

**Proceedings of the Dolores County board of
County Commissioners
October 17, 2011**

A Regular meeting of the board of County Commissioners was held in their boardroom in Dove Creek, Colorado October 17, 2011. Present for the meeting were Chairman of the Board, Julie Kibel, & Commissioners Ernie Williams & Doug Stowe. Also present for the meeting was, Margret Daves, Deputy Clerk to the Board, & Dennis Golbricht, County Attorney.

Guests

Doug Funk, Dove Creek Press, John Whitney with Senator Bennett's office, LaRita Randolph, County Clerk, Berna Ernst, County Assessor, Janie Stiasny, County Treasurer, Tim Huskey, Road and Bridge Supervisor, Jerry Martin, County Sheriff, Matt Hammond with the DOW, Amber Fisher, GIS/ Addressing Specialist, Ashley Spigner, James and Marci Watt, Earl Wenger and Cindy Tout, Darlene Marcus with Senator Tipton's office, Irvin Frazier, & Rick Newby, Debbie Kill, Tom Rice and Mark Lambert with the Forest Service.

Pledge

The meeting was started by everyone standing and saying the Pledge of Allegiance.

Update from Senator Bennett's Office

John Whitney with Senator Bennett's office was here to give the Commissioners an update.

He gave the Commissioners copies of a Bill for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000. He said the bill will be full mandatory funding for 5 years for PILT. He said for the Secure Rural Schools it will phase down at a 5% rate and will start where it left off. Commissioner Williams said the Bill has not been approved yet so we cannot put this in our budgets.

John said if it is passed it will back fill for the Secure Rural Schools. He said there are 15 out of the 20 Western Senators who support this so far.

Commissioner Williams asked about a House Bill that Senator Tipton's office is sponsoring. He said he would like to see the House and Senate work together on some of these. John said they are vastly different if what they are.

He said one version is to sell off 5% of our Public Lands. They discussed this in detail.

He said they are discussing the funding sources for this Bill.

Commissioner Williams asked about the Title II and Title III monies. John said there were a couple of slight changes. Commissioner Williams said he would like to see each county be able to get with the Forest Service and determine what roads need fixed instead of having to go through the RAC process. John said he would pass that information on. Commissioner Williams said receiving the money for this funding went very smoothly.

Commissioner Stowe asked if there is some way that the counties could have a political power base to support this as a group, would it be a better voice to support this Bill.

John said yes the clout of County Commissioners holds some weight with the decisions they make. John said CCI is a good way to voice opinions also.

They discussed the Service First issue. He said the Senator's did send letters concerning this issue. He said they asked them to take a look at that decision and they never heard back from them. Commissioner Williams said it doesn't make sense in this day and time when we are all having money issues to have to go back to two departments making decisions. Commissioner Kibel said it also crosses borders and is a big problem in our County. John said they were not able to defend their decision, and no one is happy about this.

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They discussed the Travel Management Plans. Commissioner Kibel explained what we have been working on with the Boggy/Glade TMP. We were told we would get a decision in September and they told us it had been delayed. She said we got a hold of Senator Tipton's office and let them know what was happening.

She said we are supposed to have a decision told to us today at our Forest Service meeting.

John asked about the EA for the establishment of Low Altitude Training for Cannon AFB.

The Commissioners told him we commented on that and asked them to coordinate with us, and they sent us a book. There was some discussion on this. He said if we have concerns or comments we could get them to him and he will pass them along.

He said they are fine tuning some information concerning the Dolores River Dialogue that they will get to the Legislative Committee as soon as possible.

John said concerning the Rico Post Office the post officials will post their proposal very soon. He said he thinks Rico has a very strong argument and they need a Post Office. He said he thinks it is questionable whether they can close that post office because of the law.

He said they are staying on this.

The Commissioners thanked him for coming.

Additions and Corrections to the Agenda

Commissioner Williams made a motion to approve the agenda. Commissioner Stowe seconded the motion. All three Commissioners voted yes.

Division of Wildlife Update

Matt Hammond with the Division of Wildlife was here to give the Commissioners an explanation of the recent activity they did concerning tagging deer and elk by helicopter.

Matt said 4 or 5 years ago game damage was occurring because sunflowers were being grown. He said they did a number of things to alleviate that. They received several comments from both sides the agricultural community and the hunters. He said over the last few years they have developed a research project concerning game damage. He said they wanted the research to be done within Dolores County. He said they received money from the Rocky Mountain Elk foundation to help fund this program. He said they have received about \$270,000 to fund this two year project. He said they are trying to find devices that would limit the number of hours that a farmer would have to spend getting the deer and elk out of their crops.

He said they are using electric fences, a temporary wing fence which is a 7ft. tall fence that is erected at the edges of the fields where the deer and elk migrate, and a blood based spray that is similar to liquid fence.

He said they need to find out how the animals move around. He said they are trying to find areas near Dove Creek that the animals can migrate. He said flying time and radio collars to do 20 deer and 20 elk. He said once a month for the next two years they will fly these areas. He said after two years these collars are designed to fall off. He said they will share all of this information as they are receiving it.

Commissioner Kibel said she received over 25 telephone calls over the weekend from people who were confused or angry about a helicopter chasing the deer and elk. She said many of the calls were from private landowners who hadn't been informed of what was going on.

She said we have worked with the BLM and Forest Service, and DOW for coordination and it would have been great if we had known what was going on prior to what they did. Matt said he agrees and apologizes for not doing that.

She said the timing of this is close to hunting season, and that caused lots of issues. Matt said the timing is bad and they didn't want to do this so close to hunting season. He said this was supposed to be done in early October but helicopter issues delayed that. He said in the spring the fawns are too small, in August it is too hot and too many animals can die of heat exhaustion.

Commissioner Williams said the helicopter was over several people's land that had not been called. Matt said he contacted 30 land owners. He said when he was getting permission he tried to block the areas within that boundary. He said he was trying to give the helicopter pilots the information from the ground. He said that didn't work so well. Commissioner Williams said we received several phone calls from people about trespass issues. He said we lost a lot of the ground that we gained with DOW.

His main goal is to get rid of kill permits and rifle season during archery. And have landowners only loose 5-10% of their crops.

He said the once a month flights will be high elevation flights and not during hunting season.

He said they wanted to collar 20 deer and 20 elk & only collared 8 elk. He explained that the collars installed last week will tell researchers exactly where the animal is several times an hour. After two years the collars will release and officers will retrieve them for further analysis.

Matt said he should have seen this coming and he apologizes.

Commissioner Kibel said this is good that we will have data from this area but she told him to make sure and contact our office for anything that comes up in the future.

Budget Update

Commissioner Williams said the first draft of the budget has to be given to the Commissioners by the 15th of October. He said department heads have turned in their requests.

He said Dolores County has never given a furlough day or laid people off. He said 41% of Dolores County's funding comes from property taxes. He said grants and other contributions make up about 38%. He said mineral leasing funds legally can't be budgeted until they are received because they are not a sure thing.

He said our wages in the county are low compared to others in the state but our benefits package that we have is better than many other counties.

He said looking at all of the requests we have received with the income coming in we are in the red. He said there is a little over \$200,000 that we have received in the past for the school and Road and Bridge & we will not have that for 2012. He said we have given a raise for the last 10 years to our employees.

Commissioner Williams said Road and Bridge is losing \$100,000 from the Secure Rural Schools Act. He said we are trying to bring it to a balanced budget & we may have to bring money in from the Contingency fund to get by for a year.

He said we received information that they are trying to get the Secure Rural Schools Act passed again but until we know that for sure it can't be put in the budget.

He said there are other counties that are giving furlough days we hope to not have to do that.

He said we are going to try to keep our benefit package the same. Commissioner Stowe said the last thing he wants to see is to have to lay off people or cut our benefit package.

Commissioner Kibel said we will have a workshop where everyone can come in and discuss their individual budgets.

Commissioner Williams said as a county we are in better shape than a lot of other counties across the state.

Berna Ernst, County Assessor, is looking at another computer company for her office which would require a large amount of broadband for the internet usage with this program.

Berna asked Commissioner Williams about the fiber issue. He said he found out that we don't have enough broadband in this area to run all of the internet services we would need for this program. He said Eagle Net has a \$100 million dollar grant to get the fiber to the schools.

We have been told we already have fiber to the Town of Dove Creek, he said he has been researching this to see if this is true and if we will be able to utilize it.

Commissioner Kibel suggested we wait and see what happens with Eagle Net. She said this is a server issue which makes it very slow if everyone is using internet at the same time.

The Commissioners said if we can wait one more year it would be better.

They discussed this more.

Commissioner Williams said we are starting to see some infrastructure with the telecommunications and he will keep us updated.

Addressing Update

Amber Fisher our GIS/Addressing Specialist was here to give us an update on our addressing project. She had a power point presentation to explain the process.

She started off by asking why we need to do this. She said the main reason is our addresses are out of sequence and it is difficult for emergency personnel to respond to emergency services.

She said also many addresses we have are the same. Amber said that GIS (geographic information system) is being used everywhere.

She said by utilizing GIS our addresses will be more precise and using the GPS (Global Positioning System) to create a point address database.

Her power point presentation said she will need to complete a GIS county road map with our current road names, create an address grid using county sections as a guide and rename county roads where necessary. She said we will need to adopt addressing standards, create a zip code layer, create an emergency response layer, create the new addresses from the GPS points and send out notifications of new addresses and install address markers when the time comes.

Ashley Spigner has been working on a Master Address list. She said she used comparisons from 4 different address lists to get the master address list. She said she also used the GIS web site. She said it took a lot of research to get the addresses we are using now.

Amber said she has to GPS the driveway points near the edge of the Right of Ways. She said the West end of the county has been completed and she is still working on the rest. She said she has GPS'ed the driveway points on Bug and Cedar Point in Utah even though those addresses won't change our emergency responders respond to some of those even though they are in Utah.

Jerry Martin asked if she has GPS coordinates for residences up in the high country. He said it would be very beneficial in emergency situations to have that. Amber said she would eventually. Berna Ernst asked about addresses for residences in subdivisions. She said yes each resident would have its own individual address in the subdivisions.

Tim Huskey said right now our addresses don't make any sense. He said with the new addresses we will be able to pinpoint the exact location.

Amber said she has created many maps and layers from the GIS information she has obtained. Some of which are, a fire hydrant map, mile markers and intersections, she did the map for the Commissioner Re Districting boundaries. She has done many Fire Wise Plan maps and Fire Restriction maps. She said she

has compiled a road centerline layer, a layer for Cedar Point, a city centerline layer, layers for the Forest Service roads and trails and many others.

Commissioner Williams said this is only going to be in the unincorporated areas of Dolores County. He explained the funding for this project has come from Tier III Rural Schools money which was earmarked for emergency services on the forest.

The Commissioners thanked Amber for the presentation.

Kinder Morgan Plant Issue

James and Marci Watt, Earl Wenger and Cindy Tout were here to discuss a problem at the Kinder Morgan CO2 plant.

James said the noise at the plant is up, and the odor is up. He said Oil and Gas has no regulations for that.

Commissioner Williams asked about the trucks running on the roads. They said they are still using the wrong routes at times.

Commissioner Kibel asked when the last time there was a sound meter level taken. Cindy said COGC would not accept the readings they took.

Cindy said they requested that the county purchase a noise level reading machine. We have not done that.

Dennis Golbricht, County Attorney suggested that Kinder Morgan prove its compliance. Earl Wenger said if you ask Kinder Morgan to take their own readings we're back at square one. He said they somehow find a way to test sound levels when they are at their lowest.

James Watt said the noise level goes up at night. Cindy Tout said the odor has gone up and they still have a vibration at their house which they have never been contacted about.

Dennis read the current Land Use Agreement and it states: *Approval is conditioned upon continued compliance with all applicable state, county and federal standards, including all COGCC rules and regulations, as well as Dolores County performance standards as contained within the Land Use Regulations. Upon request by the County, Applicant shall demonstrate compliance with any such standards. Applicant stipulates that the compressor station is and shall be subject to COGCC regulation, including regulation as to noise.*

He suggested that he could write a letter to COGCC stating that Kinder Morgan has agreed to comply with the COGCC rules and regulations.

Commissioner Williams said this won't work because when COGCC comes out and tests they have to let Kinder Morgan know they are coming. He said we need to have a third party do the testing & don't announce the times that they will test.

Dennis said from a legal standpoint we wanted to include as much coverage as we could from the state and federal regulations.

Commissioner Williams said these guys have been in here numerous times, and we still don't have any results for them.

Commissioner Kibel said we had legal parameters put in place to protect us from this.

Commissioner Williams said he doesn't think that will work.

The Commissioners discussed this and Dennis made a couple of suggestions.

He said we could send Kinder Morgan a letter pursuant to the LDA that we have had a complaint that they are not in compliance and we would like to have it tested by a third party.

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Commissioner Williams said we have had other issues with trucks not following the specified truck routes. Dennis said we don't have a code enforcement officer, he suggested we send someone from Road and Bridge to go out and monitor the road.

Cindy Tout said if they lived in the Town of Dove Creek, she used the Bio Energy plant as an example, they had an odor & noise issue and it was immediately taken care of. She said they live out of town and if they need to start calling the Sheriff's office day and night she will.

Commissioner Williams asked about the smell. Dennis said it sounds like that could be an EPA problem.

Earl Wenger said they are concerned about what chemicals are in the smell. He said knowing the problems they have now, are they going to allow the expansion of the compressors at the plant. Commissioner Kibel said that will be addressed at the Planning Commission level and when it is passed on to them.

The Commissioners directed Dennis to send a letter to Kinder Morgan and COGCC with this complaint. They also suggested that he add something in the letter stating our current Land Use Code requires compliance with past LDA's before moving on with any future expansion.

Cindy Tout said they have been trying to get something done for the last three years.

Commissioner Williams said CO2 is a large contributor to our revenues but the people need to come first.

Dennis said he is going to caution the board, because Kinder Morgan is not here to defend their selves.

Dennis said there is only so much that can be done at the local level, and then it could go on from there.

The group of concerned neighbors said they have written letters to the COGCC and have never received any response.

The Commissioners thanked them for coming in and recessed for lunch at 12:15P.M.

Social Services

Commissioner Kibel reconvened from lunch at 1:00P.M.

Commissioner Stowe opened the meeting for Social Services.

Dennis Story our Social Services Director was here to give the monthly report.

Commissioner Williams made a motion to accept the minutes from the September meeting.

Commissioner Kibel seconded the motion. All three Commissioners voted yes.

Commissioner Kibel made a motion to accept the financials for the September meeting. Commissioner Williams seconded the motion. All three Commissioners voted yes.

Dennis said part of the money that they spent last month was for the AmeriCorps worker at the School.

They discussed the next meeting for the department heads. Dennis said he will call in.

Commissioner Stowe closed the meeting for Social Services, and Commissioner Kibel reopened the regular Commissioner meeting.

New Business

Resolution for Redistricting

The Commissioners had a resolution to sign for the redistricting boundaries for the Commissioner Districts. Commissioner Stowe made a motion to sign the resolution. Commissioner Williams seconded the motion. All three Commissioners voted yes.

Williams Pipeline Antenna

Commissioner Kibel read the letter from the planning commission concerning Williams Pipeline Antenna. It stated they found this application to be complete as written and are forwarding this on to the County Commissioners.

The Public Hearing for the County Commissioners level will be October 31.

Begin Reviewing the Personnel Manual

The Commissioners will begin working on the annual review of the Personnel Manual at the next meeting.

Unfinished Business

Land Use Code

The Planning Commission is reviewing the changes the Commissioners wanted.

Forest Service

Debbie Kill, Tom Rice, and Mark Lambert the new acting District Ranger for the Forest Service were here for the monthly meeting.

Mark introduced himself and said they have made some changes within their program and now have Bill Dunkelburger as the acting field manager for BLM & Tom Rice will be the deputy field manager for the BLM. He said he is the acting ranger for the Forest Service.

He said they are going to be doing the same things they did before & this is more of an internal move.

They said they were here to discuss the Boggy/Glade TMP new preferred Alternative. He said the comment period for this new Alternative will begin on October 24.

Debbie Kill handed out a copy of the draft plan they have done.

She said the new preferred proposal is Alternative D. She said they are hoping that they will have a permanent decision on this by the end of the year.

She said they are allowing motorized game retrieval on the roads that were previously designated F areas.

She said off-road motorized gem retrieval using an ATV 50" or less in width would be allowed one mile off of designated open routes in areas where cross-country travel was previously allowed. She said hunters will not be allowed to use ATVs to travel cross country to scout or for purposes other than strictly retrieving game.

She said they will be asking commissioners in both counties for assistance in the form of education and monitoring of compliance in the field. She said continuation of the new game retrieval policy will be based in part on receiving assistance from the Counties with this additional workload of education and enforcement.

She said in five years they will be going back out and looking at this to see if it is successful.

She said they reevaluated some of the roads they had taken out & added in approximately 20 more miles of roads. She said this does require an amendment to their Forest Plan. They will be doing a site specific amendment which will be specific to the Boggy/Glade management area. She said the total mileage of open motorized roads in this Alternative is 379 miles.

She said many people commented on the way they decommission a road with less ground disturbance. She said they want those roads to re vegetate as soon as possible. So for instance they may install boulders to block entry instead of using high-impact measures.

She said they received a lot of comments about day- use parking. She said day-use parking will be allowed up to 30' off of selected roads with high traffic and dust for example the Dolores Norwood Road and 514.

She said they are not making a specific decision on firewood cutting. But within the forest there are certain rules to follow. This info will be on the permit itself so people can read those stipulations.

She said they received some comments on oil and gas developments and the affect of income on the counties. She said one fifth of the area is leased. She said in this Alternative there is a better job of portraying the Social and Economic analysis. Mark said this isn't the final decision.

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He said motorized game retrieval is going in a different trend. He said there are some strong recommendations to not do this. He said they are looking at all areas on a case by case basis. He said he wants to put an emphasis on the counties to make sure people know this is not a free for all.

Commissioner Williams said if this becomes our final plan we need to make sure and educate the people about this. They said yes.

Commissioner Kibel said this will be a five year plan. They said yes this will be a trial period.

They showed us a map where the motorized game retrieval will be allowed.

Mark said they rarely go through a comment period without changing something.

Commissioner Williams said he likes this alternative, and it seems like we keep going through this without a decision.

Debbie said one of the reasons for this next comment period is because of the Forest Plan amendment.

Debbie said if there has been comment on the previously two they still have standing.

Commissioner Williams said this plan took in a lot of our local people's comments, but wanted to know if they think this will be shot down. Mark said no, they have looked at this internally as a specific area.

He said they take every comment received on an equal basis.

Commissioner Kibel said they heard not only us, but the people in our area. She said they are not looking at this as a one size fits all and she appreciates that.

Dennis said this is a pretty big jump for them. They succeeded greatly in their mandate.

Rick Newby said it is good to see some change. He said this is still a huge change for what the public is used to and they need to understand that.

There was some discussion about the 300' campsites and a historical campsite which is 4 or 500' feet off of the road. Debbie Kill said if they can find it and put a road number on it, it will be open.

Commissioner Kibel asked what they want from the county in terms of game retrieval. They said education and people on the ground.

They said they would like to meet prior to next month's meeting to brainstorm and discuss some of these issues.

They will try to get together at the October 26th coordination meeting.

Commissioner Kibel asked if there were anything in the new SOPA. Tom Rice said they were working with Bill Barrett on a seismic project but they have since withdrawn that project. They are moving forward with Kinder Morgan on a seismic project in that same area. He said the Pot Ash project is moving forward also.

Debbie said there are not a lot of new projects on this next SOPA.

The next meeting will be on the 21st of November.

Adjourn

There being no further business Commissioner Stowe made a motion to adjourn the meeting. Commissioner Williams second the motion. All three Commissioners voted yes. The meeting was adjourned at 2:25P.M.

Chairperson of the Board of County Commissioners

Deputy Clerk to the Board
Of County Commissioners