**BOCC MEETING**
**JUNE 18, 2009**

The meeting was called to order by Chairperson Tighe. The reciting of the Pledge of Allegiance was led by Marie Chisholm. Members present were Commissioner Tighe, Commissioner Dowaliby, via telephone Commissioner Hodges and County Attorney Lee Phillips.

**AGENDA:**
**Action:** Dowaliby moved to approve the Agenda as presented. Tighe seconded, carried 3-0.

**MINUTES:**
**Action:** Dowaliby moved to approve minutes for June 4, 2009 as presented. Tighe seconded, carried 3-0.

**VOUCHERS:**
**Action:** Dowaliby moved to approve the vouchers in the total amount of $340,275.66 as presented. Tighe seconded, carried 3-0.

**CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:**

**CONSIDERATION OF RATIFICATION OF LITIGATION APPROVAL**
**Presenter:** Lee Phillips, County Attorney.

**For the record:**
County Attorney Lee Phillips.
Commissioner Dowaliby.
Commissioner Tighe.
Commissioner Hodges.

**Action:** Dowaliby moved to approve Ratification of Litigation Approval against Fairplay Sanitation District as presented. Tighe seconded, carried 3-0.

**CONSIDERATION OF CONTRACT BETWEEN PARK COUNTY AND WILL CRAGO OF EQUILIBRIUM ARCHITECTURE, INC FOR HISTORIC STRUCTURE ASSESSMENT FOR TROUT CREEK RANCH**
**Presenter:** Linda Balough, Historic Preservation Director.
**Action:** Dowaliby moved to approve Contract Between Park County and Will Crago of Equilibrium Architecture, Inc. as presented. Tighe seconded, carried 3-0.

**CONSIDERATION OF RENEWAL OF PROFESSIONAL SERVICES AGREEMENT TO PROVIDE STREAM RESTORATION MONITORING BY MARK BEARDSLEY**
**Presenter:** Gary Nichols, Tourism Director.

**Action:** Dowaliby moved to approve Renewal of Professional Services Agreement to Provide Stream Restoration Monitoring by Mark Beardsley as presented. Tighe seconded, carried 3-0.

**For the record:**
Gary Nichols.

**CONSIDERATION OF LICENSE AGREEMENT WITH OWNER OF WILLIAMS RANCH TO OPERATE TARRYALL MOUNTAIN FARMS**
**Presenter:** Gary Nichols, Tourism Director.
**Action:** Dowaliby moved to approve License Agreement with Owner of Williams Ranch to operate Tarryall Mountain Farms as presented. Tighe seconded, carried 3-0.
**For the record:**
Gary Nichols.

**CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH DAVID APPLETON (CONSULTANT) TO OPERATE TARRYALL MOUNTAIN FARMS**
**Presenter:** Gary Nichols, Tourism Director.
**Action:** Dowaliby moved to approve Professional Services Agreement with David Appleton to operate Tarryall Mountain Farms as presented. Tighe seconded, carried 3-0.

**For the record:**
Gary Nichols.

**CONSIDERATION OF RESOLUTION FOR THIRD PARTY TESTING FOR CDL LICENSING**
**Presenter:** Joe Ellis, Assistant Director Road & Bridge.
**Action:** Dowaliby moved to approve Resolution for Third Party Testing for CDL Licensing as presented. Tighe seconded, carried 3-0.

Recess 5 minutes.

**CONSENT AGENDA**

**REZONING CASE #09ZON-05: PROPERTY LOCATED IN TOWNSHIP 6, RANGE 72, THE NW ¼, W ½ NE ¼; N ½ NW ¼ SE ¼; N ½ S ½ NW ¼ SE ¼ OF SECTION 25, AND THE NE ¼; N ½ SE ¼ OF SECTION 26 (AKA ELK FALLS GUEST RANCH). APPLICANT IS REQUESTING A REZONING FROM RESIDENTIAL (R) TO AGRICULTURE (A)**
**Applicant:** Drayton and Vera Dunwody.
**Presenter:** Lee Phillips, County Attorney who read into record the conditions regarding this case.

**Action:** Dowaliby moved to approve Resolution approving Rezoning Case #09ZON-05 as presented. Tighe seconded, carried 3-0.

**RESOLUTION 2009-35**

**PUBLIC HEARING**

**REZONING CASE #09ZON-06: PROPERTY LOCATED IN TOWNSHIP 15, RANGE 73 A PORTION OF THE SE ¼ NE ¼ OF SECTION 12. THE APPLICANT IS REQUESTING A REZONING FROM CONSERVATION RECREATION (CR) TO RESIDENTIAL RANCH ZONE DISTRICT (R-35)**
**Applicant:** Nola Knudsen, Representing Jennifer Weiford.
**Presenter:** John Deagan, County Planner.

**For the record:**
County Attorney Lee Phillips.

**Public Comment:**
None.

**Action:** Dowaliby moved to close Public Comment. Tighe seconded, carried 3-0.

**Action:** Dowaliby moved to approve Rezoning Case #09ZON-06 as presented. Tighe seconded, carried 3-0.

**RESOLUTION 2009-36**

**REZONING CASE #09ZON-07: PROPERTY LOCATED IN TOWNSHIP 9, RANGE 78, A PORTION OF THE NW ¼ OF SECTION 2 AND A PORTION OF THE NE ¼ OF SECTION 3. THE APPLICANT IS REQUESTING A REZONING FROM MINING (M) TO RESIDENTIAL ESTATES (R-20)**
**Applicant:** Charles Spielman, Representing Tom Kenworthy.
**Presenter:** John Deagan, County Planner.

**For the record:**
Commissioner Tighe.
Commissioner Dowaliby.
Commissioner Hodges.
County Attorney Lee Phillips.
Charles Spielman.
Tom Eisenman.
John Deagan.

**Public Comment:**

Marie Chisholm.
Maury Reiber.
Lynda James.

**Action:** Dowaliby moved to close Public Comment. Tighe seconded, carried 3-0.

Recess for 5 minutes.

**For the record:**
Charles Spielman, rebuttal for applicant.
Tom Eisenman.

**Action:** Tighe moved to continue Rezoning Case #09ZON-07 to July 16, 2009 at 10:00 AM. Dowaliby seconded, carried 3-0.

**CONDITIONAL USE PERMIT #09CUP-07: PROPERTY LOCATED IN TOWNSHIP 10, RANGE 77 A PORTION OF THE SW ¼, NW ¼ OF SECTION 2 AND A PORTION OF THE NE ¼, NW ¼, NW ¼, NE ¼, E ½, W ¼ NE ¼ OF SECTION 3. THE APPLICANT IS REQUESTING A CONDITONAL USE PERMIT TO OPERATE A TEMPORARY PORTABLE ASPHALT PLANT**
**Applicant:** Alpine Rock Company.
**Presenter:** John Deagan, County Planner. Jeff Keller, President Alpine Rock Company.

**Public Comment:**

Marie Chisholm.

**Action:** Dowaliby moved to close Public Comment. Tighe seconded, carried 3-0.

**Action:** Dowaliby moved to approve Conditional Use Permit #09CUP-07 as presented and direct the County Attorney to draft a Resolution and continue this item to the Consent Agenda on July 2, 2009 at 10:00 AM. Tighe seconded, carried 3-0.

**PATRON COMMENTS:**

**Action:** Dowaliby moved to close Patron Comments. Tighe seconded, carried 3-0.

**EXECUTIVE SESSION:**

**Action:** Dowaliby moved to go into Executive Session for legal advice pursuant to CRS 24-6-402 (4) (b). Tighe seconded, carried 3-0.

**Action:** Dowaliby moved to come out of Executive Session. Tighe seconded, carried 3-0.

County Attorney Lee Phillips summarized the Executive Session for discussion of specific legal questions pursuant to CRS 24-6-402 (4) (b). No action taken.

**Action:** Dowaliby moved to adjourn the meeting. Tighe seconded, carried 3-0.