

Commissioners Meeting
January 13, 2009

The regular meeting of the Board of Commissioners was held on Tuesday, January 13, 2009 in the Commissioners Meeting Room at the Courthouse. Board members present were Commissioner Jim Osborne and Commissioner Jerry Mallett. Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Attorney Jenny Davis and Deputy County Clerk Merrilou Cicerelli. Chairman Glenn was out of town attending a Division of Wildlife Meeting.

Following the Pledge of Allegiance, Acting Chairman Osborne called the meeting to order at 9:00 a.m.

The Board was presented for review and approval the minutes of the December 9 and 16, 2008 Commissioners Meetings, the Special Meeting of the December 17, 2008 and the January 6, 2009 Commissioners Meeting.

Commissioner Mallett made a motion to approve the minutes of December 9 and 16, 2008, the Special Meeting of the December 17, 2008 and the January 6, 2009 meeting. Commissioner Osborne seconded the motion. On the question, the motion carried 2 - 0.

The meeting adjourned at 9:03 a.m.

County Judge William Alderton swore into office the newly elected County Commissioners Frank Holman and Dennis Giese.

The regular meeting of the Board of County Commissioners was held on Tuesday January 13, 2009 in the Commissioners Meeting Room at the Courthouse. Board members present were Commissioner Frank Holman and Commissioner Dennis Giese. Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Development Services Director Reimer, County Planner Antonucci, County Attorney Jenny Davis and Deputy County Clerk Merrilou Cicerelli. Chairman Tim Glenn was out of town attending a Division of Wildlife Meeting.

County Attorney Davis stated that the first item on the agenda was to elect a Chairman of the Board of County Commissioners.

Commissioner Dennis Giese nominated Commissioner Frank Holman as Chairman of the Board of Commissioners. Commissioner Holman seconded the motion. On the question, the motion carried 2 - 0.

Chairman Holman opened the Board of Commissioners Meeting at 9:12 a.m.

Chairman Holman asked Deputy County Clerk Cicerelli for verification regarding the distribution of the Board of Commissioners' agendas. Deputy County Clerk Cicerelli stated that the agendas were properly distributed.

The next agenda item was the 2009 reorganization of meeting appointments made by the Board of Commissioners.

Chairman Holman stated that this item would be postponed until the entire Board of Commissioners was in attendance.

Chairman Holman made a motion to recess the Board of Commissioners Meeting at 9:12 a.m. Commissioner Giese seconded the motion. On the question, the motion carried 2 - 0.

Chairman Holman reconvened the Board of Commissioners meeting at 9:36 a.m.

Chairman Holman asked for public comments on any items not currently listed on the agenda.

Dave Potts stated that Jeannie Holman, Chairman Holman's mother, would be making a presentation to Chairman Holman.

Jeannie Holman stated that she would like to present her oldest son, newly elected Chairman Holman with the gavel that both his grandfather and father had used. His father had been a Chaffee County Commissioner and his grandfather had been the Mayor of Poncha Springs.

The Board was presented the recommendation from the December 30, 2008 Planning Commission Meeting with regard to the following matter:

Preliminary Plat

Casa Del Rio Mobile Home Park River Addition Minor Subdivision - Preliminary Plat - Robert and Barbara Goad – The request was to allow for 11 additional mobile home lots for the River Addition. The property is a tract of land located in the S ½ NW ¼ and the S ½ NW ¼ Section 22, Township 14 South, Range 78 West, 6th P.M., County Road 313, Buena Vista, in a Residential Zone.

The Planning Commission unanimously recommended conditional approval of the Preliminary Plan for the Casa del Rio Mobile Home Park River Addition based on the following findings of fact and conditions:

Findings of Fact:

1. The applicants are requesting preliminary plan approval for a mobile home park consisting of 11 lots, and which is being created adjacent and in addition to the existing Casa del Rio Mobile home park for a

total of 53 lots. This is a change from 12 units requested at sketch plan.

2. The existing and proposed mobile home parks are the R-1 Zone and are located in the Buena Vista's three-mile planning area.
3. The applicants are not proposing to change the original plat for the Casa del Rio Mobile Home Park.
4. The Planning Commission finds no conflict between the preliminary plan application and the conditions set forth in Resolution No. 2008-27, approving the Special Land Use Permit for the addition.
5. Based on the conditions set forth at sketch plan, the parcels shall be treated as one mobile home park for land use planning purposes and for the benefit of the mobile home park residents.
6. The emergency Access Easement has not been specifically described, and which shall include pedestrian access as well as emergency vehicle access, as was required as a condition of sketch plan.
7. The applicants are working directly with the Buena Vista Sanitation District to meet specific engineering requirements, to which the applicants are willing to comply.
8. Engineering plans have not been approved by the County Engineer, and may require revisions specifically related to road design, drainage and snow storage.
9. The Colorado Department of Transportation did not respond to the application, which was submitted to them on October 13, 2008.
10. The open space calculations/tabulations are not shown on the plat, nor do the open space parcels have lot numbers associated with them, and the applicants agree to revise the plat accordingly.
11. The name of the proposed road, "Aqua Vista Lane" is not indicated on the plat, applicant will show at Final Plat.
12. The applicants are requesting a 30' right of way distance for Aqua Vista Lane in exchange for dedicating two off-street parking spaces, which are shown on the plat, and this request is appropriate.
13. The applicants have not shown any existing or proposed fencing on the plat. The applicant states that a fencing plan will be submitted at final plat.
14. The proposed Special Land Use Permit does not present a substantial violation of the goals set forth in the County's Comprehensive Plan or the Commercial Land Use Policy.
15. The subject property has no known violations of any Chaffee County regulation.

16. County staff will consult with Buena Vista staff regarding the Buena Vista Trail Plan as it relates to any trails along County Road 313 and this application.
17. The Colorado Geological Survey commented that the building lot lines should be based on slope setbacks, as set forth in the International Building Codes. The applicants have agreed to create a plat note regarding slope setbacks.

Conditions:

1. This Special Land Use Permit is only valid if the final plat of the mobile home addition is approved and on record with the Chaffee County Clerk and Recorder.
2. The applicants shall obtain addresses and lot identification numbers and designate these on the plat.
3. That the applicant include the easement language relating to the emergency egress, which shall also include a non-exclusive utility easement.
4. The open space breakdown shall be shown on the plat, with the open space parcels being designated with a lot number (e.g., OS-1, OS-2).
5. A plat note shall be included that defines the resolution number and conditions of the Special Land Use Permit that has been approved for this development.
6. The applicant show the original mobile home park on the plat due its connection to the River Addition related to emergency access, cistern locations, and the finding that the platted mobile home parks are treated as the same park.
7. A plat note shall be added stating that the MHP addition and the original MHP shall be treated as one mobile home park from a land use perspective, , i.e. only one homeowners association for the original park and the addition.
8. The applicant shall provide bonding in an amount determined by the County Weed Manager to ensure that re-vegetation is complete within five years; that landscaping (trees) will be provided in the 0.17 open space designation (to act as a buffer between the existing lots and the proposed road); and that the SIA include a requirement for design engineer approval of all design elements.
9. That the construction drawings be updated to include fencing plans for approval at Final Plat.
10. That a snow storage location be designated on the plan to reduce potential plowing problems associated with a narrow road and accompanying cul-de-sac, and be identified on the construction drawings, with any necessary easements included on the final plat.
11. That the applicant shall comply with the Buena Vista Sanitation District's requirements.

12. That the application shall comply with any provisions set forth by the County Engineer.
13. That the following plat note be added: "Any foundation within 13 feet of the top of the slope above the river shall be engineer designed."

County Planner Antonucci presented a brief summary of the request.

County Attorney Davis stated that Chairman Holman had heard the request as a member of the Planning Commission. She asked if anyone had a problem with this. There were no objections.

Joe DeLuca, Crabtree Group, 325 G Street, Salida, stated that most of the conditions had been met. The only condition that had not been met was the snow storage. He stated that the engineering of the parcel was designed to handle a 100 year flood and that should take care of any of the drainage from snow melt.

Commissioner Giese suggested that notes be placed on the plat concerning the drainage issues so that the drainage system would stay perpetually with the property.

Commissioner Giese made a motion to approve the Casa Del Rio Mobile Home Park River Addition Minor Subdivision, Preliminary Plat for Robert and Barbara Goad with the condition of plat notes on drainage system. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

The Board was presented a request for financial assistance for the Buena Vista Recreation Expansion for development to expand recreation activities and opportunities. The Buena Vista Recreation Expansion Committee had requested that this item be postponed until a future meeting.

The Board was presented for acknowledgement the monthly County Treasurer's report for December 2008.

Commissioner Giese made a motion to acknowledge the monthly report from the County Treasurer for the month of December 2008. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

The next agenda item was the consideration of the gasification grant funding. The item was tabled to a future meeting.

The next item on the agenda was discussion regarding City/County Community Services Complex Project. Director of General Administration Christiansen gave an overview of the project. He stated that the DOLA (Department of Local Affairs) Grant that had been received and would be included in the consent agenda. He stated that the Building Management Committee would be meeting tomorrow morning at 8:30 a.m.

Commissioner Giese asked if there was a time-line for completion of the Community Services Complex Project.

Director of General Administration Christiansen explained the current time-line. He stated that Commissioner Glenn was currently a member of the committee. He stated that if either of the new commissioners wanted to be present at any of the Community Services Complex project meetings, he would put the meeting on the public meeting list so they could attend.

The Board was presented the Consent Agenda for approval. Items listed were:

- ❖ Report from the County Veterans Services Officer for the month of December 2008.
- ❖ DOLA Grant – Community Services Complex.
- ❖ Pay bills.

Commissioner Giese made a motion to approve the consent agenda. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

The next item on the agenda was a request to change the location of the January 20, 2009 Board of Commissioners Meeting from Buena Vista to Salida at 9:00 a.m.

Commissioner Giese made a motion to move the January 20, 2009 Meeting location to Salida instead of Buena Vista. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

Chairman Holman opened the Landfill Committee Meeting at 10:03 a.m.

Committee Members present were Chairman Frank Holman, Commissioner Dennis Giese, County Finance Director Dan Short and Landfill Director Shannon Wilcox. Commissioner Tim Glenn was out of town attending a Division of Wildlife Meeting.

Landfill Director Wilcox gave his monthly report.

The Committee was presented the 4th Quarter 2008 Statistics and the Statistics for December 2008 for approval.

Commissioner Giese made a motion to accept the Chaffee County Landfill Statistics for the 4th Quarter and the Statistics for December 2008. Chairman Holman seconded the motion. On the question, the motion carried 4 - 0.

The next agenda item was an Executive Session for discussion of potential litigation.

County Attorney Davis cited C.R.S. 24-6-402(4) (b) for the purpose of receiving legal advice on legal questions.

Commissioner Giese a motion that we go into executive session under the statute C.R.S. 24-6-402(4) (b). Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held on January 13, 2009 during which the recorder was directed to take no minutes constituted a privileged attorney-client communication.

Jennifer A. Davis, Chaffee County Attorney

I, Frank F. Holman, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the portion of the executive session held on January 13, 2009, during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

Frank F. Holman, Chairman

The Board went into Executive Session at 10:12 a.m.

Chairman Holman reconvened the regular Board of Commissioners meeting at 11:02 a.m. stating that no decisions had been made during the Executive Session.

Being no further business, Chairman Holman made a motion to close the Board of Commissioners meeting for January 13, 2008. Commissioner Giese seconded the motion. On the question, the motion carried 2 - 0. The meeting was adjourned at 11:04 a.m.

Attest:

Joyce M. Reno
Chaffee County Clerk