

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

PAGE 1

**JANUARY 9, 2006  
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 9, 2006, with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

**CALL TO ORDER**

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

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

March 6, 2006 – Meeting of the Board of County Commissioners – same time as the NACO meeting and both John and Tresi will be gone. The meeting will be rescheduled.

**COUNTY MANAGER UPDATE – ED GREEN**

✓ *Airport – Repair Two T-Hangers – Oberholtzer Family – Request for additional time - Skip Hutton*

Skip Hutton and Brian Condie were present. The repairs to the T-Hangars at the Garfield County Airport are well underway. The interiors of all 10 hangars and the storage units have been power washed. Mays Concrete of Grand Junction has begun the concrete repairs. Inclement weather and cold temperatures have delayed that process considerably. However, it is unlikely that the concrete repairs will be completed before the County's deadline of the 90 days given to them on October 3, 2005. Therefore, Skip requested a 60-day extension on the deadline to complete the repairs.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant the 60 days in order to complete the repairs.

In favor: Houpt – aye; Martin – aye; McCown – aye.

✓ *County Corporation – COPS Refinancing Update – Dan O'Connell with Dain Rauscher*

Ed said the time right last week and the refinancing went through. There was a savings of \$780,000 but the real dollars over the life of the refinancing is about \$1.6 million.

Dan O'Connell with Dain Rauscher was present.

Dan O'Connell stated that Sherman and Howard, the bond counsel, will send the paperwork for the signatures for both Ed Weiss and Dale Hancock on the documents. That will be on its way and that will probably be on its way the mid this week and most of that will be signatures from Dale and Ed Weiss as well. Today Dan will show you what we did.

Dan reviewed all the pages and numbers on the bond issue and its \$9,685,000 and that was the portion of the call of the bond. We have a common reserve which is a good thing. We don't have to have two separate reserves funds – one for the refunding issue and one for the outstanding 1990 issue. Uses of funds are our fee the \$62,000 and that's .65% of the issue, cost of issuance is \$84,942; we basically cut the bond insurance premium in half almost because we were able to get higher ratings than they previous issue. We were able to get an A rating from Mooney's as well as Standard and Poor's which was great because initially on the bond insurance premium we quoted somewhere north of \$100,000 so we were able to get that down quite a bit. It was either 93 basis points of a fee if we were only able to get one A rating and we were able to get two and cut it to fifty-three. So we saved plenty of money there. Again, the deposits to the debt service fund, that's coming out of the old issue and into the new and the deposits in that cash escrow fund, what that is simply what goes into a new issue to refund the old issue. So that's sits in escrow until call date of 2009 and then that will refund. I broke down the cost of issuance we don't have to go through that line by line, if there's anything specifically you want to point out there, but this is bond and disclosure counsel and that's Sherman and Howard's' fee, title insurance, escrow verification, filing fees, the rating fees for Standards and Poor's, the POS&OS printing, that was the huge document that Dale and Ed worked and Dale and Ed worked so diligently on for the last month and a half. Mostly Dale and Patsy as well. Etc. Miscellaneous fees of \$4837 essentially travel fees and that comes back to you in the long run is any fees to pay Don what his fee will be. Debt service comparison, this is the important page here – this shows you the savings. You see the new debt service, that's the third column over and compared to the old debt service you can see the annual savings and what we did was push the savings to the end because what we want to do it end this debt service, or shorten it as much as possible and that's been the goal of the county in general is to take advantage of some of those oil and gas windfall we have up front push those savings to the back so we can end the debt sooner rather than later.

Ed said that's the 1.6 million he talked about earlier to day.

Submittals were handed out and Dan O'Connell explained.

Dan - There are minimal savings until you get to 2023 and we're able to eliminate the 2024 payment of \$978,000 and almost more than cut the 2023 payment in half from \$978,500 to \$405,990 so that's a gross savings over a million six, which is obviously very significant. Present value that and there has been some attempts at explaining present value savings and offered to do that again. What we do is put that money in today's dollars so a million six in 24 is not worth a million six today, so we present value that back with what's the average yield on the bonds with arbitrage and this brings it back to a level of \$778,000. In their perimeter resolution we are at \$600,000 minimum savings and the last time it was \$630,000 so since then rates have gone down yet again and we're able to time it so it went from \$630,000 to \$778,000. This is an 8.797% savings. The final page is the pricing summary. And if you look at the coupon and yield that premium I was speaking of, you can see the coupon is a little higher than the yield and that gives you a purchase price of a little over a hundred. These rates compared to your old rates, you're looking at an average interest coupon of 3.94% compared to the old rates which were 5.3/4 so that's significant rate savings.

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

PAGE 2

The last page a handout showing how tough it was and how volatile the market's been – a graph and you can see that we started this process the first time we showed this to the county was probably in March or late February and the rates were down to 4.27% then it shot straight up to 4.63% in April and then it came back down but last time it was at 4.63%. And so we were a little nervous. Luckily it's gone back down and we're able to time it so the price at about a 4.35% and that's where the savings comes from. There's been some questions as to whether or not you can contribute some money to possibly bring this debt service down even further, shorten the life of the bond issue further or the COP further and that's certainly doable and you can do that anytime after closing date, so a good idea would be to wait till its callable and contribute the monies then and then shorted the debt service even more.

Ed said we have about 2.1 million that's callable in 2009?

Dan – a little over 2.1 callable in 09 and that might be a good idea, there's also that 2001 COP issue that in the future we may be able to refund as well.

Commissioner McCown – so that would be much like paying on the principle on a common loan.

Dan – exactly, you're just paying down the principle when you have the money, it's obviously a good idea to pay down the loan.

Commissioner McCown – shortens it on the backside significantly.

Ed – that is really good timing as we'll be through the Airport Project through the Joint Police Court Facility Project and will probably have funds to contribute.

Commissioner McCown – personally think we need to start setting aside funds for this purpose. Eliminating part of our debt that we as board created for our future commissioners is part of our obligation and for one would like to see us start setting aside funds in the capital to pay this down as the opportunity arrives.

Dan - and that actually, when we talked with Moody's and Standard and Poor's, which are the rating services, one of their concerns has been oil and gas obviously just a volatile as these rates are and they actually suggested that might be a good idea to set aside a kind of rainy day fund if you will just to level it out a little bit and when that fund is set aside then therefore at the end of the issue you can pay it off. That was a suggestion they had.

Commissioner Houpt – are there any downside to paying it off at a certain rate.

Dan – no. You're paying it off and you're not paying any penalty to pay if off as long as it's done after 2009 call date – you're just essentially paying it off in cash. It's like paying off your mortgage.

Commissioner Houpt – it would be interested to see what kind of analysis you could come up with to put some type of savings schedule together so that we could build us some money to pay it down.

Chairman Martin – goes back to that energy mitigation that we talked about and just didn't do it in our budget process.

Ed – not this time. We talked to Mooney's about that and they're really in agreement with the approach we've taken over the last few years to first off build fund balance in all of our funds and develop a strong financial profile for the organization but now it's time to create it.

Commissioner McCown – just like the building we just finished building in Rifle and any future buildings we go into we plan to have the capital funds available so that we're not creating any more indebtedness. We're paying cash for everything as we go now.

Dan – if you can do that, that's obviously the way to go. There are not too many counties that are allowed to do that.

Ed said they are pleased with the way the County has been building the capital funds.

Commissioner McCown would like to create a saving for future buildings. The only reason they borrowed money was because everything hit at once. We were required to build the jail.

Don – Dan, early on you mentioned there maybe some documents coming in for the Board to sign.

Dan – Chairman Martin and Ed Weiss will need to sign as the head of the corporation and Kim will be sending that FedEx to the attention of Ed or Dale.

Commissioner McCown – we've already authorized John to sign all the closing documents.

Don requested the record show the fact that Chairman Martin has already been authorized to sign the closing documents.

**COUNTY ATTORNEY UPDATE – DON DEFORD**

***Executive Session: Litigation Update; Legal Advice Two personnel items one in litigation; plan and zone issue potential litigation; OGCC matter in the moratorium and on-going litigation with OGCC – Sheriff – needs to be present on one of the personnel issues and Fred for the plan and zone issue.***

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

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

Action Taken:

***EnCana – Permits to Drill in the Moratorium Area***

Don said we have a motion for an order by EnCana Inc. to lift the moratorium in the Divide Creek area and permit issuance of permits to drill in that area. Don requested direction from the Board as to whether they wish to intervene in that action at that time.

A motion was made by Commissioner Houpt that we authorize the attorney to intervene in this case. Commissioner McCown seconded the motion.

Don clarified that he will ask the matter be continued from its currently set for February matter to the March hearings that are scheduled to be conducted in Rifle and the basis for that would be to allow participation by the public and also allow evaluation of the hydrological study that should be completed by the March hearings but not prior to the February hearings to see what information that study renders that might be useful in this application.

Commissioner McCown asked Don if he would be able to get his intervention in as he understood from Trish Beaver that Wednesday is the drop dead date for scheduling.

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

PAGE 3

Don – the normal method that we do that we have a document that can be generated pretty quickly. It will be filed electronically on Tuesday. Before Don will file it he will talk with Eric Inger for EnCana and also speak to Brain and Trish Beaver so they are aware of it coming.

Commissioner McCown – it could simply be posted on the March date.

Don agreed – it could be set for the March date prior to his filing anything.

In favor: Houpt – aye Martin – aye McCown - aye

Action Taken:

***Request for reconsideration on the imposition of the noise rule by COGCC***

This intervention was requested by COGO – Don asked if the Board wants him to file anything on behalf of the BOCC regarding COGO's request.

Commissioner Houpt served on the committee that helps draft this rule and in full support of the regulation that the COGCC adopted; she understands that there's no dispute on this commission that there wouldn't be support from this commission adopted. She wants that message to be out there, if it comes to a point where it becomes obvious that this Board should be involved, she would support being involved with that but if we can make a public statement that we support the COGCC on the regulation that they've brought forward, that would be sufficient for her.

Commissioner McCown – sees it as a regulatory entity attempting to enforce and place a regulation in place and the industry they're regulating is questioning it, so I see we have no position in it. It's a State entity that controls the industry. This doesn't go into effect until the year 2007 so it's untried at best. We have plenty of time to discuss this issue.

Commissioner Houpt – but I do think that impacts our constituents and we are a stakeholder in the discussion and that's why she hopes this Board can publicly come out and support keeping the decibels levels where they've been established by the COGCC.

Chairman Martin – we may have that opportunity to address it full fledged if they change the recommendation or change the adoption of it. Again, it's not an immediate remedy, it's a 2007 enforcement issue and this is part of the process and we would have the same opportunity if we felt it was not strong enough we could then petition to make it stronger as these folks feel its too strong, they're using the process to say, can you reconsider. We need to wait and see.

Commissioner Houpt asked the other Commissioners, as her being a committee member she will be talking with the staff person at the COGCC who worked with us and is it my understanding that you support this regulation or should she just be speaking on behalf of her own position as a committee member?

Chairman Martin – if it is an adopted regulation we should all support. We have the process to challenge those and if we disagreed with them then we would enter into a challenge, if not then we accept what is there and hope the enforcement will solve the problem, if not then we go back and discuss the issue and either make it stronger or lessen it, depending upon which side we are.

Commissioner Houpt – so it would be accurate to say there's support from Garfield County on this regulation.

Chairman Martin – we support the rules and regulations of the Colorado Oil and Gas Commission based upon the committee's adoption of this rule and regulation as we have to always be as an enforcement agency ourselves.

**COMMISSIONER REPORT**

Commissioner Houpt – this week met with a landowner who is concerned about some activity by that is being done by Barrett and it was actually prompted by the recognition on the permits put forward for the fires. He just showed me a well site right next to him and I'm hopefully that Barrett has a good plan for cleaning up the work they're in the process of doing. It would benefit the landowner greatly and everyone else who's living around their work at this point. Attended the EAB on Thursday; I-70 Coalition Meeting on Friday; tonight RE2 is having a public meeting to start discussing a civics curriculum in Rifle they want to put together in Rifle; tomorrow is the CBCA meeting in Rifle; meeting with the Carbondale Chamber on Wednesday and a meeting with RTD on the I-70 issues on Friday.

Commissioner McCown – last week in Denver on Thursday with the Task force on the Federal Mineral Leasing; this Thursday, Associated Governments, Northwest Colorado at the Health and Human Services Building in Rifle 10:00 to 2:30 p.m. on Thursday.

Chairman Martin – Len Potter and he wishes the Board to consider a discussion of working with the Frontier Historical Society and John suggested a plan of action to start slow and easy in reference to our Historical photographs and our blank walls on our Courthouse and suggested we could start a partnership by selecting photographs placing them in the Courthouse, starting talking about this 8 years ago and hopefully we can get this project off the ground. He was very encouraged that we saved and worked with different organizations to save some school houses, some historical structures in Carbondale, log cabins, working with the Chamber of commerce in Carbondale to do so plus more. He would like to see Garfield County as a more out-front leader in preservation and hopefully we can do this partnership approach and work forward and they are willing to do that with us.

Commissioner Houpt – he would like to see us incorporate that in our planning process in order to make sure that's part of the discussion when developments come forward.

Chairman Martin - Judge Craven is interested in doing something on the 4<sup>th</sup> floor with the historical photographs. Ed stated that he and Linda are working on photographs in the Conference Rooms.

Chairman Martin would like to involve the other elected officials in the Courthouse and also Judge Craven was interested in doing something on the 4<sup>th</sup> floor.

Commissioner Houpt also wanted to do something like that in the Commissioners meeting room and to have some more historical photos would be great.

Chairman Martin stated there's another document that he's been using and Ed as well as Patsy supplying that to him from the accounting office and the controller and this is a brief one-page statement on accounts, the type of adopted

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

PAGE 4

budget, and the amendments to that, how many transactions taken place, what percentage of the budget item is left over, what percentage of the year is there and finds it very helpful in reviewing the budget on a monthly basis. The Board would like to see this. This way the Commissioners know what's going on with the budget and can relate true facts. The other one is explanation of items on the Sale Tax Report and clarifications on the percentages; how it comes about, etc. and perhaps we can get this from Georgia or Patsy in order to have a good idea of what we're really doing on revenues and how to explain it to the receivers or the general public. He also thanked the legal department and administration in responded to a "freedom of information act" on capital expenditures, etc. and our publication on why we're raising the taxes and putting the money into capital. We had a citizens group ask exactly why we're raising their taxes, etc.

Commissioner Houpt – thanked Road & Bridge, the Sheriff and State Patrol on the work yesterday on Four Mile Road as it's been like an ice rink. People stranded for hours trying to get down the mountain.

**CONSENT AGENDA**

- a. Approve Bills
- b. Wire Transfers - none
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Building & Planning – Teter, Doug and Beverly - Special Use Permit for Industrial Support Facility for their property.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – e omitting b; carried.

**REGULAR AGENDA**

**PUBLIC HEARING:**

**BUILDING AND PLANNING – TETER, DOUG AND BEVERLY – CONSIDER A ZONE DISTRICT AMENDMENT TO CHANGE THE CURRENT ZONING OF THE TETER PROPERTY LOCATED NORTHWEST OF THE RULISON INTERCHANGE FROM (RL) RECOURSE LANDS TO (CG) COMMERCIAL GENERAL. APPLICANTS: DOUG AND BEVERLY TETER**

Richard Wheeler, Carolyn Dahlgren, Beverly and Doug Teter represented by Barbara Clifton, Attorney were present.

Reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Comprehensive Plan of 2000; Exhibit F – Staff report dated 1-09-2006; Exhibit G - Application materials; Exhibit H – Staff's Power Point Presentation; and Exhibit I – Pictures submitted by the applicant.

Chairman Martin entered Exhibits A – I into the record.

Richard stated the property is 35-acres and the location is northwest of the Rulison I-70 Interchange. The request to change the Zone District is based on the applicant's desire to use the property in a way that would be more conducive to the surrounding activities in the area. Currently, there is a large metal building on the property that is part of the applicant's industrial support facility. Additional, there are several trucks, machinery, pipes, etc. being stored on the site. The applicants applied for a SUP in 2004 and Resolution 2004-48 was issued to the Teter's.

**Planning Commissioner Recommendation and Suggested Findings:**

On December 14, 2005 Planning Commission members voted unanimously to recommend denial of the application's request to the Board of County Commissioners, based on the following findings:

1. That all applicable regulations regarding a zone district amendment have not been complied with including, but not limited to Section 10.00 of the Garfield County Zoning Resolution of 1978, as amended.
2. That the conditions of the neighborhood have not changed to such a degree to support the requested zone change from RL to CG.
3. That the request is not in conformance to the Comprehensive Plan.
4. That the existing zoning is not erroneous.
5. That the proposed rezoning from RL to CG is not in the best interests of the public health, safety and welfare of citizens of Garfield County.
6. That the majority of the changes in the area are uses that are allowed in the existing RL Zone as a Special Use.

Oil and Gas Facilities are zoned by the State and not in accordance with the County land uses. A convenience store would be eligible for the CL zone and would be appropriate for a residential zone district.

Applicant: Barbara Clifton – asked if a more appropriate request for an amendment to the zone district to is CL versus CG.

Richard explained that this was not a fact, but a general statement. Commercial Limited is more restrictive than Commercial General.

Richard read from the Comprehensive Plan particularly 5.6 of the Comprehensive Plan – police power of the government. Land Use Code for CL and CG. The substantive issue is that the Board deny this request.

Barbara Clifton – the Naugle property is zoned CL. The neighborhood convenience store is closed.

Barbara – asked about spot zoning.

Carolyn – Commercial Limited is what's before the Board today.

Barbara asked the Teters how they came to apply for a commercial limited.

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

**PAGE 5**

Doug Teter stated that Fred Jarman was on site with the Teters and this came up about the expanding of his operation.

Barbara submitted photos that were on the Naugle's property. This is a contractor's equipment storage. The Teter's have a SUP on the property. The other substantial change is the oil and gas development occurring from the West Rifle to the Rulison Interchange. Compressor stations, truck traffic in and out of there, etc... This is a substantial change. The designation for this land is no longer appropriate for residential agricultural. Look at the Comp Plan, other elements; this is where the county might want commercial. There is BLM land on the one side and other commercial properties and the area is separated and there would not be a great deal of impact on the County roads. A good place for commercial development.

Commissioner McCown asked what uses would you want to do you on this 35 acre parcel that isn't allow to occur through a SUP and what uses would you foresee by asking for a CG Zone District Amendment that a SUP and the current use in the application signed today that you asked for initially?

Barbara – The concerns and why this was initiated is what the Teters are having a significant growth in their business and what has occurred is that with a Special Use Permit every time they need to move the fence, expand the outdoor storage, build another building, they're in violation of their Special Use Permit and have to come back to the Board with the change. With Commercial Limited Zoning allows the Teters to do that without permission of the Board?

Commissioner McCown – apologized and hoped to have a new land use code to allow these types of fence changes to occur. The Teters might have to berm the 35 acre of land which isn't reasonable. The zoning change is critical and it would allow others to do the same. When the land use code rewrite occurs then the Building and Planning Department in their discretion could allow that.

Fred Jarman – in the direction of allowing those types of issues to be administrative review. They have worked with the Teters on some fencing issues. Fred commented on how the SUP permit was started. The fencing issues were before the Board and discussion on what could be allowed. Fred clarified that a zone change was not something that he guaranteed – professional planning staff do not give this type of information to an applicant.

Commissioner Houpt – a comment was made about the change in the culture of the area and what she's seeing and feeling across this County is the desire of many property owners to in the long term protect those zones because the industrial disturbance when a well is being drilled is quite different from the on-going service of a well. I would hate to see us look at the areas that are being drilled suddenly as industrial areas so they're deemed commercial because of them is still residential and will be after the company has moved on to a different area. As long as people are able to come back and ask for an amendment to a SUP I don't see a reason to make a change. Rezoning that area might leave this Board out of the loop and we wouldn't be in touch with what's going on industrially or commercially in that area.

Richard mentioned the conditions that the recommendation from the Planning Commission to deny the applicant's request for such a recommendation to the Board and that one point they brought out in the meeting is that the majority of changes in the areas are uses that area allowed in the RL zone as special uses and that directly relates to an area in the Comp Plan, 7.7 and this is an analysis of existing commercial and industrial zoning. Richard read this into the record.

Richard – one point that was made in the area is Special Uses 7.7 in the Zoning Code. The zone districts within the County are very permissive and give the County Board of Commissioners and Planning Commission and staff little if any discretionary authority in regard to specific proposed uses. This directly relates to some of the Planning Commission findings concerning the RL Zone and Special Uses in those zones. The Navel Oil Shale Reserve area is nearby so arguable they have been certain changes in the areas, some temporary and some permanent but a lot of times these are activities throughout all the zones districts and a change in the area, something substantially and directly affects that area specifically, but these changes are throughout all the County and all zone districts and the SUP does give the Resource Lands quite a bit to expand.

Commissioner McCown asked if the uses occurring on the Naugle property at this time approved uses under the neighborhood commercial, the CL.

Richard said the convenience store is no longer active and what we'd be looking at would be the storage they have of their like a contractor's mobile home and in the CL uses by right versus the conditional and special uses.

Commissioner McCown referenced those storage units are all used in the oil and gas industry.

Richard – what is in the CL Zone and would need a code enforcement officer involved should there be a violation noticed, it says that storage is a Special Use in the CL district.

Fred – the industrial storage in any zone district where it's allowed still has to be either within the building, screened, etc. you can't change your zoning thinking that I want have to do those kinds of performance standards, they still have to apply.

Beverly Teter asked how the Naugle property become commercial limited, what allowed them to do this.

Chairman Martin – by going through the same process as you are now.

Barbara asked what their reasons were.

Commissioner McCown – just exactly what closed, a feed store to serve the local community of agricultural use in the surrounding area so that they didn't have to go to Silt to get a bag of horse feed or a block of salt, he was going to supply that need to the local Rulison area.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; Motion carried.

A motion was made by Commissioner Houpt to deny the zoning request before the Board citing the same reasons as the Planning Commission and staff. Commissioner McCown seconded.

Chairman Martin noted these reasons were on page four of the staff report, paragraph 7, 1-6.

Commissioner McCown – the one most obvious argument to all of us is that the conditions in the surrounding areas have changed whether they're permanent or temporary facilities, those conditions have changed and what the

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

**PAGE 6**

Teters are asking is something that could be asked for could be asked in an amended SUP that would allow closer monitoring of the impacts, that's what I'm basing my vote on it but I clearly have to admit conditions in that end of the valley have changed and I will leave it up to the public to decide whether its for the better or not but circumstances have changed and as long as there is ongoing oil and gas activity there's going to be a need for these support facilities and clearly once that oil and gas activity goes away the need for these support facilities will go away and the need for any commercial zoning in that area.

Chairman Martin – that's possible but it may also change in to something else and commercial may be needed even more so in a different light. Also, I have driven by Teter's property numerous times and they have complied with everything that I have requested and it's a facility that's well used, maintained well, etc.

In favor: Houpt – aye; McCown – aye; Martin – aye.

***Vehicle Donation – Discussion – United Way***

Ed stated that Ron Van Meter is now the Chairman of the Garfield County United Way and approached Ed last week and asked if it would be possible for us to donate one of the vehicles being dead-headed out of our fleet this year to the United Way so that they can do their campaign in that vehicle. Also, asked if the county would consider donating one of our older computers that we no longer need for this same purpose to help with the operation of the United Way office.

Discussion:

For this type of request it would open the door for any non-profit to come and make the same request. Would that work to start donating the cars that we're retiring because we're setting some type of precedent?

Ed – this would be setting a precedent. We received some compensation, not full value, for some emergency vehicles in the past.

Carolyn – the County's Purchasing Code as amended clearly allows for the intergovernmental transfer; the only other arrangement whereby we have had County property go to a not-for-profit is with Healthy Beginnings where we have a contract and they are part of the Human Services Commission grant system. She expressed caution that you're Purchasing Code Provisions for the retirement of County stuff at this point and time does not countenance this.

Commissioner McCown voiced his concern again and this is the precedence, true that no one has asked for it but once it is asked for and done every human service entity in the County is going to lining up for surplus vehicles if nothing else but to take and sell them and raise funds. They do have an inordinate value whether we want to admit it or not. They could use them as a fund-raiser and this is not the intent of our tax dollars. I would say no.

Commissioner Houpt – we need to recognize that it would be an opportunity that would be open to everyone that came forward. She asked to see some numbers before she makes a decision on that.

Ed said in terms of value it is nominal in both cases; less than \$2500 for the vehicle and less than \$500 for the computer.

Chairman Martin – there was an arrangement that we allowed the use of that equipment still owned by Garfield County of specialized equipment, we transferred the use but not the ownership.

Carolyn stated yes sir but it's a different kind of arrangement.

Commissioner McCown – it's a different type of entity that provides a service to us.

Carolyn – this is within your granting system.

Commissioner Houpt asked Ed to put something together to see if we made all of those items available how that would impact us as a County and whether it makes sense fiscally for us to do that for donating.

Commissioner McCown – reiterated that we can't do that.

Carolyn – we have a constitutional issue, it's called gifts to private enterprise whether they're for profit or not for profit.

Commissioner Houpt – we've done that for a dollar in the past so it's all how you look at it – semantics.

Chairman Martin – it's a fine line and we're skirting that, if it goes up for auction, everybody is able to bid on it and turn around and make a profit on resale but that up to them. We have to stay out of that certain arena and it's not our function as government.

**Code Enforcement Issue - Potentially**

Commissioner McCown – in the photos given out in the last application, he would like those given to the Code Enforcement Officer. There were at least two violations that need to be addressed.

Fred said those are on Richard's radar screen now.

Commissioner McCown – one's been in place for approximately 7 years.

Richard – regarding the mobile home that they had started running some sewer lines to is gone and that was on the building inspector's, as well as the code compliant officer's radar but that is a storage facility and noticed that they were starting to clear a section of that land. After it was cleared these trailers started showing up so that's a code compliance issue and Richard will get with Ron Van Meter for investigation.

Commissioner McCown was referencing the one on the other side of the railroad tracks further down.

Chairman Martin there's a case that's being put together for Parachute.

**BLM Oil Shale Programmatic EIS Meeting on January 18, 2005**

Should Randy Russell go as well to see the presentation at the Fairgrounds – two sessions – 1- 4 and 7-10.

The new liaison oil and gas person would be appropriate to attend as well as Jesse and Randy. Club 20 is meeting and the legislative session starts and John and Tresi will be there and unable to attend. Larry will be out of state.

**Mildred Alsdorf was presented a birthday cake – Congratulations.**

**Mildred will have her 35<sup>th</sup> Anniversary with the County on Wednesday, January 18, 2006.**

**GARFIELD COUNTY BOARD OF COMMISSIONERS  
MINUTES 2006**

**PAGE 7**

**ADJOURNMENT**

Attest:

Chairman of the Board

---

---