

**Proceedings of the Dolores County board of  
County Commissioners  
June 1, 2015**

A Regular meeting of the board of County Commissioners was held in their boardroom in Dove Creek, Colorado, June 1, 2015. Present for the meeting was Chairman of the Board, Julie Kibel, Commissioners Ernie Williams, & Doug Stowe. Also present for the meeting was Lorraine Hancock, Deputy Clerk to the Board, Dennis Golbricht, County Attorney, and Margret Daves, Manager of Special Projects.

**Guests**

Doug Funk, Dove Creek Press, Darlene Marcus, Representative for Congressman Scott Tipton, John Knuckles, Dolores County Resident, David Cressler and Bryce Capron, DCDC, Rod Thompson, Dolores County Resident, David McCart, Dolores County Inspector, Jessica Springmyer and John Fury, Dolores County Residents, Nathan Barton, Wasteline Inc., Casey McClellan, Four Corners Recycling Service, LLC, Eric Stiasny, Dolores County School District, Case Baughman, Dolores County High School Student, Fred and Betty Holley, Dolores County Residents, Nita Purkat, Senior Services Director.

**Pledge**

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

**Agenda**

Commissioner Stowe made a motion to approve the agenda with the addition of an Executive Session for Legal Issues Regarding Taxation.  
Commissioner Williams seconded the motion. All three commissioners voted yes.

**Approval of Minutes**

Commissioner Stowe made a motion to accept the Minutes from May 18, 2015.  
Commissioner Williams seconded the motion. All three commissioners voted in favor.

**Approval of Payroll & Bills**

Commissioner Stowe made a motion to accept the payroll.  
Commissioner Williams seconded the motion. All three commissioners voted in favor.

The following is a list of total payroll by Department:

County Commissioners:	5,810.23	6 Employees	
County Commissioners Other:	230.87		1 Part Time
Transfer Station:	498.78		1 Part Time
County Clerk:	2,483.94	3 Employees	
County Treasurer:	2,276.22	2 Employees	
County Assessor:	3,201.92	3 Employees	1 Part Time
GIS:	1,122.86		2 Part Time
County Maintenance:	1,188.68	1 Employee	
Traffic Enforcement	1,181.63	1 Employee	
County Sheriff:	8,592.25	6 Employees	4 Part Time
County Coroner:	360.31	1 Employee	
EMA/EMS:	567.78		1 Part Time

**Proceedings of the Board of County Commissioners, June 1, 2015**

Extension:	458.02	1 Employee	1 Part Time
DCTV:	1,093.45		4 Part Time
Veterans Office:	480.22		1 Part Time
Senior Services:	8,946.11	2 Employees	15 Part Time
Health & Nurse:	2,499.63	2 Employee	
Mandatory Weed:	1,065.61	2 Employees	1 Part Time
Admin Other:	18,731.36	18 Employees	2 Part Time
Social Services	<u>3,027.16</u>	3 Employees	
TOTAL	\$63,817.03		

**Maintenance Update**

Steve Stiasny, Maintenance Supervisor was here to give an update. He said that the window for the Clerk's office should be completed this week. He also turned on all of the swamp coolers in the court house. He said that he advertised for bids for a new roof and plumbing work for the courthouse but didn't receive any bids back.

Margret Daves, Special Project Manager asked what happens when we don't receive the amount of bids that the procurement policy calls for.

There was discussion on this.

Steve said that there is a company that submitted a bid for the roof previously and he is going to contact them. Steve will also contact a plumber that has previously done work for the county.

There was discussion regarding the possibility of hiring a part time maintenance employee.

**Underfunded Grant- Court Clerk**

Margret said that there are some other things that need to be done to the Court Clerk's office that weren't included in the grant. She said that they will need an a/c unit with a potential cost of \$12,000 and also another exit door that could cost upwards of \$3,000-5,000.00.

Commissioner Williams said that the county cannot fund anything extra that isn't included in the grant.

Eric Hogue, District Court Administrator will be attending the next commissioner meeting to discuss the remodel.

**Update from Congressman Scott Tipton's Office**

Darlene Marcus, a Representative from Congressman Scott Tipton's Office was here for an update.

Commissioner Kibel discussed the Agricultural Tax Assessment. She said right now there are some properties with a tax increase of 167%. She did some research and asked if Scott Tipton could see if Dolores County could qualify for some tax exemptions.

Commissioner Stowe asked if we could be taxed by region because commodity prices vary immensely by region and that is not taken into account properly.

Dennis Golbricht, County Attorney said that the State Mandates commodity prices and local chemical prices; the county assessor is supposed to adjust for production.

There was discussion on this.

Commissioner Williams asked about the Pilot's Bill of Rights and Darlene said that she would look into it. Commissioner Kibel said that the 4 D regulations have not come out yet for the sage grouse.

Darlene said Senator Cory Gardner and Congressman Scott Tipton are working on a bill to defer the listing on the sage grouse for 6 more years.

Commissioner Kibel said since the listing, an additional 3,000 acres have been added for conservation.

Commissioner Williams gave an update on the legal review for the Lower Dolores River NCA draft.

There was discussion on the Lower Dolores River.

***Proceedings of the Board of County Commissioners, June 1, 2015***

Darlene asked if about the helium plant and taxes.

Commissioner Kibel said that the taxes will all be based on productivity.

There was discussion on Pot Ash.

Darlene said the U.S. House of Representatives recently passed legislation co-sponsored by Congressman Scott Tipton to protect private water rights from federal regulations under the Environmental Protection Agency and Army Corps of Engineers' controversial 'waters of the US' rule. She also said that Scott Tipton wrote a letter to the chairman of the FCC encouraging rural broadband. Commissioner Williams said that we are set well with the school but we are in the process to move broadband to our rural areas.

Darlene said that Scott Tipton is no longer on the Natural Resources Committee; he now sits on the Financial Services Committee.

The Commissioners thanked Darlene for the update.

**AAA Contract**

Nita Purkat, Senior Services Director was here to discuss the AAA Contract which was reviewed by Dennis. She said that it reflects the contract with the state and 9 pages of HIPAA are included. Nita said that the contract will be for \$94,252.00.

There was discussion on having a CTSI HIPAA training for county employees; Lenore Carhart, HR will be coordinating this training.

Dennis said the AAA contract called for a Code of Conduct from our county.

Commissioner Kibel said that it would be good to have a Code of Conduct in our county; Margret and Dennis will work on a Code of Conduct.

Nita said the CDOT purchase order for the vehicle has been submitted. The proposals for the planning grant should be submitted soon. After the board reviews the proposals Nita will come to the commissioners for approval.

**Tractors**

John Knuckles, Dolores County Resident said tractors from the DCDC property on HWY 491 have been moved to a residential property on HWY 141. He said the tractors are not restored or operational and he presumes they will move approximately 100 more tractors out to the property.

There was discussion on if this is considered a junk yard and how the county was involved with this.

Commissioner Williams clarified that DCDC is not affiliated with the county. He said that if he is selling parts off of them it would be a junk yard.

Bryce Capron, DCDC said that because they are selling off some DCDC property they have asked for the tractors to be moved off of the property.

There was discussion on this.

Dennis said he will need an LDA if he starts a commercial operation. He said there is a fine line between someone who collects farm implements and someone who parks a combine or five that they have for parts.

There was discussion on this.

Commissioner Williams said with our current Land Use Codes there is not much we can do.

Dennis said that this board has never restricted anyone in the past but if it is being set up as an attraction that is different.

Dennis suggested inviting the property owner to a meeting to discuss his intentions.

***Proceedings of the Board of County Commissioners, June 1, 2015***

**DCDC Septic**

David Cressler and Bryce Capron, DCDC were here to discuss the DCDC septic system.

Dennis said that you must have sufficient space for individual on-site waste treatment systems or form a sanitation district as a requirement for a subdivision exemption. He discussed Regulation 43 stipulations and said that when you subdivide a lot, that lot cannot be tied to anything else.

There was discussion on the utility easement.

Dennis said the septic needs to be abandoned and the buildings need to be hooked to city utilities. He said the state statutes say if you have the ability to hook into city sewer you must hook into it.

There was more discussion on this.

Margret received a signed letter for an easement across the Thompson's property.

David McCart, County Inspector said that there is a problem going from the grease trap to the city system because of the fall. He said that the drop should be ¼" per foot and right now its 1' per 100'. He said a pump or digester would need to be installed to get the proper flow.

Commissioner Kibel asked David McCart how to protect the health, safety, and welfare of the county in regards to the sewer system.

David said there are no as built drawings so they are going off of what David Cressler remembers.

Rod Thompson, Dolores County Resident said that he doesn't know what their plans are but they have strayed off from what was originally intended and he questioned the actions of DCDC.

Bryce said that they followed their bylaws.

Rod said a lot of tax payer money has gone into that property.

There was discussion on this.

Bryce said at the beginning of the year DCDC spoke with the Weber's and they gave their blessing.

Commissioner Stowe said to get the subdivision exemption passed they will have to meet the requirements.

Commissioner Kibel said that it would have been good to know about the tractor move. She said that we need to be good neighbors and the county needs to be informed.

Rod said that he doesn't remember being informed that the property was for sale. Rod asked about the possession of the right of way across his property. He said if the land becomes public he will not sign an easement for utilities across his property. For the record, Rod revoked his easement letter that was previously signed.

There was discussion on the LDA for the Business Park and possible deed restrictions.

Dennis said that if you subdivide DCDC will no longer be in control and it will then fall under the county's control.

There was more discussion on the septic system.

David McCart discussed the vault at Air Products.

Dennis said that they may be able to install two privy vaults to satisfy the septic requirements for the two lots. He said in terms of land use, any change in use would have to come before the Planning Commission and the Board of Commissioners.

David McCart said that they will have to have a warning system and be responsible for having the vaults pumped. He said the floor drains will need to go into a separate vault.

Dennis said that they still need a letter from the Weber's, the two lots will be under county regulations, and the vault privy needs to be approved by David McCart.

Dennis asked if DCDC is going to dedicate the loop.

Bryce said that DCDC is okay with dedicating just the loop and not the driveways.

David McCart asked if they will need to find the as built drawings.

Dennis said that as far as this subdivision exemption, the as built drawings aren't relevant but we would like them to find the drawings.

***Proceedings of the Board of County Commissioners, June 1, 2015***

**Subdivision Exemption**

Jessica Springmyer, Dolores County Resident was here to request preliminary approval for a subdivision exemption. She said that her father, John Fury would like to subdivide a parcel off to give to her. Jessica said that the land was subdivided 10 years ago. The original parcel consists of 150 acres and the parcel he wishes to create will be approximately 5 acres.

Dennis said that there are no buildings by the boundary and she confirmed. Commissioner Williams said that you will have a survey done and need a new plat. He told her that they can't apply for a subdivision exemption again for 5 years. There was discussion regarding water and access to the property.

Commissioner Williams made a motion to give preliminary approval for the Subdivision Exemption. Commissioner Stowe seconded the motion. All three Commissioners voted yes.

**Four Corners Recycling**

Nathan Barton and Casey McClellan, Four Corners Recycling received conditional approval for a recycling operation from Colorado Department of Public Health and Environment for the McCloud Pont Facility.

Commissioner Kibel asked if there is anything added from their original application.

Nathan said that there weren't any changes, they just wanted more detail.

Commissioner Williams asked about a recycling exemption and clarified that whatever goes in must come out.

Nathan said that is correct; there is a two year turnaround period. He said that was one of the challenges.

Commissioner Williams asked if this was for solids or liquids.

Nathan said strictly solids. He said that they must address storm water coming down also.

Casey said that the facility will be on the highest point of the property.

Nathan said that they have to contain the run off. He said that everything will be inside the berm and nothing can be discharged. He said at full build out there could be as much as 10,000 cubic yards of material.

Commissioner Kibel asked how many changes were made from the original application.

Casey said that there will be multiple phases with the first phases being a land farm. He said primarily they will be recycling drill cuttings and petroleum contaminated soil.

Commissioner Kibel clarified that they will just be taking soil and not any plastic; Casey and Nathan agreed.

Nathan said that other materials might be held on the property but only if it was hauled there inappropriately and it would just be held until it can be removed.

Commissioner Kibel asked if we would have assurance with cleanup especially since there isn't much oil and gas drilling going on in the county.

Casey said they won't be limited by oil and gas solids, but that will be the primary product.

Margret asked what the material could be used for once it has gone through the recycling process.

Casey said that once it's cleaned, it could be farm ground or be used for reclamation on a mine.

Dennis asked where they are in terms of the benzene issue.

Nathan said that they were using benzene as an example. He said the release of benzene into the air will require an air pollution notice to be submitted and approved by CDPHE. The amount is based on emissions of more than 5 tons per year and if they are above that limit they will have to get a permit.

Commissioner Kibel said since it has been 5 years since the original application and she would like to see it come back through the Planning Commission. She would like public input, especially with the traffic on the road and new residents in the area.

***Proceedings of the Board of County Commissioners, June 1, 2015***

There was discussion on their EDOP and the background of the recycling project.

Dennis said originally they needed a Certificate of Designation (CD) for a repository and it is his understanding they no require a CD because they are just moving ahead with the recycling facility. The difference between the two is that the CD has different statues including a special hearing and financial assurance with the State whereas the recycling facility you no longer need to post a reclamation bond. Casey said a CD is required if you are going to dispose of solid waste on the property and there will not be any disposal on this property.

Dennis said that the original request for a CD was because it was going to be a repository with evaporation ponds. Now that this is just a recycling facility there will be no issuance of a CD or financial assurance required. It is his understanding that the state will be involved with some oversight regarding the construction and they will have a neutral 3<sup>rd</sup> party on site for the construction process. The county does have the ability to require financial assurance and to see the financial plan.

There was discussion on the amount of trucks coming into the recycling facility.

Commissioner Williams asked what will happen if they have a hard time selling the product which will then limit what can be brought in.

Nathan said as long as they are able to demonstrate that the material is benign it can be used as a soil amendment.

Commissioner Kibel said that we need to consider financial assurance.

Dennis suggested they bring in a third party estimator for trucking fees to a landfill and to reclaim the site. He said that this needs to be done in case there was a bad situation such as ground water contamination and the applicant is no longer in the picture.

Nathan said for this project they are not taking any material away from the site so there is no need to bring any other material in. He said those issues were addressed in the EDOP and they are not required to post a financial assurance.

Dennis said that they can't require financial assurance at the state level but the county can request it.

Casey discussed emotional issues with the material.

Commissioner Williams said we can't move ahead until we do another public hearing.

Nathan said that they already received the final approval and Commissioner Williams asked to see the approval.

Dennis said the last letter from the state calls for no odors and he asked how they will know what kind of odors might arise.

There was discussion on odors.

Nathan said that there are always state regulations on odors and they are mostly concerned with the perimeter of the property. As far as a synergy between two sources of materials, those materials would need to be kept separate. He said some of it is a matter of trial and error of what can be done to reduce the odor. He said that the big thing is that they will be far from other residence.

Commissioner Stowe said that we should wait until we get the EDOP before we have a public hearing.

Due to the length of time and the public comments, he feels that the process should start at the Planning Commission stage.

Dennis said that reporting agencies don't get noticed unless you start at the Planning Commission stage. He said that they might want to follow the standard county process because if anything should happen, they will challenge the process.

The commissioners decided that they will need to go back through the Planning Commission and the next meeting will be on Tuesday, June 23, 2015.

Nathan said that they will come up with a number of trucks as well as any residences within a ½ mile radius of the property along with the final EDOP.

There was discussion on the estimation of traffic going to and from the property.

***Proceedings of the Board of County Commissioners, June 1, 2015***

Commissioner Williams said that CDOT will need to be notified of the traffic patterns.

**School Garden**

Eric Stiasny, Dolores County School was here to request funding from Dolores County in the amount of \$1,500.00 for garden materials including seeds and plant starts, hoses, sprinklers, fertilizer, hoes, shovels, tractor fuel, soil amendments, and water for the Dolores County School District's Agriculture Education Project. He would like kids in our community to have more agriculture experience. He said that less than 1% of the population is in agriculture. He received approval to put the garden between the teacherages and the maintenance shed. They would like to have a farmers market during the summer and possibly a green house later on. He said that originally this was a Kinder Morgan grant that was denied.

Commissioner Kibel asked how much funding will be needed for the year and Eric said \$1,500. She asked if they will need funding for 2016 as well and Eric said that he isn't sure.

Case Baughman, Dolores County High School Student said that he can't get the experience from the VOAG program because he is in the weight class at that time. He said the VOAG program might gain students because with this new program you could start from kindergarten and by the time you are in high school you will know more about agriculture.

For the record, Dennis said that he attended a meeting with Eric recently and he represented the county very well.

Commissioner Stowe made a motion to grant \$1,500 to start the school garden project.

Commissioner Williams seconded the motion. All three commissioners voted yes.

**Public Lands Resolution**

Commissioner Kibel brought several resolutions to the attention of the board. The resolutions recognize the value of federal lands to the county's economy, recreation, heritage, and quality of life and oppose the proposal for the state to take ownership of public lands within the state.

Dennis recommended that this board just observe at this point in time.

**Lottery Report**

Margret Daves, Special Projects Manager said the Lottery Board met recently and decided on the lottery funds distribution.

She said they awarded the Fair board \$2,500.00 to purchase a dry van storage unit to install the two kilns that were donated to the 4H Club, Xi Delta Tau received \$2,500.00 for a new stainless steel sink and countertop and any other kitchen items necessary to repair the kitchen at the Fairgrounds, Flippen Out Tumbling Team will receive \$1,000.00 for a storage shed and equipment, & the Senior Center will receive \$1,500.00 for a shed to shelter the new riding lawn mower that was purchased last year for a total of \$7500.00. No one from the Town of Rico applied for lottery funds.

Commissioner Williams made a motion to accept the lottery committee's recommendation.

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

**USGS Geological Hazards**

Margret said that we received a request from Kinder Morgan CO2 Company for a list of any hazards around their work area because Colorado Oil and Gas wanted to know of any hazards that may be present.

Amber Fisher, GIS will be printing off a paper map to show possible hazards because there is currently not a digital format of geological hazards available for our area.

**Proceedings of the Board of County Commissioners, June 1, 2015**  
**Procurement Policy**

There will be a workshop on the Procurement Policy.

**Sage Grouse**

No updates.

**Septic Regulations**

No updates.

**STUD Strategies**

Commissioner Kibel visited with Bruce Hankins about STUD. She suggested they don't become a 501c3. Kay Daves, STUD told Commissioner Kibel that they can't pay Jenny's salary for June. Commissioner Kibel asked if they could take the funds out of the Community Prevention account to pay Jenny's salary and the commissioners had no objections.

**Land Swap/Gravel Pit**

No updates; on hold.

**Dolores Fire Protection District**

Margret is working with the Dolores Fire Protection District to get dates for a public meeting.

**Underfunded Grant- Court Clerk**

This will be tabled until the June 15, 2015 meeting.

**RBSC Building**

Margret has been talking to Chris Endreson and he will be revising drawings to remove the Weed District buildings from the new RBSC site.

**Adjourned**

Commissioner Williams made the motion to Adjourn.  
Commissioner Stowe seconded the Motion. All three commissioners voted yes.  
Meeting ended at 3:57pm.

---

Chairman of the Board of County Commissioners

Attest:

---

Deputy Clerk to the  
Board of County Commissioners