it - go out and have somebody take a look at it, it may be historical stuff, but what's going in there next isn't historical. So I mean ..... I think you ought to look at it.
Chairman Pro-tem stowe - Thanks Ken.
Ken Kuhns - Let me just say one more thing - what you're talking about revising there is the safest part of the road basically - the worst part of it's on down this way.
Chairman Pro-tem stowe - Yes, Debbie
Audience - Can I just ask for clarification?
Chairman Pro-tem stowe - As long as you ask on the mic.
I know there was some concern about the four acres above the road being separate from the fifth acre below the road.
Chairman Pro-tem stowe - Please tell us who you are - we know but the tape doesn't.
Deb Stewart, 3301 CR 214, my question is - when you were talking about some of the recommendations, that the four acres above the road was okay but the fifth acre shouldn't be part of the plat, or the whatever.
Commissioner McCown - this lot
Deb Stewart - The fifth lot?
Commissioner McCown - No
Deb Stewart - Should be exempted or partial or separated. My concern is if that fifth lot is not part of this in the approval process, and it sits out here all by itself - that two or three years down the road we have a nice new high school and we have all of these people wanting to live in Peach Valley but next thing I'm going to see is brand new getto modular subdivision over here in this acreage. I want to make sure that if you guys approve that, then it's approved as we see it today as in it's original plan so that it's not divided. I just want clarification on that.
Commissioner McCown - Okay, clarification - it is included, however it does not preclude, at a later date, Mr. Lyon or whoever he may wish to sell to, coming back and doing a full blown subdivision in that parcel. This is an exemption and because of the grace of the road, they get five lots instead of four so that's what you're looking at today that we're approving. But starting tomorrow, he could start processing a full blown whatever you want to call it, subdivision on that larger parcel. Now, that would be viewed on its own merits at a different time. There's nothing to have precluded him from doing that to this parcel.

Chairman Pro-tem Stowe - It would be subject to another Public Meeting, notices and the whole bit, so and it's a much more difficult thing to do - a subdivision on a subdivision exemption.
Kelly Lyon - I'm sure.
Chairman Pro-tem Stowe - Any other comments? This is actually a hearing, not a meeting, wasn't it?
Don DeFord - We call them meetings, but it is noticed.
Chairman Pro-tem Stowe - Okay.
Audience - I'd like a clarification.
Mildred Alsdorf - Excuse me.
Chairman Pro-tem Stowe - You need to come up and use the mic and identify yourself. I hate to keep saying that but
David Urion - I'm still
Mildred Alsdorf - The mic is not on.
David Urion - I'm still curious about the piece of land he worked out with the Soverns - isn't any of that taken consideration the split of the exemption situation, isn't that another lot in essence? Even though he's giving it away or whatever decision he's making there - isn't that some kind of separation?
Chairman Pro-tem Stowe - We'll let Mark address that I think, or Don.
Don DeFord - Mark's got the microphone.
Mark Bean - It is technically not creating a new lot it is a boundary line adjustment. Basically, it just makes an existing lot larger, so it is technically not subject to the exemption process.
Ken Kuhns - If I might, a question again - on this application form it states that - "provided the Board of County Commissioners determines that such an exemption will not impact or defeat the stated purpose of subdivision regulations" - what does that mean legally? My understanding in just reading this would mean or would seem to mean that if the Board of County Commissioners knew that somewhere down the road, this thing was all going to be subdivided anyway, that to approve this exemption is to overlook what it is that you are stated here to look at - which is that this property should qualify for a subdivision exemption - so if he is stating or has to others to staff and so forth that he's going to develop this, wouldn't it stand to reason that he is going against the Subdivision Regulations which require a whole other range of impact statements and so forth?
Chairman Pro-tem Stowe - We're not here to judge what he may or may not do with his property in the future - that's his....
Ken Kuhns - But why not you're working on behalf of the citizens of the County
Chairman Pro-tem Stowe - Excuse me, I was talking.
Ken Kuhns - Well I'll just ask that question - okay.
Chairman Pro-tem Stowe - Ken, I'm trying to answer you - we're here to judge the merits of what's presented before us today which is a subdivision exemption, has little or nothing to do with what Mr. Lyon might chose do to ten, fifteen, twenty-years from now or anybody else as Larry said - that stands on it's own merit. So for us to try to foresee what's going to happen, is beyond the scope of this Board at this time with the information that we have.
Ken Kuhns - Well, then could I ask for clarification on that, a legal one, what does this mean in the regulations here? What - I mean - it's the County document. Because it, I mean it's capital letters - it says Subdivision Regulations - what does that mean - maybe I'm hard headed.
Don DeFord - Okay, I guess I don't really understand what you're question is, it says that the Board determines that it will not defeat or impair the stated purpose of the Subdivision Regulations - that means that it infers to the Subdivision Regulations the County has adopted, that's why it's capitalized.....
Ken Kuhns - For a full blown subdivision.
Don DeFord - Could I finish?
Ken Kuhns - Sure
Don DeFord - There are numerous subdivision regulations that go on for pages so the Board has to look at an exemption process to make sure that what they are approving is not contrary to any of those Subdivision Regulations, for instance, what they're approving on water is not contrary to the Subdivision Regulations, on water or on road access.
Ken Kuhns - Okay. Thank you.
Peter Belau - Just a couple of comments if I could. Obviously from comments regarding proposed recommended conditions of approval, there is one issue regarding the use of the well as to whether it is appropriate to use that to fill fire tank or not, I guess the only question is whether or not a water tank for fire protection would be considered to be ordinary household purposes - I'll just leave that up to your guys

discretion, it's more of a legal question that anything - John Savage seems to be of the opinion that it should be considered ordinary household purposes and we should be able to do it. Otherwise Kelly's going to have to go back and amend the well permit and amend his contract with West Divide District, which he can do but it's a bit of trouble. The other item was Condition Number 10 - where the staff had recommended "a no disturbance or building zone on Lot 5" - we prefer our request is that we put a plat note rather than a building envelope or non-building envelope on Lot 5 - in my letter, recommended plat note is “no disturbance of building shall occur within wetland areas without obtaining the applicable permits and authorization from U.S. Army Corp of Engineers." This is actually a fairly critical request because it order to meet the staff's requirement, we're probably going to have a specialist go out there and delineate all of the wetlands on the site which no small matter and as I say in my letter, there's a number of activities that can be permitted by the Army Corp of Engineers will need a specialist to delineate all the wetland areas and we don’t really want to have to come back and amend the plat in order to do any of those activities and philosophically I feel really that's within the jurisdiction of the U. S. Army Corp of Engineers and I don't think the County should or wants to get into the business of protecting wetlands. The other one just to clarify, on Item Eleven - it's my understanding that condition would apply only to Lots 3 and 4 and not Lot 2. And those are the only comments I have.
Chairman Pro-tem Stowe - Thank you Peter. Other comments? Okay, we'll bring it back to the Board. Larry did you have any questions?
Commissioner McCown - I had one, Peter or Kelly, whoever wants to answer it - during the course of conversation on the well permits - these well permits were all taken out and issued to Kelly and Michael Lyon, LLC. correct?
Kelly Lyon - Yes.
Commissioner McCown - The ownership of these wells will transfer with the property?
Kelly Lyon - And the contracts, yes and the contract with West Divide.
Commissioner McCown - Okay. Wouldn’t this whole gray area on interpreting whether you can fill the fire tank or not - that's going to go back to John Doe when they buy a lot as will that well. Domestic use for that is explained in the permit itself yet the tank for the fire protection is not owned by that particular homeowner. They may have an interest in it, but it is not their sole tank.
Kelly Lyon - That's right.
Commissioner McCown - Okay.
Kelly Lyon - We're going to - that will be the property of Homeowners Association and that's why we set that up.
Commissioner McCown - But the well will be solely to that homeowner whoever he or she may be.
Kelly Lyon - On each lot and one of John Savage's reasoning is that he was on the Fire Department for ten or twelve years in Rifle, he said the change of having to refill that tank in 20 years is nil, you know, nothing.
Commissioner McCown - We hope.
Kelly Lyon - We hope, yeah - and you know I don't know we haven't gotten into this but this tank is specifically for these lots, and I'm sure that if a Peach Valley Homeowners Association had a fire down there, we would not mind them coming up and getting 10,000 gallons of water and I'm sure they wouldn't mind us figuring a way to fill that tank back up - I would hope. But it can be hauled - we hauled it from the Town of Silt and filled it up.
Commissioner McCown - And there's been a great deal of discussion and I will not vary from my opinion and legal opinion that we've been directed - a cistern is not a legal source of water - the Town of Silt in a New York Minute when water gets tight, the first thing they'll shut off is that public access to water - the gentlemen that was talking earlier about it's not that much of a heartache to haul water - I know, people do it all the time but they've got a well that is inadequate or is no longer function or the water not usable or something else but should the Town of Silt or Town of Rifle have a water crisis, there first obligation is to provide water to their citizens and they'll shut that public tap off and then those people that are depending on that are going to be screaming like a mashed cat because they didn't think they could do that - but they can and they're going to be the first ones affected.
Kelly Lyon - And I don't think that's going to happen in your life time or mine.
Commissioner McCown - I sure hope it doesn't. Again, your requiring crystal ball knowledge out Lisa Martin Schwab - To comment on your comment on whether or not the Town of Silt has ever shut down their public source of water - it is currently unavailable.
Chairman Pro-tem Stowe - Okay. Are you ready for a motion, Larry?

Motion
Commissioner McCown - I would make a motion that we approve the exception from a subdivision the application that was heard before us with the conditions and recommendations made by staff in the staff packet on page nine (9) with the corrections noted earlier, Number Eleven, Lot Two (2) would be struck,
Kit Lyon - I'm sorry, which Condition was that?
Commissioner McCown - Number Eleven - Lot Two be struck as you mentioned earlier only Three (3) and Four (4) would apply - I believe I'm correct on that
Kit Lyon - Yes.
Commissioner McCown - And Number Thirteen (13) the site specific lot development plans, Lot Two (2) would also be struck in that, May 15, 2001 letter would be added to the Burning Mountain Fire Protection District's recommendations, and have we got it covered in here for my own comfort level that in the event, I guess I would need to add Number Fourteen (14) that the realignment of the County Road to allow for a ninety-degree 90 degree intersection to occur with two-fourteen (214) would be a right of way exchange with the County and we've got Lot Five (5) covered in here, right?
Kit Lyon - Yes.
Commissioner McCown - Okay, then I would still go with the legal, some type of a legal source of water to fill the fire tank, that's in here isn't it?
Kit Lyon - Yes.
Commissioner McCown - Okay, that would cover my concerns.
Chairman Pro-tem Stowe - before I second that, Larry, the only other thing I'd bring it, what about the deer fence on there, do we want to, does that need to be rebuilt at sixty-foot (60') alignment unless DOE wants it?
Commissioner McCown - I don't see it as an issue Walt because Colorado is a fence-out State, somebody doesn't want them on their property.
Chairman Pro-tem Stowe - Well, I'll go ahead and second your motion.
Kit Lyon - I just want some clarification on that, on the fence because I believe it's covered in here.
Chairman Pro-tem Stowe - Number Eight (8) in here said they will rebuild the fence.
Kit Lyon - It'll be relocated, yes and not just removed, which is what they were requesting, and that's your intent?
Kelly Lyon - We requested that we just remove it.
Chairman Pro-tem Stowe - I guess my comment on that, assuming it's okay with the DOW, you could just remove it, I'd like to run it by them, since they built it and if they want it in place, then I would say you would need to relocate it.
Commissioner McCown - I think on those fences, the landowner requests them.
Kelly Lyon - Yes
Commissioner McCown - DOW doesn't care if there's a fence there or not.
Commissioner Stowe - Okay
Commissioner McCown - however, oftentimes when there's materials provided by the DOW to built these double stacked fences, they do want that material back if they're ever removed. I think that's ...
Kelly Lyon - And I have talked to them about that, and they do, they would like it back.
Commissioner McCown - I think that's the only stipulation you'll find from DOW is they want the material back.
Kelly Lyon - Yes.
Commissioner McCown - Because they provided the materials for it, but it is purely the landowner's request whether or not the fence is there, which is different than along the Interstate.
Commissioner Stowe - So, I guess we'd remove the requirement that he rebuild that.
Kit Lyon - So in Number Eight (8) it'll say, shall be set back or removed.
Commissioner McCown - Yes.
Commissioner Stowe - Yes - with that amendment then, is that in the form of an amendment to the motion.
Commissioner McCown - I would amend it.
Commissioner Stowe - I'd amend my second. All those in favor of the motion, say aye.
Commissioner McCown - Aye
Commissioner Stowe - Aye.
Motion passes.
HUMAN SERVICES COMMISSION
Educational Services - Tom Graham

Tom is retiring after forty years of service and is currently the field administrator since we have the County/State system set up here.
Several years they put together a Orientation Manual for new County Directors coming in. Also a new book that was put out for new County Commissioners and they would go around the Counties when newly elected County Commissioners and talked to them about the Department of Human Services. For about the past year they worked on updates to the Orientation Manual and decided to combine the two books into one because a lot of information was generic to both. Briefly Tom went through the book saying prior to the Depression the poor people were taking care of a lot by churches and the county and in 1936 when the Social Security Act was passed, a part of it was some help for children who were dependent and this started the entire public welfare system. All of public welfare is a title, Title IV was AFDC, Title XX is Services, Title XIX is Medicaid and the Title is part of this original Social Security Act. So everything the Social Services Office does comes from the State and most of it is dependent upon what the Federal Governments puts into those titles. When it started in Colorado, Federal Government said, States can be State-administered, they can administer the public welfare programs or they can have Counties administer them and States supervise them. Colorado chose to have the Counties administer the programs and the State supervise - there are 13 States now that are set up that way, at least in some part. Most of the money and the laws come down through the Federal Government. When the laws get to the State, the State Legislature has to pass laws to put them into effect and then those laws go the State part of Human Services who puts those into Manual Material and then that goes to the State Board of Human Services and they have open meetings to the public and decides what parts of those Manual Materials pass and what to send back to re-write. On the State Board of Human Services there are three County Commissioners, by law, and those currently are Duncan Bremmer, Jake Cline, and John Clump - so the Commissioners do have a voice. In 1994 they combined with the Department of Institutions so now we have a broader range of things they do, part of the programs are administered by the County Departments of Social Services, part of them are contracted out by the State Department, such as contracts with Mental Health. Others they do themselves such as Nursing Homes, Division of Youth Corrections Mental Health at Fort Logan, Pueblo and those types of things. It's basically a big department.
RE-2 School District
Tom proceeded to give an update on the schools within the district saying there will be a new elementary school in Rifle, tear down most of Esma Lewis and a new High School in Peach Valley.
RE-1 School District
Carolyn Harden mentioned the annual report is in the works. She provided an update to the Board on various informational pieces including student achievement, second language users, recruitment teaching, Project Star - a before and after school program focusing on academics, enrichment activities -- mainly for latchkey kids from 3 - 6 p.m.. They have Project Star Programs in elementary, middle and high school.
BOARD OF HEALTH
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried
Mary gave the verbal report mentioned the lack of manufacturers for the flu vaccine has created the shortages; Cardiac Clinics in November; Senior Blood Pressure Clinics in Parachute and Rifle - a charge of $3.00 each; and some more pediatricians here in Rifle and Glenwood Springs
and with the completion of a new hospital they are to have a surgeon on board once again.
Communicable Diseases - Regional TB - Treatment and EDPST are doing fine.
Tobacco Grant - is moving along very well - they will not use all the funds this year as they didn't get started until May on information to clinics. They now have calendars, and badges to wear, and s Colorado Quit-Line, data backing it that you can see in the news, and some funds for patches. Mary said it starts with Education, building a coalition; there is a need for the aids in quitting at first.
Commissioner McCown mentioned the prescription for gum is $66.00.
Mary stated they are starting to see a decline in recent months for the first time - there have been some local surveys - Yampah Valley did a survey and Pitkin County also, but they haven't been able to get into RE-1 and RE-2 - the Task Force has decided that teenagers will be the focus.
Events Stemming from September 11, 2001
Letter from Don DeFord where he spelled out the State Statute and Mary said she has networked with CDPHE - Jeff Stall - Department of Local Affairs, Karen O'Brien - the Community Health Nursing Director concerning the Statutes and they said that Don had done an excellent job - it was a well-put-together letter and they also sent Mary copies as well of the Statutes and did look at them all as well. One

of the things they wanted Mary to bring to the Board is that CDCHE pledges support in the event of a contagious disease concern such as anthrax, smallpox or any other contagious outbreak. Federal help will also be available, there is actually a response team headquarters in Denver that can be out here very quickly; law enforcement would be need in the case of quarantining. Also there are drop or push packages that are located in different places throughout the United States and in the event of an outbreak the supplies are brought to the area - we do need a large storage area and she suggested the Fairgrounds or an Airport hanger - this is just during the outbreak period of time or the epidemic. They did push packages in New York; also an annex to the County Emergency Preparedness Plan for Public Health Nursing is currently in draft form and they will spell out the role of the Garfield County Public Health Nursing and the annex will also be reviewed by Dr. Brokering who is the acting Public Health Officer and Medical Advisor, and then Mary will bring this back to the Board of Health after all these reviews are completed. Weekly telephone conversations and conference are now going on every Friday with CDPHE where they can call in and get updates and information; also from 1 - 3 p.m. there are conference calls from Atlanta from CDC - these are helpful - they are really looking at what worked and what didn't. The Help-Alert Network is up in every County in the State and we are ahead of the game in Colorado because we've had some grant moneys since about 1999 to set this up - Mary received information via E-mail; they have two notebooks to keep this information in, the RN's can look at the information - they are ordering 1,000 does of Doxie which is an antibiotic by Public Health out of their budget and this will cover at least the 1 - 5 days of an exposure for critical people. The State doesn't feel the County needs to do this - it's not that expensive - $38.00 for 2 - 500 tab bottles, about $80 a year.
Evonne Long is the Public Health Nurse point person who's been attending the Bioteriorism meetings and has done a lot of networking with Guy Meyer, she's written a grant to get some of the protective equipment. Mary will serve by Resolution as the County Health Officer and Dr. Brokering will serve by Resolution as the Acting Health Officer; there's a 24 hour emergency response number at CDPHE that we can call anytime day or night, and Mike Morland with CDOH is the head of their emergency response department and coordinator. They have met with the infection control nurses in both hospitals and they have linkages to the CDC web site so they are getting updates over the health alert network. Mary said there is a need to talk with the hospitals as there is more networking needed. The Emergency Plan was due in a couple of weeks ago, Guy's plan. The Health Departments have to have a plan in place by the end of the December but the County Nursing Services will be given another a year and they want to look at what the health departments has as their plans. Mary said they are already in that process and not waiting until next year. Trey Holt will be involved in case a morgue needed to be set up.
HEALTHY BEGINNINGS
Lisa Pavislick has transferred into Social Services - still a few hours with the staff of Healthy Beginnings. Staff doing a great job - functioning as a team - wrote a grant last week. The Midwives are taking a more aggressive role.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; motion carried.
BOARD OF SOCIAL SERVICES

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.
Jesse Smith and Lois Hybarger were present along with Margaret Long.
Two Items to Discuss - Reorganization and Bills from Social Services
Margaret reported the reorganization is moving along but not fully implemented.
Lynn Renick and Lisa Pavislick will be the two new directors.

Lois Hybarger presented the *Certifications for September and October 2001.*
September disbursements total - $331,785.31
October disbursements total - $355,711.85
Motion
Commissioner Stowe made a motion to authorize the Chairman of the Board, the Controller Lois Hybarger and Margaret Long the Director to sign the Certification Page for September 1, and October 1, as dispersed by Lois. Commissioner McCown seconded.
Discussion

Commissioner McCown asked to have on the headings the budget and revenues, balance sheets, revenues and expenses and an appropriate ledger they do for departmental heads.
Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

Budget

Publish Notice for the 2002 Budget

Jesse Smith reported that the notice for the Budget 2002 was published so the public could come in and ask for a print out. It was published twice. No one came in and requested a print out.
Trish Gousay will schedule times of 20 minutes each.
Mark Bean requested to have the departments coordinate better with those who are potentially contiguous.

Adjourn

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

Attest: Chairman of the Board

_____ _____

DECEMBER 3, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 3, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.
CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
COUNTY MANAGER UPDATE: ED GREEN
Ed Green gave his update that included the following:

i. ***Employee of the Month - Diane Watkins*** - Child Welfare Unit - Social Services
ii. ***Variance To Code*** - Dave Alderson

Dave and his parents Virginia and Tom Alderson were present and requested a Variance To Code Regarding a Mobile Home at 7701 CR 312 - Garfield Creek. Dave gave the Commissioners a history of the property. They purchased the 10 acres plus with the intent to build a home which is now completed, CO on October 21, 2001. When he purchased the property, that particular trailer had been on this location since 1977, it's a 1976 Statler and had been continuously occupied up until the point that he received his CO and moved into the new home. His intent was to move his parent in who are gaining in years - they live in Cascade, Iowa currently - and Dave wants to put them on the land to take care of them. Now he's confused due to the meetings with P & Z in trying to obtain a Special Use Permit for an accessory dwelling. However, due to the age of the trailer and it being a single wide, the regulations indicate he could not be used as a dwelling.

Mark Bean explained that the permit was issued with the house and was told initially that he could either move the trailer or get a Special Use Permit for an accessory dwelling, but the dilemma they ran into was the 1976 trailer doesn't meet both the size requirements of 20' x 20' for the accessory dwelling to meet the HUD standards which is one of the requirements we have for our accessory dwellings and in addition there is no record of all the additions made to the trailer. The original mobile home was put on the property legally and we found records thanks to a previous landowner that did acquire a Special Use Permit in 1978 for Gregory Addison. They could have replaced the single wide and gone ahead and kept it indefinitely if they wanted to under that permit. When the added the second dwelling that's the point at which it became an accessory dwelling. The problem we have is that they Commissioners do not have 1) the authority to grant a variance for a single wide mobile home and whether or not this existing mobile home can meet the dimensions and meet the building code requirements is something that gets into a sticky situation because legally, mobile homes are not supposed to be added onto and the originally installed factory walls are not supposed to be breached by the Building and Planning approving any permits for it; 2) the logical way for Mr. Alderson to go forward would be to go ahead and remove this unit and replace it with a double wide unit of 1500 sq. ft. or less but also acquire the Special Use Permit for the accessory dwelling. Mark was uncertain if the Alderson's had the water rights to be able to do this type of thing as well on the 10 acre parcel.

Lisa Gunderfelder, Deputy Assessor said they have the property record card; this was actually before the Board with the Randy Kimball case because this sale did occur within our time period. Lisa said she spoke to Mr. Alderson when he was in the office, she looked at the card and there were no records of building permits.
Dave said the wheels have been taken off and there is a crawl space underneath.
Mark said it was a standard requirement under the old Special Use Permit process when they did allow single wide and axles had to be removed.
Commissioner McCown - the UBC is the problem.
Dave Alderson - submitted that currently the homeowners association, himself and Bernard Long who is here as well, we have applied through the water court and have spent a substantial amount of money to be able to get water to some accessory buildings. Currently, they are digging a pond that has been completed to augment the water and found the well. The attorney between Bernie Long and Dave, Jeffrey Help and they do have the referee's ruling as well. Everything seems to be going okay with the water.

Commissioner Stowe - asked Mark about the code violations, are they primarily because this is a mobile home.
Mark said it is not actually a code violation per se, it's was a part of the issuance of the building permit for the single family dwelling recognizing that Mr. Alderson needed a place to live and the Agreement was once the house was issued the CO, the mobile home would be removed or something would be properly permitted to be an accessory dwelling. Per the investigation they realized that this mobile home probably wouldn't qualify for an accessory dwelling.
Dave Alderson said he was confused because when he initially went in to get the builder's permit for the new home, he was told that all he needed to do was to get the SUP for that and then he received a letter from Arno Ehlers once the house began that the trailer would no longer meet their specification for an accessory dwelling. He then stopped the SUP and spoke with Arno asking him for some time so he wouldn't have to tear all the sinks, ranges out of there because he couldn't understand why he would have to do that if in fact he would have to put it right back in if he got a favorable ruling to put his folks there.
Commissioner Stowe estimated from the drawing submitted that it was approximately 39' x 39' from outside by about 62 and an area calculation it is about 1100 square feet exclusive of the decks. What is the definition of a mobile home? and it appears that's he's within the 20' x 20' confines if he were to get a permit to have the additions done, is there a way to work around all of this and stay legal?
Mark said the answer to the first questions, the Mobile home is more of an issue as to how it was constructed. In 1976 it was within the time period when they were converting from the American National Standards Inc. (ANSI) to the HUD standards. There is a possibility that it could be certified to meet the UBC requirements and meet a 20 x 20 requirement based on the configuration here the basis structure would meet that requirement. It does require someone to go in, a structural engineer, and evaluate the structure and certify the improvements as meeting the appropriate Uniform Building Code requirements. That is an alternative to removing this unit and replacing it with another unit provided the SUP is issued for the second dwelling.
Commissioner Stowe - once the Board had this certification in place, then they could go ahead with the accessory dwelling unit, a SUP.
Mark said this could be a part of the accessory dwelling review process if the Board deems that. He would encourage the Alderson's to try and determine if it can meet that criteria before they pursue the SUP.
Vernon Long - in reference to this conversation, they had an occasion to do an inspection of the mobile home as they used to live there, and when he had it investigated, he found out that it met Colorado Mobile Home Statutes in as much as it had been upgraded and it was code as it concerns Colorado because of the Statute that stated anything from 1975 and back did not meet the criteria concerning electrical construction. So they did go through the County to get approval to keep the mobile home there. There was a Commissioner's Meeting with Flaven Cerise but memory doesn't serve him to remember all the details. He added that there is a tag on the Mobile Home - 90% of the time you found the tag either under the sink or on the Mobile Home itself so Dave could see if it meets the statutes.
Mark clarified the unit has to meet the UBC requirements given the modifications that have occurred here, the certification is on the additions. It has to meet the 1994 Uniform Building Code, and not the HUD code - these are different codes. It goes to electrical, window sizes allowed for bedrooms, egress, and built to a 45 lb. snow load.
It is up to Dave to do that if this is the way he wants to go.
Dave clarified that he needs to bring in a structural engineer to see if it meets the UBC of 1994 and then would it be all right with the County that he didn't have to pull the sinks, range, etc. for the inspection.
Mark said there isn't a problem waiting until Dave has the inspections done in terms of temporary while trying to resolve this issue.
The Board agreed to give Dave Alderson until June 3, 2002 to come back before the Board with an update.
c. ***Renewal of Computer Services***
Jesse Smith, Tim Arnett and Carolyn Dalghren were present.
Tim presented the Board with the first renewal for computer maintenance services with Desk Top for a not to exceed amount of $30,000 and added that we will have an on-site person next year. Tim added that the County has spent a lot of money this year due to hackers and viruses.
Desk Top has the jail computers up and running.
Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Computer Maintenance Contract to Desk Top Consulting for 2002 for a not to exceed $30,000; motion carried.

d. ***Renewal of Glenwood Courthouse Janitorial Service***

Tim presented the renewal of the Glenwood Springs Courthouse Janitorial Service to Ballanger's Cleaning Service for a not to exceed $57,336 - a 5% increase over last year. Tim stated there is the right to renew the original contract for two years if they are doing a good job and both parties can agree. This is the same with all three renewals before the Board today - under Section 115-3 - Terms of the Contract allow for renewal up to 36 months before re-bidding.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the renewal contract to Ballanger's Cleaning Service for a not to exceed $57,336 for 2002; motion carried.

e. ***Renewal of Ground and Lawn Maintenance for three County Rifle Facilities - Henry Building, Taughenbaugh and Courthouse***

Richard Alary and Tim Arnett presented the renewal of Ground and Lawn Maintenance for the three County Facilities in Rifle - Henry Building, Taughenbaugh and Courthouse with Barbara Gold for a not to exceed amount of $12,357.36 that includes a 4% increase over last year.

Tim explained that this contract has proven to save Rich Alary a lot of time by not having to go to Rifle to perform these services.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the contract for Barbara Gold not to exceed $12,357.36 for ground and lawn maintenance for the three buildings - Henry Building, Rifle Courthouse, and Taughenbaugh Building; carried.

f. ***Approve a Piggyback Janitorial Service for three Rifle Facilities***

Richard Alary said he did a survey of the janitorial services for the three Rifle facilities and the staff was unhappy with the service provided. This is in lieu of the employee providing the services as is currently the case. The recommendation is to engage the services of Ballinger Cleaning Services for the Rifle facilities the same as the Courthouse in Glenwood. Tim said this would be at a cost of not to exceed $52,000 for the year 2002 and they will get a real good scope of work. Richard added that the Ballinger employees have to go through a background check.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve a piggyback contract with Ballinger to provide services at the Rifle Courthouse extension, Taughenbaugh Building, and the Henry Building in the year 2002 for the amount not to exceed amount of $52,000.

Discussion

Commissioner McCown inquired if this would eliminate Richard's trips to Rifle

Richard clarified just for janitorial services; Rich has an agreement with a local named Mitch Morgan and he plows the lots for us and Barbara does the sidewalks. This is budgeted in Richard's budget.

Motion carried.

g. ***Sign a Notice of Award for Sandy's Office Supply for supplying Office Supplies for 2002***

Tim Arnett and Mike Keiley, Vice President and one of the owners of Sandy's Office Supply were present. Tim Arnett stated that after discussions throughout the County in the buildings it was decided that we should have one contract instead of people buying from every which way and having to send out checks every day to different places so this went out to bid our office supply contract and we received three bids: one from Aurora, one from Grand Junction and then Sandy's Office Supply which in the near future they moving to Glenwood. Tim included in the bid things like pens, pencils set up on a special pricing and then everything else in the major catalogs - Tim had in the RFP to include what they would sell things to us for. Mike was the only one who would go off of wholesale up, the rest wanted to go off of retail which is really hard to decide what you're really paying. In the long run, people are very happy about bringing Sandy's on, it's great as he can deliver to them everyday when they need things and no longer worrying about getting the wrong stuff and having to send it back and we can keep track of how much we are spending this way. Mike explained that they have a variety of programs that they have worked around mirrored some of the programs they have with other governmental agencies i.e. City of Aspen for the last 15 years; but in summary what they have done for the County is they have set up each department under its own account for Accounting ease. We do, from the accounting perspective create a combination invoice packing list for each and every delivery and order and a copy of that invoice once it's signed is attached with a monthly statement that is sent to the County Accounting Office. Because of the size of the County's account versus others, we will actually hand carry that to accounting so there's no discrepancies about items. It's a summary billing, so it is very simple for accounting to deal with. Example, the Clerk's Office has it's own

account and it is very easy to tract - back orders if there is a discrepancy on an item, they work on a policy of if you tell us you didn't get an item you ordered, we believe you and take care of it immediately; and they issue a credit within 24 hours. The deliveries are with their own personnel, uniformed for Sandy's so this eliminates the question of who's wandering around the building doing deliveries. Mike said that Sandy's receive overnight deliveries from multi-million dollar operations in Denver prepackaged and sent to us and then turn those around to the end-user. Plans are in effect now to move to Glenwood as a distributing center - not a full blown operation.
Mildred clarified what Mike was saying about the one check monthly from accounting at the end of the month, she suggested to send a memo that addresses this.
Motion
A motion was made by Commissioner McCown to award the bid to Sandy's Office Supply for supplying office supplies to the various County facilities with the caveat that a letter under the Chair's signature be sent to all elected and department heads that no further payments will be made to any other office supply entities other than Sandy's without authorization of this Board.
Mildred Alsdorf commented that this couldn't be done with a lot of various supplies that are special.
Commissioner McCown - if they're not covered under this contract, it can be done, but anything that's covered under this office supply will come from Sandy's. We've had contracts before on printing and office supplies - people totally ignore them, they go wherever they want to, buy whatever they want to, and the only way that a contract of any kind is going to be beneficial to the County is if everybody follows it.
Mildred has special forms you can't get from Sandy's, I realize that, that's not what I'm talking about - I'm talking about pencils, paper, the day to day erasers, stuff that you do have through him.
Mike stated that our general line covers 25,000 skews plus they also have other resources; if there are specialty items that you're not sure we can provide for you or not, please give me a call personally and we'll see if we can provide it.
Chairman Martin stated this needs to be added to the letter as well, to contact Mike and make sure those items that are special, if they can be procured and are not in the listing that you're supplying.
Jesse Smith - at least have the price checked - what Mike can provide them for versus what we're getting them somewhere else for.
Commissioner Stowe seconded the motion.

Mike added that the location of their new Distributing Center for Sandy's will be at the Van Ran Center.

- Budget

Ed mentioned that he and Jesse needed to get a final reading from the Commissioners as to inclusion and exclusion of specific budget items so they can finalize the Budget Document.
COUNTY ATTORNEY UPDATE: DON DEFORD

Don DeFord gave his update.
a. ***Basalt Water Conservancy District Allotment Contract No. 396***
The Board has been presented with the contracts for the Basalt Water Conservancy District Allotment Contract and need to be executed and returned to the Conservancy District, they support the well permit that we are utilizing for the Cattle Creek Road and Bridge Facility.
Don asked that the Chair be authorized to sign the Basalt Water Conservancy Agreements as represented in the November 8, 2001 from Laura Satterfield.
Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.
b. ***Discussion - Town of Parachute - Annex County Road within the Town***
Don said this was a discussion to annex and at this point he wanted feedback for Steve Carter who's representing the Town of Parachute. This is only a County Road and Mr. Carter's representations in his letter are accurate and couldn't see any reason the County wouldn't petition to annex this. There may some history somewhere on why it wasn't, however it seems that the County should have no problem signing a Petition to Annex this roadway to the Town of Parachute - it will allow them to include that portion of the Interstate that would connect the rest of their Town to the southerly portion of it in that same area. If there is any problem, please let Don know otherwise he will ask Steve Carter to proceed forthwith and get the petition in front of the Board.
c. ***Presentation of Environmental Assessment - New Rifle Mill Tailings Site***

Don handed out the document for presentation only. His office received the EA for the ground water compliance and the Rifle Mil Tailings site - please review them, comments are due December 19 to the Environmental Protection Agency, Don said his office does not plan on making any comments.
EXECUTIVE SESSION - *Pending Litigation and Annual Contracts - Green and DeFord Renewal of County and Basalt Water Conservancy and Provide Advice on the Method which you apply your access or road permitting process as it relates to CR 154*

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.
Don requested the following individuals stay for the session included himself - Ed Green, Jesse Smith, Mildred Alsdorf, Mark Bean, Carolyn Dalghren and the Commissioners.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.
Letters of Employment
Mary Lynn Stevens were brought into the discussion and given directions as follows:
Commissioner McCown said Don DeFord will be going to $87,652 annually however he chooses to break it out percentage wise, and on the Severance Pay where it's currently at 5 months salary at the rate set forth that will revert back to two months salary. The PDO and everything will stay the same, everything else will stay the same except the dates of employment. There needs to be a sentence inserted that should the salary survey that he was given by Jesse be in error, he would adjust his percent of increase accordingly downward. Jesse's median salary level was like $98,000 and should that be in error and should be $90,000 he would adjust his rate of increase accordingly. This letter will go back to Don and Ed and they'll sign it and then it'll come back to the Board to sign off on.
Commissioner McCown said Ed Green will be going to $83,948 annually, we have a question, he was asking for personal liability insurance like a million dollar umbrella, I don't know if we can do that, if we can pay for it, if not we have to include that in his salary and everything else, the severance package stayed at 5 months total, actually it's 30 days PDO and 120 days severance - the rest of his contract would stay the same other than the employment dates.
Mary Lynn was also instructed to place this on the Consent Agenda.
CONSENT AGENDA
i. Approve Bills
ii. Liquor License Renewal - Rifle Fireside and City Market #28, Parachute
iii. Sign Mylar for the Second Amended Plat of Ranch at Roaring Fork Phase 3
iv. Sign Special Use Permit for Doug and Lou White
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - c; motion carried.
COMMISSIONER REPORT
Commissioner McCown - Thursday, Associated Governments; Public Land Conference in Grand Junction - Ramada Inn; last Thursday, Budget Meeting with Associated Government getting the finalized approval for the 2002 budget.
Commissioner Stowe - Rural Resort on Friday of next week, Litigation on Thursday - Prehm; and the Library Christmas Party on the 9th.
Chairman Martin - Tuesday at 7:00 a.m. in Rifle the Mayor's Meeting; Wednesday, 9 a.m. Idaho Springs the Colorado Intermountain Fixed Guideway Authority; Farm Bureau in Grand Junction on Friday and Library Board, Christmas Party on the 9th at Jaci's home. CCI went well, several different committees and he has all the information to share. One revelation - there's no money in C-DOT however, they wish us to go ahead with the planning process and to send a representative on the 10th of December to Gypsum to voice our concern. This is the special request - 8th pot which doesn't have any money, but to get into the process and also set up a task force to put two handbooks together in CCI - one is to understanding C-DOT's procedure from the permitting process to allocations of enhancement funds and the TPR - STIP and the another committee; also a handbook for Commissioners on how to handle and what you're responsible for above and beyond what Social Services gave us and all the functions that they have.
Executive Session - Contract for Don DeFord
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the Contract for Don DeFord.; motion carried. Don requested Mary Lynn to attend as well as the Board, Mildred, the Commissioners and himself.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Motion
Commissioner McCown made a motion that we approve the Minutes of the Commissioners on July 16th and August 13th as corrected; Commissioner Stowe seconded; motion carried.

FINAL DECISION - 1041 - REVIEW REGULATIONS, TEXT AMENDMENTS AND COMP PLAN REVISIONS TO HIGHWAY MASS TRANSIT AND GEOLOGIC HAZARD REGULATIONS
BUILDING & PLANNING ISSUES: PUBLIC HEARINGS
Randy Russell stated they are awaiting for advisory notes and/or provisions that the Board feels are appropriate prior to making a final decision on this.
Chairman Martin commented that the Consultant hired, Ricky Santarilli recommended approval of those, and the staff has reviewed and made their recommendation; P & Z also reviewed them and passed it on for the Board's consideration. This is a tool that we can use in planning as well as in P & Z in taking the lead and saying we know what our future needs to look like and these are some of the things that we will use to shape our future.
The Commissioners discussed the proposed text amendments and regulations making minor changes.
Motion
Commissioner Stowe moved the adoption of the proposed revisions to Section 4. Garfield County Zoning Resolution of 1978 as amended for Planned Unit Developments incorporating Transit PUD language within the text.
Commissioner McCown seconded.
Motion carried.
Motion
Commissioner Stowe moved the adoption of the proposed revisions to the regulations and guidelines for Mass Transit Facilities and areas around Mass Transit Facilities.
Commissioner McCown seconded.
Amended Motion
Commissioner Stowe amended the motion by adding under Section 5.55.09 paragraph 12, "except at intersections" at the end of that paragraph. Commissioner McCown amended his second. Motion carried.
Motion
Commissioner Stowe moved the adoption of the Geological Hazard Areas Regulations Section 6.10 through 6.16.05 as an amendment or addition to our current Regulations which ever is appropriate.
Commissioner McCown seconded.
Motion carried.
SPECIAL USE PERMIT FOR ACCESSORY DWELLING - LOCATION: 5181 COUNTY ROAD 233, RIFLE, CO. EDWARD AND GLORIA WILKS
Don DeFord, Kit Lyon, Edward and Gloria Wilks were present.
Don reviewed the noticing requirements with the applicant and found them to be timely and in order, therefore he advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark Bean submitted the following Exhibits into the record: Exhibit A - Green and White Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; and Exhibit D - Project Information and Staff Report.
Chairman Martin entered Exhibits A - into the record.
Kit presented the request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD Zone District located on approximately 77 acres on Silt Mesa Road (CR 233). The Wilks live in an existing 1,500 square foot house and would like to make this an accessory dwelling so that they may build a new home which is larger and can meet the needs of a growing family. Kit continued to review the description of the proposal, major issues and concerns, suggested findings and recommendation.
Recommendation: Staff recommends approval, with the following conditions:
1. 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.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978 as amended, and shall meet all building code requirements..

3. That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;
4. That the gross floor area of the accessory dwelling unit, which is the existing house at 5181 County Road 233, shall not exceed 1,500 square feet.
5. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
6. That it is the applicant's responsibility to comply with any applicable covenants or Homeowners' Association rules. The Special Use Permit will not be issued until evidence of written approval of the accessory dwelling unit by the Homeowners Association is submitted to the Planning Department, unless no Homeowner's Association exists.
7. Prior to the issuance of the Special Use Permit: the following documentation will be provided to the Planning Department:
    1) That a four 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 result of the four 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, nitrates and suspended solids.
8. That this approval shall be valid for one year. If conditions are not met within one year (prior to 12/2/02), and subsequently no special use permit is issued, the approval shall expire.

Edward Wilks stated they had Samuelson Pump Company perform the test and they did everything through Evergreen Analytical Services and the standard biological water test and they issued them the go ahead on all that - copies were submitted to the Board.

Motions

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow an accessory dwelling unit with the conditions 1 - 8 of staff as listed and it sounds like some of those have been met and they just haven't been submitted by the applicant. Motion carried.

BEECRAFT SPECIAL USE PERMIT TO ALLOW THE APPLICANT TO PLACE A 70’ MONOPOLE CAPABLE OF SUPPORTING 4 WIRELESS TELECOMMUNICATION PROVIDERS

Kim Sleagel, Don DeFord, Mark Bean, Randy Russell, and Colleen Cusno were present.

Don DeFord reviewed the notification requirements and determined that they were timely and in order and advised the Board they were entitled to proceed.

Kim submitted the following Exhibits into the record: Exhibit A - Green and White Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Letter from SBA dated October 31, 2001; Exhibit E - Application Materials; Exhibit F - Staff Report; and Exhibit G - Packet provided by SBA.

Chairman Martin entered Exhibits A - G into the record.

Kim reviewed the project information and staff report saying this is a request for a SUP to allow for a communication facility - cellular phone tower) approximately 2.5 miles east of Carbondale on the north side of Highway 82 behind the Western Slope Aggregates gravel mining operation (Jean and Dee Blue); the property for the location of the communication facility is proposed to be a lease on a larger property, the lease to be approximately 6400 square feet in size. The applicant proposed to place a seventy-foot (70') monopole capable of supporting four wireless telecommunication providers on the subject site. [This is for one permit - prior to the building permit they have to produce a letter of intent - they will not build it and not have anyone ready to go on.] Kit continued to review the Garfield County Zoning Resolution for Conditional and Special Uses, suggested findings, and recommendation:

Staff recommends approval of the special use permit, based on the following conditions:

1. 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.
2. The applicant shall have one year from the date of approval to construct the communications facilities. If the communication equipment becomes obsolete or inoperable for any period of twelve months, the applicant shall remove the tower and accessory building from the property.
3. The applicant shall provide a copy of the FCC license for the company providing telecommunication service from the site, prior to the issuance of the Special Use Permit.
4. An exception is granted from the height restrictions sited in Section 5.03.13 (3)(a)-c) of the Garfield County Zoning Regulations.
5. The applicant will allow for colocation of other communications facilities on the site, if physically and technically feasible.
6. The fence surrounding the tower shall be increased to eight feet (8') per Division of Wildlife recommendations.

Janet Buck from the Town of Carbondale clarified some questions she had with respect to the structure.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit to allow for the communications facility a.k.a. Cellular Phone Tower with the conditions noted by staff and all the testimony from the applicant. Motion carried.

SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATION: APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE, OFF OF CR 107. APPLICANT: PATRICIA LACERTE

Mark Bean, Don DeFord, and Attorney Chris Keiger for Patricia Lacerte were present.

Don determined that notifications were in order and advised the Board they were entitled to proceed.

Mark entered the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978 as amended.

Mark stated that this is a request for a special use permit to allow for an accessory dwelling - the applicant built a 705 square foot structure in the barn on the property without obtaining the appropriate permits. The applicants property consists of 190.86 acres with access from CR 107, Red Hill Road in Carbondale.

Recommendation: Staff recommends approval, with the following conditions:

1. 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.
2. Section 5.03.21 of the Garfield County Zoning Resolution of 1978 as amended, be complied with by the applicant.
3. The applicant will submit plans for the residential portion of the structure and have an individual qualified in residential construction inspection certify the construction's compliance with the 1994 UBC requirement. Additionally, the applicant will have to pay double fees for the building permits, per the Building Code requirements.
4. A professional engineer, licensed in the State of Colorado, will certify the adequacy and installation of the ISDS being consistent with the County and State ISDS regulations.
5. Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this Special Use Permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the Special Use Permit..
6. Prior to the issuance of the Special Use Permit, the following documentation will be provided to the Planning Department:
    1) That a four 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 result of the four 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, nitrates and suspended solids.

1. *Motions*

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve a Special Use Permit for an accessory dwelling unit for Patricia Lacerte at 960 CR 107 with recommendations of staff as enumerated. Motion carried.

SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS FACILITY. LOCATION: ADJACENT TO THE EAST SIDE OF CARBONDALE ON WHITE HILL. APPLICANT: SKYLINE RANCH & KENNELS, UINTAH BASIN ELECTRONIC TELECOMMUNICATIONS (UBET) WIRELESS

Mark Bean, Don DeFord, and Jeff Goodrich - representing UBET Wireless were present.

Don DeFord reviewed the noticing requirements with the applicant and noted that there was no date on the proof of mailings and the returned receipts has the earliest delivery date is November 19th. He asked Jeff if he had knowledge as to the date the mailings were made.

Jeff testified that originally we were scheduled to come in two weeks ago and he was one day shy of being out 15 days to make the hearing for November 19th, so he believed they would have gone somewhere the 14th or 15th of November.

Don left this to the Board, but the 19th would be 14 days and you have to allow some time for mailing not the date of receipt, and the Board has the testimony that the applicant believes it was somewhere around the 14th - if the Board believes this is adequate with proof of timely mailed notification, then notification would be adequate in all other respects.

Mark Bean interjected that he called him actually 2 weeks in advance of the hearing on November 19th and indicated that he was just sending out the notices, and Mark informed him that these would be late. That's when the hearing was scheduled for today. Therefore, it would probably have been the week of the 5th - 8th of November that the actual notices were sent out assuming he sent them out at that time.

Don said the final determination is with the Board.

The Board did not have a problem and chose to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Application with attachments; Exhibit E - Project Information and Staff Comments; and Exhibit F - A Propagation Study done by UBET and provided to Building and Planning via a digital attachment to an e-mail - the green area representing the area of service.

Chairman Martin admitted Exhibits A - F into the record.

Mark summarized the staff report going over the description of the proposal, relationship to the Comprehensive Plan, the Garfield County Zoning Resolution, suggested findings and recommendation saying that staff recommends approval of the special use permit, based on the following conditions:

7. 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.
8. The applicant shall have one year from the date of approval to construct the communications facilities. If the communication equipment becomes obsolete or inoperable for any period of twelve months, the applicant shall remove the tower and accessory building from the property.
9. The applicant shall provide a copy of the FCC license for the company providing telecommunication service from the site, prior to the issuance of the Special Use Permit.
10. An exception is granted from the height restrictions sited in Section 5.03.13 (3)(a)-c) of the Garfield County Zoning Regulations.
11. The applicant will allow for co-location of other communications facilities on the site, if physically and technically feasible.

A lengthy discussion was held with respect to co-location of the site with multi users, exception to the 25' height rule, minimizing the impact of the skyline, the fact that this is intended to be a 30' wooden pole and not a mass of towers, the fact that they were able to get above the tree lines and not affect the terrain making it less of an impact to Carbondale as well.

Commissioner McCown clarified that this company was similar to Verizon Wireless, so if this tower would be permitted would be merely the Carbondale area.
Jeff mentioned they already have a site in Glenwood Springs, and property in Rifle but do not plan to build a site this year in Rifle. With digital, the more calls and more service then the capacity shrinks and this requires more sites. So initially they felt with the two repeaters they can fill the corridor from Glenwood to Carbondale but were waiting to initiate this process - they are very interested in the master plan concept and felt that if they could satisfy the FCC population requirement, that maybe they could fit into whatever master plan is happening to get that highway coverage.
Jeff Goodrich mentioned he had not had a conversation with Carbondale. He mentioned the coverage at present is limited, but plans are to have coverage from Vernal, Utah north up Hwy. 13 including Glenwood, Carbondale, Rifle, etc. The company was acquired from Qwest out of Vernal, Utah but currently they are setting up an office in the Carbondale area and moving phones with a local telephone company. all digital service and hopefully they can market data and Internet services. This requires more local concentration. When the FCC granted spectrums and licenses it created the rush for carriers to get the coverage. Therefore, after they have the population coverage, then they will get to highway coverage, then interstate coverage, but presently they wanted to get the communities covered first - this would be a 2-mile area.
Janet Buck - Town of Carbondale said that they had not been notified and wanted to see the visual submitted to the Board. She was pleased to hear that the trees on White Hill would not be affected. Carbondale is interested in minimizing the towers and leave as much vegetation as possible. Additionally discussion continued with the resolve that Jeff would agree to a continuance giving him a chance to speak to the Carbondale Town Council and staff, work out an acceptable arrangement with them and then come back for the Board to render a decision.
The Commissioner set this over until December 10th.

Budget Discussion - Review of the Requests for additional staff by the Departments

Discussion was held with respect to the new positions and upgrades of staff positions requested; equipment requests, court space needed, building improvements, computer upgrades in Building and Planning, County Attorney's Office, information server, the justification and documentation of the District Attorney, and pay raises.
Picture ID's for all elected and staff was discussed and equipment that will make these. Jesse explained the potential uses - tax ID, government identification when attending various meetings and conferences. A lot of governmental entities are using this type of identification for security purposes. Schools have gone to picture ID's as well and they have to be worn in the building.
Chairman Martin agreed to bring the information on this equipment to Ed Green.
Motion
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve and authorize the credit cards aggregate limit of $54,999 on credit cards for Garfield County. Motion carried.
Adjourn
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest: Chairman of the Board

_____ _____

DECEMBER 10, 2001

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 10, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green, Assistant County Manager Jesse Smith, County Attorney Carolyn Dalghren in Don DeFord's absence and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER UPDATE: ED GREEN

Ed Green gave his update that included the following:

Approval of DSS Contracts for Core Services Program - Lynn Renick/Ressa Hayes

This is the contract with $264,995 for services with Colorado West Health.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the DSS Contracts for the Core Services Program in the contract amount of $264,995 with Colorado West Mental Health. Motion carried.

EMS Grant 2002 - Dale Hancock

Dale explained that this EMS Grant 2002 is year number five, the final one year extension of the County subsidy program - this year's amount $15,846.95 - this is the money we use to fund the activities of the EMS Council which includes procurement of training aids, equipment, and other in-service things like courses, etc. Dale requested the Chair be authorized to sign the grant.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the EMS grant; motion carried.

Presentation of Check to BOCC to benefit Healthy Beginnings - Guy Meyer

Healthy Beginnings Board Member Linda Green and Guy Meyer were present to give the Check for Handmade items sold at the Battlement Mesa Craft Fair came to $351.00.

Guy showed the Board one of the toys, a stick riding horse, as an example of the craft work done by the participants in the program.

Drug Surveillance Patches - Guy Meyer

Guy wrote a grant for $48,000 for a Drug Surveillance Patch Program. Currently, they provide a Random UA program to his participants as well as for Probation cases. Right now with the product we use, we generate about $11,000 in revenue. Guy said he wanted to make a shift into a better surveillance system in the way he does business. There's a Patch that's been developed that's placed on an offender's arm, i.e. on Monday and it stays on there the rest of the week and each Monday the offender would come in, have the Patch removed, then it is sent off to the laboratory to be analyzed and determined through the sweat that comes off the Patch, any drug use that had taken place. Guy said he would like to submit the grant to DCJ for consideration to see if we can start a program here in Garfield County. There's a lot of benefits to it - right now what happens is - someone comes in, submit their urine, and then go on their way. Well, at this point they can leave, go do drugs for the next few days and then come back in the following week and they're clean again. Typically, most of the drugs he deals with except for marijuana are out of their system in a 48 - 72 hour period. Marijuana stays in there 7 - 14 days so that's the only thing the urine test will detect. This would give us a better opportunity to look at these guys a little harsher scenario on whether they are complying and staying clean or not. The cost to the County is a 75-25 match roughly about $11,000. Guy explained that these patches have been tested and proven to stay on during showers, no harsh reactions from people with allergies, such as a rash from the adhesives. There is no substance going into the skin, this is just absorbing the sweat. The technology is such that if the Patch does come off it is a violation. The court cases that have used these patches to determine drug use have proven 100% effective and not one case has been lost to date.

Guy explained that the cost to the County of $11,000 would be made up from fees paid by the offenders - no cost to the County. UA's cost the offender $15.00 per urine test plus time off to come in

and be tested; these Patches cost a little more than $15.00 but saving time off from work makes it come out even.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the grant and enter into the grant request for the State. Motion carried.

Henry Building - Plumbing Leak

Dale reported a plumbing leak at the Henry Building. The work release crew working at the Fairgrounds responded fairly quickly and put buckets to catch the water. He explained the procedure to correct the problem.

Vacation - Personnel Who Have Hours They Will Lose

Jesse Smith submitted the names of two people given to him who said they will lose vacation time unless the Board agrees to either carry over the balance of hours into year 2002 or pay the amount in cash to the employee. There are two in the Social Services - Margaret Long and Lynn Renick - both have been caught up in the reorganization of the Department and have not had opportunity to schedule time off. Lynn has between 1- and 15 days; Margaret has 8 - 9 days.

Discussion was held and both Commissioner McCown and Commissioner Stowe expressed their long term effect of approving this stressing that supervisors are the ones most likely to have time not used - how can supervisors stress the use of time off when they do not abide by the Personnel Policy.

Need to know how many are involved and the exact number of days

Commissioner Stowe agreed with Commissioner McCown that there are circumstances that would prohibit leave but also that supervisors need to know how to deal with this and if the Board does decide favorably on this, that it will be the last.

Jesse was directed by the Board to determine the people who might also be affected, the number of days it would entail and report back to them before a decision would be rendered.

COUNTY ATTORNEY UPDATE: DON DEFORD

Don DeFord gave his update.

i. Consideration and Approval of Repurchase Agreement and Associated Documents - U.S. Bank

Bob Mitchell from Sherman & Howard was contacted via telephone conference. He explained how the transaction works corresponding with the documents for the Board to sign.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair on the Repurchase Agreement and Associated Documents with U. S. Bank as explained by Bob Mitchell; motion carried.

Master Agreement Purchase No. 1 and the Acknowledgments

Mr. Mitchell noted there needs to be a budget line item for the 2002 budget that includes both of these.

ii. ***Consideration and Approval of Commissary Network Agreement for Garfield County Detention Center***

Carolyn Dalghren, Tom Dalessandri, Dan Hall and Les Beckman were present.

Keefee Supply Company - Busch

Dan Hall described the process via a computer generated network. They are trying to save on this and the new system will be beneficial to the County. Tom said conversations with Georgia spurred this on - moneys will be processed through Keefee - checks will be processed via computers.

The cost to the County would only be the paper generated for the payments.

A motion was made by Commissioner McCown to authorize the necessary commissary agreement with Keefee Supply Company for the Detention Center. Commissioner Stowe seconded. Motion carried.

c. ***Consideration and Approval of Agreement for Medical Health Services for Garfield County Detention Center***.

Carolyn Dalghren explained this was the same type and cost Agreement for Mental Health Services as has been signed in the last several years. She requested signature of the Chair to sign the Agreement.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Contract with Correction Medical Health Services for the Garfield County Detention Center in the amount of $28,883.00 per month; motion carried.

EXECUTIVE SESSION

Carolyn Dalghren requested the Board go into Executive Session to discuss the items as follows:

1) Discussion and Legal Advice Child Protection Issues

2) Legal Advice Road Access Permitting Litigation
3) Discussion and Legal Advice - BOCC v. Marlin (Colorado) Ltd.

Margaret Long and Lynn Renick, Ed, Jesse, Mildred, Carolyn and the Board were requested to remain for the Discussion and Legal Advice for Child Protection Issues; and for Items 2 and 3 - the Board, Ed Green, Carolyn and Mildred were requested to remain; motion carried.

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

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

Child Protection Issue

The Board directed Margaret Long and Lynn Renick from the Department of Social Services to proceed forward with the issues consulting with the State on placement of these individuals that were discussed in Executive Session in State and also contract our local representatives Greg Rippy and Jack Taylor and make them aware of the problem as it is a Statewide problem and not just a County problem and see if we can gain some assistance through them via the Governor's Office. Also to contract a Federal representative as it is also a federal grant through the State using the Constitution as a violation.

AND

Commissioner McCown stated the Board will have another Executive Session following the 3:00 p.m. Agenda item for further discussion on the BOCC versus Marlin (Colorado) Ltd.

COMMISSIONER REPORTS

Commissioner Stowe - Thursday, December 14 the Settlement Conference; Friday - 12/15/01 at 10:00 a.m. Rural Resort - Legislative Luncheon at the Eagle County Training Room - and they will be summarizing results of the Summit Meeting and preparing a paper to be released in January 2002.

Commissioner McCown - Settlement Conference 1:15 P.M. Thursday; and from 9:00 a.m. to noon, a meeting of the Economic Development Group from the Governor's Office at the Adams Mark in Grand Junction and a follow up meeting with the Transportation Commission at 1:00 p.m. at the Adams Mark - representatives at both are requested. Associated Government Meeting held last Thursday was interesting. The Lost Empire Railroad - the Draft on the Operations Plan and the Feasibility Report showing 5 possible routes - this would go to the Planning Office and will be available for the Board to review - this is ongoing discussions probably some type of a decision will roll down after the first of the year on are we going to pick a route and if we pick a route do we want to spend approximately $1 million left to continue this study, do we want to go forward with the public aspect with public hearings and full blown EIS. This originates in Utica County, Vernal, Utah coming across taking in the Deserato Coal Mine, utilizing that portion of rail there, the Deserato Coal Mine and the Power Plant that is in Utah would be served by the same section. It's currently being served by Deserato - a single source entity to serve the Power Plant in Roosevelt, Utah. The funding for this is still undecided. The talk is that it would be a public entity and as such it would not generate any tax. But as a public entity it could not be sold and rail banked once it's build - it would become a utility. There's 5 options still in discussion and 2 of the 5 strongly affect Garfield County.

This was initially driven by the phosphate deposit; the resource is there and is the largest in the world - this could be competition with America Soda.

Coal Transporting - Everything now goes through Moffat County - that is at capacity - need an alternative route. McCown would love to see us use our coal resources and save natural gas for homes, etc.

Chairman Martin - Personnel - 12/19/01; Settlement Conference and meetings at Adams Mark as well; Mayor’s meeting on 12/04/01 - land use review, telecommunication study - on Towns/Cities/County; Wednesday, 12/3/01 Colorado Intermountain Fixed Guideway - $4 million from the transportation study - C-DOT is alive on the Fixed Guideway - State Dept. of Transportation to continue the study - San Dia is the one that would make the machinery. BLM meeting in Grand Junction - 2 issues: (1) Deep Creek Wilderness Area - Douglas Pass 64,000 acre proposal - not appropriate and BLM will not recommend and (2) Farm Use in Grand Junction on Friday - Land Use Commission on Federal Lands - 9/2001 - given to the County Engineer to review; and CML Workshop - Impact Fees - Home Rule Cities/Counties - Discussion - Pro/Con. Could impose a fee of developers for Transportation Needs.

CONSENT AGENDA

A. Approve Bills

B. Request to approve a one-year extension for the Gabossi/Wagner Subdivision Exemption to September 17, 2002.
C. Sign Acknowledgment of Satisfaction Subdivision Improvements Agreement, Oak Meadows Development Corporation
D. Sign Resolution of approval concerning 10/01/01 Amendments to the Garfield County Zoning Resolution of 1978 by Modifying Sections 9.03.04, 9.05.04, and 10.04.01.
E. Sign Resolution of Approval Concerning 10/01/01 Amendments to the Garfield County Subdivision Regulations of 1984, Modifying Sections 4.21. 4.31, 6.10, 8.31, and 12.00.
F. Approval of letter of engagement for County Manager 2002
G. Approval of letter of engagement for County Attorney 2002

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda items A - E; motion carried.
Items F - County Manager's Salary - still needs to be completed - tabled until December 17
A motion was made by Commissioner Stowe and seconded by Commissioner McCown for rescheduling the Contract for the County Manager until December 17, 2001. Motion carried.
Item G - A motion was made by Commissioner Stowe to approve the Contract for the County Attorney for year 2002 as presented. Commissioner McCown seconded.
Chairman Martin would like to have more information and content in a job description. Some of the cases have not been aggressively pursued; salary is at a level more that the District Attorney, and Judges in the 9th Judicial District, also cited the manner in which the Letter Agreements are written and proposed a new contract be drafted.
Vote on the Motion
Commissioner McCown - Aye
Commissioner Stowe - Aye
Chairman Martin - Nay
INVESTMENT ADVISOR PRESENTATION - RANDY PALOMBA OF MBIA - OVERVIEW OF INVESTMENTS - GARFIELD COUNTY

Georgia Chamberlain, and from MBIA, David Lee - Client Services Manager; Randy Palomba - CRA Vice President; and Corrine Larson - CCM Vice President were present.
The Presentation Folder was submitted to the Board and Randy Palomba gave the overview of investments.
MBIA Municipal Investors Service Corporation provided updated Broker/Dealer Information Request Forms and Financial Statement for the following approved broker/dealers:
Bank of America Securities; BMP Nesbitt Burns, Merrill Lynch; Morgan Stanley; and UBS PaineWebber; and recommended that addition of Salomon Smith Barney, a primary dealer of U. S. Government Securities.
The Board thanked MBIA for their presentation.
Georgia added that she has a good working relationship with MBIA and need to sign a contract on an annual basis - some minor changes need to be made and asked for a motion to authorize the Chair after the County Attorney has signed.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Contract with MBIA after review of the County Attorney and the terms negotiated by the County Attorney for the best interest of the County. Motion carried.

PUBLIC HEARINGS:

RESOLUTION TO ADOPT 2002 BUDGET

Don DeFord, Jesse Smith, Ed Green and Carolyn Dalghren were present.
Jesse noticed the meeting. Don reviewed the notification and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the adoption of the 2002 Budget as presented and authorize the Chair to sign the Resolution. Motion carried.

NOTICE TO CONSIDER INCREASING PROPERTY TAXES FOR CAPITAL EXPENDITURES

Shannon Hurst, Carolyn Dalghren, Jesse Smith, and Ed Green were present.
Jesse Smith stated he did the notification the 1st of November that we were having a hearing on the 10th and 17th of December.

Chairman Martin stated for the record that this is sometimes misleading and asked Jesse to explain why it is noticed this way and present the information per Statute; the Legislature chooses the wording, etc.
Jesse Smith explained that basically they have to go through a calculation to come up with what is the allowable increase in property taxes per Tabor and that amount came out to be $9,826,502. Then he takes that amount and start looking at how to allocate that i.e. Mill Levy; also calculate what our taxes will be keeping our 13.655 Mill total and the new assessed valuation. The difference between the allowable and the actual then is the amount of dollars that have to be per our DeBrucing Election have to be then allocated to capital. That amount that has to go to capital this year is $1,341,543 and that amounts to a 1.643 Mill Levy. The actual Mill Levy when we do the distributions, we use two systems to distribute the allowable - we use the percentage that we had last year, and when we did the percentage, we came up for example with a general fund allocation of $6,005,958 or a Mill Levy of 7.343. That is basically a reduction when you look at the percentage from the previous year and we had budgeted the 5.5% increase across the board through all the property taxes and this would amount to about an $800,000 reduction in capital. Jesse recommended that instead of allocating strictly on the percentage basis, but rather that we keep the amount Mill Levy consistent from year to year and that means then that the amount I've recommended is the second handout and that the actual Mill Levy for capital - in the previous year it was 2.16 and then when we added the overage, which for the previous year was $562,000 - that brought us up to a total Mill Levy for the capital fund of 3.079. This year the actual Mill Levy for capital would be a little less than that - it's going to be - the amount for the capital will 1.357 and then when we add the $1,341,000 to that it gives us a total Mill Levy for capital of 3. So this would keep our budgets consistent and it would put the overage into capital as we have agreed.
Commissioner McCown - well, it's undertaken the general fund by $100,000 too, plus which is where there are some severe crunches.
Ed said we really have to do this recommended analysis in order to keep the general fund stable - that's the bottom line.
Jesse said, you have the ability with the exception of the overage, to set the Mill Levies wherever you want them; but the overage must go into capital.
What we are doing today is not accepting the Mill Levies, we'll do that next week, but what he wants is the Board's reaction to what the Board thinks they would like to see as the Mill Levies and then we'll continue this until next week when you actually approve the budget, then you'll approve the Mill Levies.
Commissioner McCown - but under the recommended analysis that Jesse gives them in the second handout which changes some funds considerably, these will meet the budget needs?
Jesse said, yes they will.
Ed said the first approach that we calculated which is the traditional, would send the general fund down into a fund balance of just slightly over $2 million, which Ed said he didn't think was acceptable.
Jesse said the problem we ran into this year, was that this was an reassessment year and it threw a huge amount of dollars into the overage that have to go into the capital, so if we kept the Mill Levy in capital the same, then you're getting this huge increase in capital of $3.6 million**.**
The Board did not have any objections.
Jesse said he will put these amounts into the final budget for their approval next week.

RESOLUTION TO ADOPT 2002 BUDGET

Carolyn Dalghren stated we have telephone notice from the Valley Journal, Citizens Telegram, and the Post Independent that our notification was published.
Chairman Martin opened the Public Hearing and swore in the speakers.
Jesse Smith presented the Board a pre-allocation of Mill Levy which they authorized the staff to do so they would meeting State Statute on the Mill Levy and they will be incorporating this into the budget - the budget will have to come back before the Board next week due to the fact of those reallocations the budget is not ready today.
Jesse requested a continuance until next week.
Commissioner McCown made a motion to continue this until 3:15 p.m.. December 17, 2001.
Commissioner Stowe seconded. Motion carried.

ADOPT GARFIELD COUNTY FISCAL YEAR 2001 MILL LEVIES

The Commissioners continued this until 3:15 p.m. December 17, 2001/

CERTIFICATION OF MILL LEVIES

The Commissioners continued this until 3:15 p.m. December 17, 2001/

ACCESSORY DWELLING UNIT. LOCATION: 0206 COTTON HOLLOW LANE, COTTONWOOD HOLLOW SUBDIVISION. APPLICANTS: BARRY AND JANE TILL

Carolyn Dalghren, Jesse Smith, Ed Green, and Planner Kim Sleagel were present.

Carolyn noted that this was a public hearing - notice is required. After reviewing the notices required by the regulations, Carolyn advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kim submitted the following exhibits: Exhibit A - Green and White Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Regulations of 1978 as amended;
Exhibit D - Application materials; and Exhibit E - Staff Report.

Chairman Martin entered Exhibits A - E into the record.

Kim stated that this is a request for a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district for Barry and Jane Till on 7.4 acres, Lot 9, in the Cottonwood Hollow Subdivision, located off of CR 113 north of Carbondale. She reviewed the Project Information and Staff Comments relating the request to the Comprehensive Plan, providing a description of the proposal, explained the major issues and concerns, suggested findings, and recommendation.

Recommendation:

Staff recommends approval with the following conditions.

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered as conditions of approval.
2. The applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
3. That all State and Local health standards be complied with; The applicant shall provide a qualified engineer's opinion as to whether the ISDS is sized appropriately for the existing house and the accessory dwelling unit prior to issuance of the special use permit. If necessary, a new ISDS shall be constructed prior to occupancy of the accessory dwelling unit.
4. That the following information must be provided prior to issuance of a special use permit:
   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. That a legally formed Homeowners' Association shall administer the augmentation water; That the applicant shall comply with the Cottonwood Hollow Homeowners' Association covenants;

6. That the Conditional Use Permit granted in March, 1994, reception no. 460220 for a home occupation on Lot 9, Cottonwood Hollow Subdivision shall be revoked at the time the Special Use Permit for the accessory dwelling unit on this lot is granted;

7. This approval shall be valid until 12/10/02. If the applicant fails to meet these conditions by 12/10/02, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

1. Kim noted that on Condition No. 6, their Conditional Use Permit for the home occupation should be just modified, they are not going to take it away, just modify it because it is switching locations within the existing building. Kim further explained that in 1994 the Tills received a CUP for a home office that now they are moving the office into the basement and then remodeling the office for an accessory dwelling. This is changing the location and should be modified just to be clear.

Barry Till commented on the water saying they bought two shares of CLDC water and submitted proof of this as an Exhibit.

Chairman Martin entered this as Exhibit F into the record.

Commissioner McCown requested clarification if this was reservoir water and the name of this company.

Barry said you buy it from Ruedi and pump it out of your well, but you do pay for the release.

Carolyn said they have the underlying augmentation plan from the Court - a request for 1.2 acre feet of CLDC but no response to the letter saying that indeed it has been purchased.

Barry said they had a meeting with the six homeowners that bought this water last week and paid them money and just haven't received the paperwork from Steve Heinig the President of the Homeowner's Association.

Chairman Martin asked Barry if upon request he would be able to get a copy and supply the information to the County.
Barry agreed and said that Sherry Coloia should also have that any day now.
Kit Lyon was sworn in and gave the Commissioners a background on the augmentation plan; she handed the special use permit for Steve Heinig for a two-family dwelling some months ago and the augmentation plan, several of the homeowners out there went together to get these water rights and there was a lot of conditions to keep tract of, so when we met as a staff we thought it would be wise to have a legal entity oversee those water rights to be sure that they in agreement with the augmentation plan, otherwise this would not be within the perimeters of their well permit, so even though there's an existing Homeowner's Association, there was a different group made up of different group of property owners that went in with the water rights for this. Staff suggested at that time there be a separate Homeowner's Association to be sure the augmentation plan was complied with and that's where the condition came from. There could be two Homeowner's Associations unless they manage to go under the existing Homeowner's Association - Cotton Hollow Homeowner's Association - if everybody was in agreement or form another one just for the water rights.
Motions
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit to allow for an additional dwelling unit with the Conditions recommended by staff with the correction to Number 6 as noted by Kim and adding to Condition Number 5 "that proof of the augmentation water must be presented to the County staff prior to the issuance of this Special Use Permit; motion carried.
CONDITIONAL USE PERMIT AND A SPECIAL USE PERMIT - ROSZYK TIMBER HARVEST. LOCATION: IN THE AREA OF CARR CREEK, NORTHWEST OF PARACHUTE. APPLICANT: ED ROSZYK
Carolyn Dalghren, Kit Lyon, Kelly Rogers, and Ed Roszyk were present.
Carolyn noted that this was a public hearing - notice is required. After reviewing the notice regulations and the testimony given by the applicant, Carolyn advised the Commissioners that posting was not completed and the public hearing would require being re-noticed and continued.
Kit submitted a copy of the letter that went out to applicant mailed on October 10, 2001 and said she listed the three things, the publication, the mailed notices and the posting - all these needed to be done.
Kit stated she would prepare a notice and mail it to Mr. Rosyzk explaining what he needed to do.
Kelly Rogers requested that Kit send this to both he and Ed.
CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR A TELECOMMUNICATION FACILITY. LOCATION: ADJACENT TO THE EAST SIDE OF THE TOWN OF CARBONDALE ON WHITE HILL. APPLICANT: SKYLINE RANCH & KENNELS, UBET WIRELESS.
Kit Lyon and Jeff Goodrich were present.
Kit stated she was giving the review for Mark; therefore she needed to be sworn in.
Chairman Martin swore Kit in.
Jeff Goodrich stated that he did follow up on the Commissioner’s request and met with Janet Buck and they discussed ways to reduce the impact. She went to the meeting on December 4, 2001 and to her understanding the Trustees were comfortable. He submitted a letter of from the Town of Carbondale.
Kit requested to submit the letter from the Town of Carbondale from Janet Buck, Assistant Planner dated December 7, 2001 as Exhibit G.
Exhibit G was admitted into the record.
Janet's letter stated that they would ask the Commissioners, if they approve the Special Use Permit the consider the following requests:

5. No vegetation on the side of the hill shall be removed;
6. The Cellular Phone Tower shall be painted a dark color, or a color which matches the surrounding vegetation.
7. The height of the Cellular Phone Tower shall be limited to 25 feet.
8. If feasible, T-arm antenna should be considered rather than the triangular mesh antenna; and
9. No additional Communication Facility/Cellular Phone Tower shall be allowed on White Hill until an overall Telecommunications Tower Location Plan is completed for the Roaring Fork Valley.

Jeff felt these were reasonable concerns and he was willing to accept these requests.

Commissioner McCown made a motion to close the Public Hearing; Commissioner Stowe seconded; motion carried.
Commissioner McCown made a motion to approve the Conditional Use Permit to allow for a communication tower with the 5 conditions including the conditions 1 - 4 from the Town of Carbondale. Commissioner Stowe seconded. Chairman Martin clarified that excluded the 5th recommendation to make sure that the Plan was completed before any additional Conditional Use Permit was approved. Motion carried.

Cell Tower Plan

Discussion was held with Kit Lyon regarding the telecommunication Cell Tower Plan.
Chairman Martin mentioned that the Mayor's Meeting held in Rifle that communities are willing to work with the County on Telecommunication Propagation studies, etc. and suggested to get all our information out to each city/town on the rules and regulations of the adopted 1997 to them and any information we may have and that's a subject to discuss at the Mayor's Meeting scheduled for January 9, 2002.
Kit mentioned she has been working with the City of Rifle on a tower application that she has off of Highway 6 & 24 - it's south of where the water tower is located in East Rifle. It's a lattice tower for digital communications. There is one immediately across the valley on Grass Mesa.
Kit mentioned she would like to discuss the Telecommunication Location Plan, Rob has already produced a map that shows location but it is not complete.
Chairman Martin was aware of this but it doesn't show the propagation and area that it covers and that's what we need to work on.
Kit said they were talking about expanding on the map that Rob has and adding more to it, versus coming up with an overall plan. The concern about doing a plan is the technology is changing so quickly that this could be a large investment of time and money and have it become useless in the future. But, we could fill in on the existing map and basically the tactic that when someone comes in and makes an application, we could point out all the facilities we have, you show us why one of these won't work.
Chairman Martin agreed this was okay but we needed to add more information for the carriers because they will need to look into site distance, etc. and the towers do not give this distance. The industry is willing to work with us, some will be analog and some will be digital. Some of the sites are analog.
Commissioner Stowe said if Rob is doing the location of the tower, then they should show us why they need an additional tower.
Chairman Martin - okay, as along as the County is willing to follow our rules and regulations and also on visibility and the site corridors on the master plan, but he is trying to get ahead of the game and say these are the areas that need it, that will be receptive to it, and these are the areas that we'd like to stay away from.
Commissioner Stowe said this now knowing the changing technology and needs and requirements for each company, this is a lot to put on our staff.
Chairman Martin referenced the Board Members on the Telecommunication Board - they have the expertise and we could use them to go ahead and do this since they are members who are part of the industry.
Ed suggested to complete the map with each tower location to have that for evaluation purposes and make the map available to potential vendors requesting Special Use Permits for a Telecommunication Tower.
Commissioner McCown - and make the map available to applicants.
Ed said maybe through our Internet.
Chairman Martin - there was also a Task Force out of the Roaring Valley that included Garfield County to Aspen that was doing this exact thing and we need to follow up - that was Pitkin and Eagle County and Carbondale that were putting all of this together/
Kit said they are putting the word out to all the local jurisdictions and talked to Pitkin County but for some reason that wasn't completed - theirs was pretty extensive and it's taken longer than they expected. We are trying to talk with other jurisdictions to see how they have handled the stuff or if they're getting overwhelmed with applications like we are. But Kit clarified that what she was hearing was to at least get the map completed for the next Mayor's meeting with the heights, the capabilities and make these available to people.
Chairman Martin and also what rules and regulations either we have adopted or that any municipalities have however, in talking with several of them, they haven't adopted anything. They also ran into a problem with CMC trying to put on some telecommunication sites in Pitkin County and were denied. We need to see why they were denied on that because they were attachable to their buildings and very non intrusive.

Colorado Natural Heritage Studies
Kit added since she was seeking direction, perhaps some feed back on the use of the Colorado Natural Heritage Studies - does the Board want staff to pursue policy development.
Chairman Martin added that this was a study that we went ahead and engaged the Colorado Heritage where they broke down all the bio-diversity soils, etc. and what they could.
Kit said the Roaring Fork study was done a couple of years ago and they just completed wetlands and bio-survey for the rest. It identifies areas that need - they link it in terms of importance of conservation and how dire the need is according to different species some of which are globally significant. Kit said her understanding is that if these species end up getting on an endangered list, then we won't have a choice at all in terms of how we handle this. Therefore, before it gets to that point, do we want to develop a Conservation Policy to avoid it. Kit said this information is in very large notebooks in the Building and Planning and they are working on getting it electronically on the web site.

- Wetlands
- Plants and Animals

Chairman Martin mentioned we have one plant that is only grown in one place in the United States and that is in the Roan Cliffs area. That's one of the unique plants found through this study. It is the cover of the Bio-diversity Handbook, and it only grows in oil shale.
Executive Session - Continued Session
A motion was made Commissioner McCown and seconded by Commissioner Stowe to return to the Executive Session to discuss the litigation and the settlement offer in the Board of County Commissioners v. Marlin, Ltd. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; motion carried.

- ***Mesa County - Response to the Redistricting***

  The Commissioners discussed the issue at hand with respect to redistricting and agreed it was an improper way of going about it.

  Commissioner McCown noted that all of this stated because Summit County didn't want to be in an Eastern Slope District.

  Commissioner Stowe inquired if there is a redistricting and one of the Commissioners falls outside of their district, do they complete the term.

  Mildred assured Commissioner Stowe that this wouldn't happen with what this involves. But you would complete your term if something like this affected the district, but if you want to run again, you would have to run from your new district or run against one of your fellow commissioners.

  That's what has happened with this current plan for reorganization, they've put two representatives in the same district. Both are from the same party.

  A decision was made to request the County Attorney's office to draft a letter to Chief Justice Markley for the Chair's signature supporting redistricting along the lines of Mesa County in the representative's district and to get the information of the Reapportionment Committee's final version and have it in color to show exactly what we are talking about.

  Chairman Martin mentioned this could be obtained on the Internet under government reapportionment committee.

REQUEST FOR REVERSAL OF DECISION -- ROAD CUT AND FILL CR 154 - GEORGE SHAVER

Tom Russell, Mark Bean, Doug Thoe, Patrick Murphy, B & P for the City of Glenwood Springs, and George Shaver were present.
Doug Thoe submitted to the Board a narrative as well as photographs of the area regarding CR 154/Shaver Construction/Vaugh Property.
Doug explained that the primary issue of the narrative is to present the position of the Garfield County Road and Bridge Department regarding the efforts of George Shaver, of G. W. Shaver construction and his customer and property owner Leslie Vaugh to create permanent parking by placement of earth fill material on the County Right of Way adjacent to 1595 Cr. 154, described as Lot 4 of the re-subdivision Deerfield Major Subdivision.
Doug stated that the Road and Bridge Department requested that the conditions of the driveway permit be upheld, the fill be removed, the small preexisting berm on the road shoulder to the north be restored by the

Contractor to a form that eliminates the possibility of parking on the road shoulder, and that the asphalt driveway apron be placed as per the permit.
Road and Bridge contacted George Shaver to remove the fill and he has not done it.
Discussion and Comments
George Shaver stated that the construction on the parking area was in order that personnel could park their cars and equipment, etc. during the construction of his home. He submitted illustrations showing the easement for a driveway leading down to the new residence. He mentioned that the excavator pulled the permit to do the utility work. He proceeded to put in the turnout and thought he had the permit from the City - but it is the County's - left it separated from the driveway in order not to have a merged situation. The purpose was to have an entry way into the building and at the time they realized it was a problem the foundation was built for the lower floor frame and for the client, Leslie Vaugh it seems like it's going to be a very negative impact on her home to not be able to have that pull out up above and the pathway to her entry door. It's unfortunate in his mind that the determination was made at such a late date that she would not be able to have that, and therefore has requested the Board review the situation and hopeful the Commissioners will see his side of the story and come to an agreement.
Commissioner McCown - the site plan George gave the Board, this was submitted to the City.
George Shaver - yes, that is the first page of the drawings that were submitted to the City for a building permit.
Commissioner McCown - and did Doug Thoe ever have the occasion to see this?
George Shaver - No, he didn't think so.
Doug mentioned that he recently got one from the City.
Commissioner McCown - at the time this was all taking place and the permits were being issued, you never saw or had an indication that fill material was going to be placed in our right of way?
Doug said they told them they wanted to place fill and Doug told them we didn't want them to. Doug added he understood that it was an elevated bridge from the house out to the right of way, but we didn't want to create parking on the right of way, so he was aware of the intent to put fill and asked them not to do so.
Commissioner McCown - asked if there was any signage for parking on CR 154 for parking on the shoulder.
Tom Russell said he didn't believe there was.
Commissioner McCown asked then if the shoulder is of adequate width to park?
Doug in that area now that the fill has been placed, you can get a vehicle off the driven surface and park.
Commissioner McCown - in lieu of the fill, can you park off of CR 154 safely?
Doug said previously not in this area although parking in one place is different that parking in another - this specific instance, the shared driveway serves rentals owned by Kay McKenzie and that property is connected to Riverside Cottages so there can be a significant number of vehicles coming out of the driveway which is a bit steep and what has resulted with the construction activities is the ability to park vehicles on both sides and the construction crew has been parking up on the street and now the residences from the McKenzie property - those residents have been parking on CR 154 and in so doing they have blocked the visibility when you try to come out of the driveway. While parking on the shoulder per se is something that happens on our County Roads, it's his intention that we not create private residences parking on the shoulder especially in a situation where that parking blocks the view of an existing driveway that serves quite a few vehicles.
Commissioner McCown asked Mr. Shaver about the City Policies when you go into pull a permit on a residence like that, is there adequate off-street parking required?
Mr. Shaver said generally there is - on this one, there are two big garages and a single one here, so for a resident they have three off-street parking and would more than satisfy what the City would require.
Commissioner McCown - and that was the proposed parking for this residence? and they wouldn't have to rely on parking on the road?
George Shaver said he suspects that was the case. However, there does seem to be a precedent along CR 154, there are several pull outs with mail boxes positioned just from this property going toward Buffalo Valley as well as several other pull outs, some at existing residents and some at some of the vacant lots undeveloped. This would certainly not be the first time along this stretch of road that this situation has occurred. Some are recent, not homes that have been there forever.
Commissioner McCown - summarized saying it sounds like a shortcoming on both of us - Mr. Shaver you need to remove the fill as requested, from our right of way and my second direction would be to the Road & Bridge staff to sign CR 154 to disallow parking on the shoulder and emergency use only. He added that

it's unfair if we affect it on this residence and allow it to go on other residences. Either we allow parking on CR 154 or we don't allow it, so he suggested with this action of removal of this material, and the realignment of the shoulder there as it was prior to the construction that CR 154 be signed *to disallow any parking on the shoulder other than for* emergency purposes.
Chairman Martin said if the presentation to the City was that off-street parking is a requirement and he was sure that it was, that the residency still happen up here on it's own private driveway and garage area. He was not sure how the post office has their requirements for their mail boxes for delivery, if there isn't a place to drop off the mail, they would then block the County Road.
Doug said he spoke to Ms. McKenzie who has a block of post boxes down below the road within her property and she said she had no problem with an additional box being put in that location - they have a shared driveway and it would be easy access for the resident to get their mail there off the road - so that at least is workable.
Commissioner McCown said he didn't think they could prohibit mail boxes being placed in the County right of way and I live on a County Road and there is no pull off where his mail box is, the mail delivery person merely stops as far to the right as possible in the lane of traffic and delivers the mail.
Doug added that is a choice the homeowner can either put the box up on CR 154 or at the McKenzie boxes. Doug spoke to Pat Murphy with the City and up to now there hasn't been an access check off box on the building permit review as exists with the County Building Permit - it is the intention of the City to have this check off box on the permit should it be a City lot on a County Road, we get the heads-up and can look as access issues.
Patrick Murphy representing the City of Glenwood Springs Building Department said that was correct.
George Shaver said this is closing the barn door after the horse is out in this particular case and it's unfortunate for this particular client of his to have suffer the consequences and he can't imagine how having a mail box without a pull out can be safer than having the pull out to where they can get off the road to deliver mail.
Commissioner McCown - we can’t limit that pullout to mail only - it’s going to be full of vehicles parked there and if there are vehicles parked there the mail person can't get to the mail box anyway; however, he said we need to correct it and as you say the barn door has been left open, but thinks we can go back and close it and nail it shut so that nothing else gets out, Number 1 by the Review Process the City is willing to do on the access and Number 2 we simply sign the road in these areas that have impaired vision, *'no parking on shoulder'* and then it is an offense to park there and would be addressed by the law enforcement entity. He added that he wasn't in favor of more regulations but there doesn't seem to be another way to correct this - it's not fair for his client to suffer all this either because as you say it is going on. But we need to correct that to bring it back in balance with what we are asking you to do.
Mr. Shaver added that there is still confusion where the pull out for the postmaster because it's on the right hand side as you're looking up stream and looking toward Buffalo Valley for the traffic coming that direction is off to the side and does not impede the view the way the parking has been created on the other side. Further down there's a dumpster and there was an already preexisting flat area that was there before and didn't have anything to do with construction.
Commissioner Stowe said he was concerned about future problems in the future when more built-outs occurs.
Tom Russell said he has inspected both areas he's specifically talking about and it does create a site visibility hazard when you are coming out of that driveway; in addition to that it's a snow removal hazard too as they push snow into there, the cars start encroaching out on the road a little bit more as the wind row pushes them out and it comes down to that we are trying to enter the County Road from a driveway and there's site visibility hazards with those parked cars on the road. Therefore, the request before the Commissioners today is to have George Shaver remove the section that was built as a turnout and then reestablish the berm that was there before the gas line was installed.
Commissioner McCown said he would anticipate this area where the photos were taken showing this parking, that this would go away and any other parking that would impede visibility.
Motion
Commissioner McCown made a motion to uphold the request of the Road & Bridge for the removal of the fill material in the right of way and to replace any disturbed right of way back to its existing condition prior to start of construction. Commissioner Stowe seconded. Motion carried.
Commissioner McCown directed the signing of that road to prohibit any parking on the shoulder.

The timeline for the removal of this was determined as 30 days - January 14, 2002 and if this is not resolved, George needs to come back.
It was also determined that George Shaver and Tom Russell will meet on the site.
The Board requested some photos also showing the no parking signs.

Summary on the CR 154 Railroad Crossing - Made with RFTA.

Tom Russell and Doug Thoe were present.
Doug Thoe gave the Board a brief summary of the improvements we can do to the CR 154 Intersection - the Railroad Crossing - this is an Agreement that was made with RFTA - Mike Herms which includes: Road & Bridge will do the impovements and RFTA pay the cost - Doug faxed the cost figures to RFTA, they were approved by RFTA, and it includes their agreement to pay for the asphalt - R & B will pull the ties, 8" of asphalt will be applied and send the bill to RFTA - Mr. Herms has agreed to find a home for the creosote beams (ties) and temporally he will store them on his property. This might be a Spring 2002 project.
Commissioner Stowe complimented Doug for working on this solution, that's exactly the kind of solution we needed.

Strategic Investment Plan - C-DOT - The 20-year Plan

Tom Russell said he attended the Strategic Investment Plan Meeting at C-DOT to put our projects on the 20-year plan, a waiting pot is another name for it. While there everyone in Highway District 3 were presenting their projects. Within Garfield County, we had Carbondale, Glenwood, New Castle, Rifle and Parachute submitting projects. And the C-DOT Representative said they would like to have Garfield County present those projects and prioritize them. Tom spoke to the ones presenting projects and we've tentatively set up a day to all get together in one room and decide which projects get what priority. This has been set for December 18, 2001 at the Courthouse, Room 301. Tom agreed to give the Commissioners a list of which roads and who will be requesting them. He added that C-DOT gave the guidelines, the project and estimated costs.
Also, Tom mentioned that on Thursday there will be a meeting in Grand Junction on Transportation, December 13th and said he will attend.

Continue - Recess - until December 13th for the Settlement Hearing - Judge Craven

A motion was so moved by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

Attest: Chairman of the Board

_____ _____

DECEMBER 17, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 17, 2001 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green; County Attorney Don DeFord; Assistant County Attorney Carolyn Dalghren; and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
COUNTY MANAGER UPDATE: ED GREEN

- **Employee of the Year - B. J. Howe**

Shannon Hurst presented B. J. Howe as the Employee of the Year. All of the staff in the Assessor's Office wrote portions of the letter that was submitted to the Employee of the Month Committee.

- **Prioritize Energy Impact Grants**

-- Town of Silt - Water Treatment Plant Enhancement Project - Craig Ohlson- Town Administrator and Sheila McIntyre - Planning Technician - Requested Amount - $300,100

-- Town of New Castle - Town Master Plan Project - Steve Rippy, Town Administrator, Michael Blair - Planner - Amount Requested: $31,000

-- City of Rifle - Central Business District Utility Renovation Project - Keith Lambert - Mayor, Selby Myers - City Manager - Amount Requested: $95,500

Each representative of the Governmental entity gave a brief description of their proposal.

The vote for prioritization included: 1st place - Rifle; 2nd place - New Castle; and Silt - 3rd place.

- **Gordon Lease Review** - Kenny Maenpa

Kenny Maenpa and Dave Gordon of Gordon Consulting Group, Inc. were present.

Kenny submitted a request from Gordon Consulting Group, Inc. for an additional 12-month extension of the construction commencement date for the hangar project at the Garfield County Regional Airport. The marketing flier and advertising includes a unique box-type hangar and future T-hangars. Dave has negotiated acceptable prices with a local contractor to build the box hangars and will proceed immediately once contracts with buyers are secured.

Kenny added that it was a benefit to go forward. The T-hangar is slated to begin construction next Spring and it a great asset to piggyback on the box hanger - it will complement the project.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve a 12-month extension to Gordon Consulting Group, Inc. ending December 31, 2002. Motion carried.

- **Airport Labor Agreement** - Kenny Maenpa

Kenny Maenpa and Carolyn Dalghren were present.

Kenny presented the Preferred Aircraft Detail, L.L.C. to be paid at a rate of $17.95 per hour on a one year contract. The contract person at Preferred Aircraft Detail is Michael Brown. Ken stated this is comparable to the FBO previously being paid. Dollar Amount - $24,580. Kenny said he would like to have this in place by January 1, 2002.

Motion

A motion made by Commissioner Stowe and seconded by Commissioner McCown to approve the Airport Labor Agreement with Preferred Aircraft Detail, L.L.C. once the contract has been reviewed by Carolyn Dalghren and Ed Green determining it meets the Contract terms versus being an employee and the Chair authorized to sign; motion carried.

- **State Conditional Approval of Rifle Shop Corrective Action**

Ed Green and Randy Withee met Waste Engineering firm after they received the response from the State dated 12/2/2001. A Power Point presentation was submitted showing a cost breakdown of the cost for an alternate remediation approach that may save money. The original total cost estimate was $200,000; however the State determined the County could install five (5) enhanced fluid recovery wells for a cost of $8,000; conduct eight (8). In January and February of 2002, they will commence the eight (8) free product recovery

treatments and evaluated the corrective action plan.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to move forward with the mediation of the ground water contamination at the Rifle Shop as recommended by out Engineer, Randy Withee with the five (5) wells, the extraction of those said wells, the ground water monitoring and waste engineering monitoring and over sight for a total of $80,000. Motion carried.

- **Annual Vehicle Replacement** - Tim Arnett

Tim Arnett and Tom Russell presented the information on the following annual vehicle replacements. Discussion was held with respect to the Toyota Prius Hybrid Car from Western Slope Auto. The Commissioners requested a report at the end of next year to determine the cost of the titian battery.

Purchase (5) Ford Explorers; (2) Ford E-350 Econoline Vans, (1) Ford F-150 Super Crew Pickup, (1) Ford Ranger Pickup and (1) Ford F 250 Pickup/w/Plow from Columbine Ford and (1) Toyota Prius Hybrid Car from Western Slope Auto. The total cost of vehicles from Columbine Ford is $233,148.00 and Western Slope $19,080.00. Three vehicles, (1) van and (2) Explorers will be purchased for the Sheriff Department from Capital Funds and (8) vehicles are replacements for motor pool.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the expenditures in the amount of $233,148.00 for all the conventional vehicles and $19,090.00 for electric vehicle as proposed by the Purchasing Department; motion carried. **Weed Awareness Letter in Tax Notice** - Steve Anthony

Steve Anthony and Georgia Chamberlain were present.

Steve Anthony presented the information to the Board regarding a suggestion made by the Weed Board at the November Board Meeting to check into getting an information letter on noxious weeds out to the property owners in the January tax notice that would include: The State Weed Law; the County Weed List and Weed Management Plan, and the Cost-Share Program. A draft letter was presented for review of the Board.

Steve added that the Commissioners increased the grant to $25,000 and he had submitted a grant to the State for $15,000. He feels this will increase the participation.

Georgia mentioned that the Assessor's Office has also presented a request to have a notice as well and she requested these notices be printed on different color paper and to coordinate these inserts.

Georgia suggested that Steve, Shannon and she could jointly submit a press release to inform the citizens of the forthcoming inserts with their tax notice.

- ***EMS Grant Signature***

Dale Hancock stated he brought this before the Board last week and in reviewing the contract prior to mailing it, there is another form called a payment distribution form and it allows the funds to come our way. He asked the Chair to be authorized to sign the Payment Distribution Form.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Payment Distribution Form, noting the amount is $15,846.95. Motion carried.

- ***Engagement Letter - Ed Green - Garfield County Manager***

Salary of $83,948.00 yearly; monthly - $6,995.67 effective January 1, 2002.

- ***Decision on Vacation Carry-over - Personnel Policy***

Commissioner McCown favored adhering to the Personnel Policy and not allow extra carry over vacation time. Commissioner Stowe agreed. This didn't require a motion.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Discussion and Action - Contract Attorney D. S. S. Nonsupport Enforcement***
  Child Support Enforcement Purchase of Legal Services Agreement

Don DeFord submitted the contract with Sheila Coloia saying she is the current contract attorney. Discussion has been held between the County Attorney and the Board as to putting Sherry on a month-to-month agreement. Sherry has no great difficulty with that, but Don said he would rather stay within the form of the State Agreement if he can and he felt it was adaptive for what we want to do. There is a provision in this agreement that allows termination without cause on a 30-day notice so long as you pay the contractor what is currently owned. Both Sherry Coloia and Sandy Pratt are both in agreement that we could utilize that. This is a different format than what had been previously discussed with the Board and that is the purpose of bringing it back - when we start to execute the agreement, it will be

for a full year; we are relying on that termination provision to bring it to an end when that's convenient to the County to make that transition.

Staff in the County Attorney's Office

Don said there will be two agreements, the first will be with Coloia and Don will be listed as the managing individual for the County and the County Board of Commissioners rather than the department will be the sole signatory on the agreement. These particular changes were discussed with Pratt with the State and she had no problem. We will then need to do a second agreement at the point of transition - that agreement will literally be between the Board and the County Attorney's Office only to provide the Nonsupport Services. This is similar to the agreement we have now with the Department of Social Services but this is a different source of funds so we need a different agreement. Both Don and Carolyn need to get up to speed on Nonsupport for the next several months; we need to start making the appearances with Sherry, get familiar with the technicians that are doing this, their processes and how they are handling these cases. Don told Sherry that at about the 4 - 5 month point is when he would like to look at making this transition, so notice would be given at the same time that the Board would sign a contract to start his office as the director contracting entity. He is looking at making the transition right around May 2002. Don spoke to Sherry and Margaret regarding the staffing issue, both think it may be possible but they think it may be close as to whether one person can handle dependency and neglect and nonsupport. Therefore, Don said, as soon as possible they will start advertising to fill Jim Leuthueser position, fill it and get that person up to speed on these issues; and a strong possibility of the addition of a part-time staff person will need to be added when we take over the nonsupport support.

Don projected having this in place by January 1, 2002.

Jim Leuthueser vacate position will not be advertised until January 1, 2002. It will be advertised as needing experience in Child Dependency and Nonsupport primarily.

Sandy Pratt of the State Department of Health and Welfare has been working with Don and giving him support documents to make this transition.

- ***Banking Agreement - Georgia Chamberlain***

Georgia Chamberlain and Christy Springsteel with Alpine Bank were present.

Georgia explained the update on the current accounts, names on the account and signatories. These are by titles and not names per se. Christy has implemented a method consisting on one sheet for signatories to be attached as Exhibit F.

Don added that this will put us on an annual cycle and will be triggered at the end of the year.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe, following the discussion to authorize the signatures on the Banking Agreement; motion carried.

- ***2001 Letter Agreement - Garfield County Housing Authority***

Don DeFord presented the letter agreement to pay $45,000 per year to provide services for 2002.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the proposed letter December 17, 2001 as presented by Don. Motinm carried.

- ***Meeting with Assisting DA***

Carolyn Dalghren said they did have their meeting with the State folks and the Assistant AG regarding our dual diagnosis population, developmentally disabled and emotional disturbed children and Margaret, Lynn, and she will give the details later this afternoon.

EXECUTIVE SESSION - ***Discussion on the Signatures of Litigation and Ongoing Social Services Trust Accounts***

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

Don requested that the Board, Georgia Chamberlain, Jesse, Ed, Carolyn, Mildred and he stay for the Treasurer's discussion, and Mildred, Don, Ed, Jesse, Ed and the Board remain for the Litigation and ongoing Social Services Trust Accounts.

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

COMMISSIONER REPORTS

Commissioner Stowe - Personnel 1:00 p.m. Wednesday.

Commissioner McCown - Communication Authority Board - Wednesday.
Chairman Martin - Tuesday - Transportation Meeting with Municipalities and Engineers 12/18/01 prioritizing projects. Human Services Grant Award from Kinder-Morgan on Wednesday.
CONSENT AGENDA

i. Approve Bills
ii. Approval of County Manager Employment Contract 2002
iii. Resolution Establishing Office Hours & Holidays for 2002
iv. Sign Resolution of Approval for a Special Use Permit for Elana McNulty
v. Sign Resolution of Approval for a Floodplain Special Use Permit for First American Financial, LLC
vi. Sign Resolution of Approval for a Special Use Permit for Debra Englehardt
vii. Sign Resolution of Approval for a Special Use Permit for Craig & Elisa Schultz
viii. Sign Resolution of Approval for a Special Use Permit for Debra Snook
ix. Sign Resolution of Approval to Amend an Existing Special Use Permit for American Soda, LLP.
x. Sign Resolution of Approval for a Special Use Permit for Jean and Dee Blue
xi. Sign Resolution of Approval for a Special Use Permit for Barry and Jane Till.
xii. Sign Resolution of Approval and Exemption Plat for the Lyons Subdivision Exemption
xiii. Sign Resolution of Approval Amending the Garfield County Zoning Resolution of 1978, by the Addition of Section 3.15, Commercial Drinking Water Constraint Zone (CWDC) District.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda items a - m; motion carried.
BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

CONSIDERATION OF RESOLUTION VACATING RIGHT-OF-WAY ADJOINING ARAPAHOE DRIVE AT INTERSECTION OF COMACHERO TRAIL IN THE ELK CREEK DEVELOPMENT. APPLICANTS: RICHARD E. AND EILEEN KOCH

Don DeFord noted that this was not properly noticed and postponed this until January - 2002.
LOS AMIGOS CONDITIONAL USE PERMIT HOME OCCUPATION. APPLICANT: LOS AMIGOS RANCH PARTNERSHIP

Don DeFord, Ed Green, Kim Schlegel, Attorney Larry Green and Greg Boeker were present.
Don noted that this was a public hearing and reviewed the noticing requirements and forms provided by the applicant - he noted these were timely and in order and that the Board was entitled to proceed.
Chairman Martin swore in the speakers.
Kim submitted the following Exhibits: Exhibit A - Green and White Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Application and Exhibit D - Staff Report and Project Information.
Chairman Martin admitted Exhibits A - D into the record.
Kim explained the request for the Conditional Use Permit to allow a home office in a single-family residential PUD Zone District for the Los Amigos Ranch Partnership for the administration of Los Amigos Ranch and Homeowners Association.
Larry Green mentioned that Greg Boeker will the only employee located at this office however a bookkeeper will periodically come in.
Recommendation:

1. 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 including but not limited to: use of the office will be from 8:00 a.m. to 5:00 p.m. on weekdays and occasional hours on weekends, the number of vehicles accessing the site will vary from two to six vehicles per day, the business will have a limit of two employees, the size of the business office will remain approximately 600 square feet, and there shall be no appearance of commercial activity on the site.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended and shall meet all building code requirements.
3. That it is the applicant's responsibility comply with any applicable covenants or Homeowners' Association rules.
4. All parking needs resulting from the home occupation shall remain on Lot 5, Los Amigos Ranch Subdivision, 0136 Pinion Drive.

5. Any expansion of this use shall require an amendment of the Conditional Use Permit.
6. If the applicant fails to meet these conditions by 12-17-02, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Conditional Use Permit to allow for a home office in the Los Amigos Ranch Subdivision with the six (6) conditions recommended by staff ; motion carried.

FLOODPLAIN SPECIAL USE PERMIT IN RIFLE VILLAGE SOUTH SUBDIVISION. LOCATION: 0102 COLT DRIVE, RIFLE, CO. APPLICANTS: BRIAN AND TAANI RUST.

Don DeFord, Brian and Taani Rust were present.

Don noted that this was a public hearing - notice is required.

The applicants did not have the notification nor the publication, therefore this was postponed.

PUBLIC MEETINGS:

SITE APPLICATION FOR EXPANSION/NEW WASTEWATER TREATMENT FACILITIES. SUNLIGHT MOUNTAIN RESORT

Don DeFord, Kim Schlagel, Tom Janoksky and Greg Schreader were present.

Kim reviewed the project information and staff report mentioning the proposal for the site application for expansion/new wastewater treatment facilities at Sunlight Mountain Resort is due to the need for increased capacity.

Greg Schreader commented that the size of their wastewater treatment facilities is getting small and this would promote better water quality and - looking at doing a 50,000 gal per day system

Recommendation:

Staff recommends approval of the proposed site application with the following comments:

1. The applicants should conduct additional site specific soils tests to determine the environmental sensitivity and appropriate mitigation measures needed for the site.

A motion was made by Commissioner Stowe and seconded by Commissioner to recommend approval of the Sunlight Mountain Resort proposed wastewater treatment facility; motion carried.

Board of Health

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recommend approval of the Site application for expansion/new wastewater treatment facilities at Sunlight Mountain Resort; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; motion carried.

SITE APPLICATION FOR EXPANSION/NEW WASTEWATER TREATMENT FACILITIES. GRIZZLY CREEK REST AREA

Joe Bair with C-DOT, Ed Church, PE - Church and Associations, Inc. for Grizzly Creek, Kim Schlagel, and Don DeFord were present.

Kim reviewed the project information and staff report saying this was driven by the need for expansion of their wastewater treatment facilities at the Grizzly Creek Rest Area.

Recommendation:

Staff recommends approval of the proposed site application with the following comments:

1. The applicants should conduct additional site specific soils tests to determine the environmental sensitivity and appropriate mitigation measures needed for the site.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the application for the new wastewater treatment facility at the Grizzly Creek Rest Area with the recommendation of staff as noted; motion carried.

Board of Health

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; motion carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recommend approval of the Site application for expansion/new wastewater treatment facilities for the Grizzly Creek Rest Area. Motion carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; motion carried.
SITE APPLICATION FOR EXPANSION/NEW WASTEWATER TREATMENT FACILITIES. ROSE RANCH

Don DeFord, Mark Bean, Joe Hope of High County Engineering, Richard Nash, Director of Development, Eric Tooney, Ron Jacobs Limon, and Louis Meyer, Bob Penington, Senica Desalt with Gamba and Associates, and Attorney Tim Thulson were present.
Don noted that this was a public meeting and no noticing was required.
Mark summarized the project information and staff comments with particular emphasis on the State Statutes addressing the parameters by which the Colorado Department of Health, Water Quality Control Division can review and approve or deny a site application for a lift station. He recommended the Board make a recommendation regarding the lift stations were undersized for the site application.
The possibility of connecting the sanitation system in Westbank Ranch has not been included in the proposal or the eastern properties.
Original Recommendation:
That the Board of County Commissioners recommend denial of the site applications with the comment, that the applicants develop an application that analyzes the need for additional service to the properties to the east of the proposed lift stations and provides an opportunity for these properties to pay for the expanded capacity needed to serve those properties.
Joe Hope explained the size of the facility and the position of Rose Ranch LLC would be for anyone who can get to their line. Each one would be responsible for out of pocket funds and any delay to their project nor to get in a bind for facilitation of getting these outlying properties hooked in having to go through an approval process.
Bob Penington with Gamba Engineering mentioned the plans - to initially start going to Sander's Ranch; but this requires building a mile pipe line and therefore it is more economically Louis Meyer with Schmueser Gordon Meyer - Engineer for the Roaring Fork Water and Sanitation District sewage treatment plant explained that this is part of their proposed regional area sometimes called the CMC Turnoff area and the Midsection area. This allows them to do a second crossing and are in favor of it and requested approval conditional to proceed. Westbank was not included as it was referenced in the City of Glenwood Springs 201 Water Plan.
One issue is the wastewater treatment plant and sizing.
Mark Bean suggested that we go with the alternative mentioned earlier that the Board recommend approval with the comment that the property to the east of this property be capable of connecting to the Roaring Fork Water and Sanitation District at the eastern property owner's expense provided agreements can be reached to allow that to occur.
Tim Thulson had no objection to that.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recommend approval for Lift Station One and Lift Station Two with the condition that the group continue to work with the easterly property owners, hopefully they will have a name one of these days, to render this service to them along with the caveat that they would pay for any up sizing required by their connection and at their expense to get said utilities to the property line; motion carried.
BOARD OF HEALTH
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recommend approval for Lift Station One and Lift Station Two with the condition that the group continue to work with the easterly property owners, hopefully they will have a name one of these days, to render this service to

them along with the caveat that they would pay for any up-sizing required by their connection and at their expense to get said utilities to the property line; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; motion carried.
Motion carried.

CONSIDER APPROVAL OF AN AMENDED FINAL PLAT FOR LOTS 3 & 13, HAWK RIDGE SUBDIVISION. APPLICANTS: MARTHA TELFER AND PHILIP ROSENBERG

Mark Bean, Don DeFord, and Robert M. Noone were present.
Mark explained in order for the adjustment to the lot lines of Lot 3 and Lot 13, the Board needed to approve. Martha Telfer had a riding area that encroaches on to Lot 13 and she had obtained approval to purchase the extra property needed.
Staff recommends the Board authorize the Chair to sign the amended plat once it is corrected and record accordingly.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Lot Line Adjustment and the amended Final Plat for Lots 3 and 13 in the Oak Ridge Subdivision and authorize the Chair to sign said Plat once all of the transfers and signatures are present and it is filed with the Clerk & Recorder; motion carried.
REDISTRICTING ISSUE AND UPDATE - GREG RIPPY

Commissioner McCown made a motion to authorize the members of the Commission to sign a letter directed to the Colorado Supreme Court proposing out objections to the anticipated realignment of District 61 and 57 also making note of the commonality in the interest involving the split with Mesa County and Eagle County in the Eighth Senatorial District, the section of Eagle County being more aligned with the Senatorial District than the severance of part of Mesa County i.e. Palasaide/Fruita area. Commissioner Stowe seconded; motion carried.

HUMAN SERVICES COMMISSION
FAMILY VISITOR - EARLY CHILDHOOD

Sandy Swanson submitted several brochures of information addressing issues related to low income families as well as the ongoing information regarding the Family Visitor Program. There is a program currently implemented in Eagle County called “Early Head Start” a program for low-income pregnant women and families with children birth to three years old. This program is being requested to be funded by the Garfield County Commissioners for 2002. Births in Garfield County over the last ten years has nearly doubled and agencies are feeling this impact. It is in line with the total population growth in the area. Of concern is to the Latino mothers without a high school education - she used to read books and now the conversion to verbal or video is replacing books. The average educational level is 9th grade for both Latino and Anglo.
Teen Moms in Garfield County - a huge increase from 58 to 112 in the last ten years. National statistics show a drop but this is not what we are seeing in the County. The teens enrolling into the program have been very successful. Family services provide all the young child education and Yamaha is educating the mothers. There is a waiting list at Yamaha for teen moms.
All of the programs associated with the Family Visitor’s Program work to education the parents as well as the children. Sandy Swanson announced that she was elected to be the Chair of Human Services Commission.
The Warm Welcome program is a one-time visit and supplies various information for the parents.
CMC Even Start Family Literacy Program is a family centered education program for familles with at least one child seven years or younger and a parent who wants to earn a GED, to learn English as a second language or to upgrade job skills.
Early Head Start is for intensive services for families at 100% of poverty or less and targets children age Birth to Three years of age. The Federal Government supports this program.
ROCKY MOUNTAIN SER WESTERN SLOPE - HEAD START

Judy Lopez - The Head Start Program was started in Garfield County in 1990; Head Start offers comprehensive child development services to children three to five years old. Seventy-six (76) employees in the four counties of Mesa, Delta, Garfield, and Moffat provide services to 425 children and their families. Daily, the bilingual, multicultural classrooms provide at least 3 ½ hours of preschool activities and

nutritious meals in a safe, happy environment. They provide health and wellness by providing each child with an ongoing, comprehensive health care program which ensures early treatment of health problems. Judy mentioned there is a waiting list for both Rifle and Parachute. Teachers need to be bilingual.

Home Visitors Grant

Referrals are up 52% and expecting to have 500 families referred to the Family Home Visitor's Program so a piece of how to pay for this is using the Tabacco settlement dollars which has to be this prescribed program for families who fit into the guidelines of 200% of poverty, or first time moms and then the funding will follow.

Mary stated this was in addition to the Tobacco Prevention Dollars that we have that we're already networking with Pitkin County. The Tobacco Dollars have gone to a number of programs decided by the Legislature. It is hoped that these funds will go for 10 - 15 years.

Sandy said the way they have this set up is that the money must be spent, the percentage of the money must be spent on the nurse home visitation program. Once a program is funded, it is guaranteed funding for the life of the grant unless a program messes up, that program does not provide the services as designated in the contract - the normal type of public health contract.

Approval for these grant funds may possibly need the Commissioners endorsement.

Public Health - Contracts

Renewal Letter - Immunization Program

Mary presented the Immunization Program Renewal Letter which has an increase of $ 7,736.00 for a total of $14,306.00 for the period January 1, 2002 through December 31, 2002.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the renewal letter after counsel reviews. Motion carried.

- **BOARD OF HEALTH**

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

Reports

Mary Meisner submitted a report of the programs areas in Public Health. - 4,000 flu shots have been given thus far. Increase in awareness for Hepatitis and a decrease in food born illnesses. Foreign Travel has decreased. More space has been obtained in Rifle and Glenwood Springs. A number of grants have been received for people who need dental services. The number of prenatal have gone from 285 in 2001 in prenatal care to 325 in 2002. Laura Little and Sandra Barnett received plaques; WIC increase by 15% - a breast feeding program has been started. Kate Lujan heads up the immunization program and implemented an educational piece.

2002 Goals and Objectives include:

Collaborative Work to get tobacco dollars for other programs related to health issues.

Preventative Health Services to Garfield County Children with HCP Pilot Program for increase numbers. Ann Johnson is the bilingual interpretation for kids undergoing special medications or testing.

Senior Wellness expanding services into the area.

Substance Abuse - Tobacco use is higher than the Statewide percentages. They are not at the point of doing some programming.

Knowledge about Public Health on the Web Site.

Improve Emergency Response - The Need for Bio-Terriorism Response

Whooping Cough - outbreak in the State but so far nothing locally.

Report on Tobacco Dollars

This report is generated by Valley Partnership - Garfield County contracts with them to do the first phase. The grant has to be in by 3/15/2002 and they are hoping to have it to the Board in February 2002 with the strategies of where to go from there.

Healthy Beginnings

Jim White, Healthy Beginnings Director has been offered a new position - City Manager of Berthoud, so he will be leaving. There were 38 new enrollees in November. Grants have been received from United Way for $9,910; $1,800 through the RE-2 School District; and another grant pending.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

- **BOARD OF SOCIAL SERVICES**

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

Margaret Long and Lynn Renick were present.
The resignation of Jim White as Healthy Beginnings Director has slowed the reorganization plan for Social Services.

Monthly Reports

Margaret Long submitted the reports showing the caseload statistics, child care expenditure and statistics, placement type for child welfare, number of families and children referrals, placement and program areas by location in Rifle and Glenwood Springs and the participants report from Colorado Works/Gateway ending summary for November 2001.

IGA - Rural Resort for Child Care for 2002

This was put on hold due to the Child Placement Crisis.

Garfield County's Child Placement Crisis

Margaret submitted a memo she sent to Governor Owens, State Representative Rippy and Hane Beveridge regarding enlisting their assistance in helping to resolve what has become a crisis of major proportion for Garfield County with the placement and funding for placement of multi-problem youth. She continued by stating Garfield County is unique in facing this problem but it is our fate to be at the epicenter of crisis created by the lack of facilities to treat these children. This issue has stemmed from several factors - a number of youth due to their multiple problems have been impossible to place in Colorado and if they do not move the youth as stated in a letter dated November 27, 2001 from the State, that unless youth are moved, they will not longer reimburse the 80% placement costs - this would become a burden of approximately one quarter of a million dollars directly on the Garfield County taxpayers.

Replacement Crisis

The issue is that there are three adolescent youth who are both developmentally disabled and mentally ill and have a set of aggressive behaviors, and some have sexually aggressive behaviors and they are a danger to themselves and to others in the community, that disallow their being treated in a foster home so these kids are in a specialized treatment facility in South Carolina.

Margaret stated they have been busy and produced some positive outcomes. The issue with the State about children out-of-state being in locked facilities and therefore they cannot reimburse you for them because you have violated their due process rights; Carolyn and Lynn researched various angles and talked with various individuals; Margaret spoke to the Chief Judge on the general subject on Thursday morning of last week and the Judge suggested an appropriate legal approach that he thought would work. Meanwhile, Margaret submitted via e-mail the
State and Federal Elected Officials regarding this matter and copied all of the Board on that along with attachments - to date she has no responses. They went to Denver and met with Wade Livingston and several representatives of State Human Resources and Casey Robby, who currently is the head of field administration, filled him in on the situation.

Carolyn said they presented to Wade the legal issues involved, the service delivery problems and the funding problems and it didn't take too long to convince Wade that there are more than two ways to provide due process to this particular group of children and families. They went through the statutes and he did agree that the developmental disabilities imposition of the legal disability system is just as good as an adjudication as a delinquent or having an imposition of a mental health hold. It appeared that some of the people in the State Child Welfare Division had a lack of information about this population and in particular didn't understand the inappropriateness of having these multiply impaired young individuals in the delinquency system and didn't quite get it as to why it wouldn't work. The State is willing to admit there is a lack of services and do understand that the developmentally disability system is way under funded - this affects the entire State. On the funding end, we were to come back and deal with what has to happen at the local level and once we did that, they will figure out how to do the funding, probably what's going to mean is that the 80% match from the State for this population of our particular children will come from State Attorney General Fund money instead of part State part Federal money. Locally we have to a secondary legal process on top of the dependency and neglect cases and have an imposition of a legal disability under the DD System; the administrative problem is that the State Statutes say the DA must do this not the County Attorney's Office, probably what's going to happen is that Carolyn will be deputized and go to court as a Deputy District Attorney so that we can have this process which is due and what is going to be added on is that the child will have the opportunity to have a lawyer appointed to represent the child.

Lynn Renich said the agency letter that went out stated the due process was the biggest issue but in attendance the funding came out as a problem - none of these three youth were eligible and therefore the State would not be loosing federal funds. Whether there will be another attempt for funding is still

undecided. The State General's office concurred with Garfield County that the State was liable for the expense. The State will have to absorb the hit. Garfield County has three on and three cases on-line pending. Margaret is attempting to implement local treatment in Colorado.
Lynn, Margaret and staff met with the three families. The families continue to back the location of their children in placement and support getting treatment. This is headed in the right direction with resource development.
Carolyn mentioned a corrected letter is questionable.
Margaret said Judy Rodriguez will have to work out the process and procedure for future placements and how the funding would be appropriated.
Lynn sent an e-mail to the State to request a listing of both in-State and out-of-State placements. Thursday, she received a fax copy of what Jefferson County had used which was mostly out-of-state. The Judicial System is very willing to work with Social Services on this issue. One will be going to court on Wednesday.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried

Executive Session - Personnel Insurance Request
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.
RESOLUTION TO ADOPT 2002 BUDGET

Don DeFord, Jesse Smith, Ed Green, Lois Hybarger, Georgia Chamberlain, and Shannon Hurst were present.
Don noted that this was a public hearing - notice is required and it was deemed to be timely and meet the regulations.
Jesse explained the documents consisting of a bound version of the budget by line item showing every single item in the accounting system and the recommended budget. All of the expenditures and revenues reviewed previously are included. The wage lines include those that exist today, the 5% of the total salary approved by the Commissioners then when the evaluation process is complete, the new salaries effective January 1, 2002 will be moved to the 2002 budget.
Georgia inquired if there was a contingency line item for salaries and a contingency line item for other things.
Jesse - This year we're not setting up the contingency line item for anything other than wages. Cause we're approving a line item budget. So any change in a line item, if somebody overspends on a line item, they will have to come in front of the Commissioners and ask for an additional appropriation. So there is no contingency for normal budget items. The only contingency that's in the budget is the contingency that is required by state law and that is a separate fund, it's a contingency fund. It cannot be touched except in extreme emergencies.
Mildred Alsdorf asked, so if we have to come to the Board of County Commissioners like if we run over a line item, where will that money come from?
Jesse said, out of fund balance.
Georgia - Contingency fund balance.
Jesse - Fund balance, just fund balance. It's the surplus of funds available less the appropriated expenditures, that is the fund balance. And they will have to appropriate it into additional expenditures and then that comes out of fund balance once they've appropriated it and goes into a line item. So, the key is, don't overspend any line item.
Georgia - So the wage contingency - Road and Bridge has a contingency, General has a wage contingency.
Jesse - One contingency right now in here.
Commissioner McCown - All wages.
Jesse - Under my budget for all wages and all vacancies and all new positions approved and once we make those salary increased decisions, then I will move that money, but I will have to ask them to pass a resolution to allow me to move it because I cannot move these moneys with the line item budget without a budget resolution from the Board.

Commissioner McCown - It may be June before Road and Bridge fills their positions. But money will remain in that contingency fund until that position if filled, and then we'll transfer it to that wage line item.
Jesse - Now because of the complexities of a line budget, at this point and time, we're only planning to come before the Board once a month to move moneys, not to move moneys to re-appropriate moneys. Cause that's what we're going to have to do, it's not moving any moneys, it's appropriating moneys. So we're planning to do that once a month, at least for the first couple of months to see how that works. Then if we have to do it more frequently, then we'll revisit doing it more frequently.
Chairman Martin - And if it's such a hassle, then we'll revisit it by what we did.
Jesse - so is everybody clear on what we're approving here.
Don said the resolution functions as both a both and an appropriation resolution. I guess I should say also that our discussions with the Department of Local Affairs, they're not aware of another County in the State that has attempted a budget like this, although they're aware of the fact that it can be done, so to some extend we're charting a little bit of new territory here but Jesse, Ed, Tim Sarmo and I think this is a lawful way to approach it.
Commissioner McCown - It doesn't seem unique to me and what it is, is a true line-item budget and there are a lot of other counties in this State that purportedly have line-item budgets but they don't line item appropriations.
Don - That's right.
Commissioner McCown - Which makes no sense at all, if you're going to do one without the other, I don't see it serving any purpose at all.
Jesse explained, Georgia last year we had a contingency line item by fund that we could move moneys from that line into any other line simply with the approval of the Board, they didn't have to make a resolution to do it. We cannot do that this year, not if we want to appropriate by line item, can't have that kind of a contingency line item. I wish we could.
Georgia - I'm trying to thinking in my mind where those seventeen or nineteen digits of that appropriation in fund balance.
Jesse - Now you have in front of you the Resolution to adopt the 2002 fiscal year budget.
Commissioner McCown - And it does note designated by specific and individually numbered and titled lines, i.e. line-item budget. And it talks about appropriating funds, very good.
Motions
Commissioner McCown made a motion that was seconded by Commissioner Stowe to approve the Resolution concerned with adoption of the budget and appropriation of funds for the fiscal year 2002 and the Chair be authorized to sign said Resolution; motion carried.
CERTIFICATION OF MILL LEVIES

Don DeFord, Jesse Smith, Ed Green, Treasurer Georgia Chamberlain and Assessor Shannon Hurst were present.
Don noted that this was a public hearing - notice is required and was deemed timely and in order.
The Certification on Mill Levies were presented and reviewed by Shannon Hurst.
Motions
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Certification of Mill Levies as presented by Assessor Shannon Hurst; motion carried.
ADOPT GARFIELD COUNTY FISCAL YEAR 2001 MILL LEVIES

Don DeFord, Jesse Smith, Ed Green, and Assessor Shannon Hurst were present.
Don noted that this was a public hearing - notice is required. After reviewing the notice, Don advised the Commissioners they were entitled to proceed.
Jesse Smith and Shannon Hurst presented the Garfield County Fiscal Year Mill Levies.
Motions
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution adopting the Garfield County Fiscal Year 2001 Mill Levies; motion carried.

Recess

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until 8:00 A.M. Thursday morning for a Court Hearing; carried.

Attest: Chairman of the Board

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DECEMBER 20, 2001
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Thursday, December 20, 2001 with Chairman John Martin present and Commissioner Walt Stowe via telephone. Commissioner Larry McCown was absent. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

REDISTRICTING - LETTER TO THE COLORADO SUPREME COURT
Discussion was held with respect to the letter to the Colorado Supreme Court stating the position of the Garfield County Board of Commissioners to keep the 57th District whole and keeping Garfield County in one district.

Adjourn
A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion to adjourn. Motion carried.

Attest: Chairman of the Board

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