

Commissioners Meeting
February 9, 2010

The regular meeting of the Landfill Committee was held on Tuesday, February 9, 2010, in the Commissioners Meeting Room at the Courthouse. Committee members present were Chairman Frank Holman, Commissioner Tim Glenn, Commissioner Dennis Giese, Director of Finance Dan Short and Landfill Manager Shannon Wilcox. Others present were Director of General Administration Robert Christiansen and Deputy County Clerk Merrilou Cicerelli.

Chairman Holman opened the Landfill Committee Meeting at 9:00 a.m.

Landfill Manager Wilcox presented his January 2010 report.

Bookkeeper Becky Venes presented the Landfill Statistic Reports for January 2010.

Commissioner Giese made a motion to approve the Landfill Statistics Reports for January 2010. Commissioner Glenn seconded the motion. On the question, the motion carried 5 - 0.

Mickey Berry, Angel of Shavano Recycling, presented his January report.

Chairman Holman closed the Landfill Committee meeting at 9:17 a.m.

The regular meeting of the Board of County Commissioners was held on Tuesday, February 9, 2009, in the Commissioners Meeting Room at the Courthouse. Board members present were Chairman Frank Holman, Commissioner Tim Glenn and Commissioner Dennis Giese. Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Development Services Director Don Reimer, County Planner Kim Antonucci, County Attorney Jenny Davis and Deputy County Clerk Merrilou Cicerelli.

Following the Pledge of Allegiance, Chairman Holman called the meeting to order at 9:30 a.m.

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

The Board was presented the following items for review:

- Public Notices
- Agenda's for upcoming meetings

No corrections were needed on these items.

The Board was presented the minutes of the November 3, 10, 2009 and January 19 and Special Meeting January 25, 2010 for review.

Commissioner Glenn presented corrections on the November 3 and 10, 2009 meetings. He asked that the January 19, and Special Meeting of January 25, 2010 be placed on next agenda for review.

The Board was presented the corrected minutes of the October 6, 13, 20, 2009 and January 5 and 12, 2010 meetings for approval.

Commissioner Giese made a motion to approve the corrected minutes of the October 6, 13, 20, 2009 and January 5 and 12, 2010 meetings. Chairman Holman seconded the motion. On the question, the motion carried 3 – 0.

Chairman Holman asked for any public comment on any items not on the agenda. There were none.

The Board was presented the monthly report from the County Sheriff.

Chaffee County Sheriff Walker presented his January 2010 report.

The Board was presented for consideration the recommendations from the January 26, 2010 Planning Commission Meeting.

Chairman Holman stated that the next agenda items would be held as quasi-judicial hearing during which the Board would hear witnesses and consider evidence. The agenda for the hearing was as follows:

- Staff report
- Submittal of evidence
- Applicants testimony and submittal of evidence
- Testimony and submittal of evidence by proponents beside the applicant
- Opponents testimony and evidence
- Final Board questions

He stated that the meeting would be recorded. When testifying, you will be asked to speak in the microphone. State your name and address. You will also be sworn in. All testimony should be directed to the Board and not any other party. The Board has the right to ask questions of any witness. The applicant also has the right to questions of any witness. Other opponents and proponents of the applicant should direct their questions to the Board.

Hearings and consideration of recommendations from the January 26, 2010 Planning Commission Meeting with regard to the following matters:

Special Land Use Permit

Dawn Jump - Jumpin' Good Goat Dairy, LLC – The request was for an amended Special Land Use Permit for a Goat Dairy Farm, Cheese Making Facility and Retail Country Store to expand number of employees, hours of operation, and number of animals on site. The property is located in the W ½ NW ½ Section 31, Township 13 South, Range 78 West, and in the E ½ NE ¼ Section 36, Township 13 South, Range 79 West, 6th P.M., 31700 U. S. Highway 24 North, Buena Vista in a Rural Suburban Zone.

County Planner Antonucci presented the following overview:

Findings of Fact:

1. The Chaffee County Zoning Resolution, Sections 5 (RS Zone) and 19.11 (SLUP), requires applicants to obtain a Special Land Use Permit for the two uses requested by the applicant (1) to operate a dairy farm and in the Rural Suburban Zone, and (2) to operate a commercial retail establishment in the Rural Suburban Zone.
2. Based on testimony at the public hearing, the applicant would also like to hold special events associated with wine and beer pairings that may require appropriate liquor licensing.
3. This property has received a Special Land Use Permit via Resolution No. 2008-10, which was approved for a limited dairy operation, but not the commercial retail operation.
4. The property has Riverside Ditch "B" water rights associated with it, which are limited water rights, which may require a careful evaluation of the land to determine overuse or poor management of the land. A Conservation Plan accompanied by a specific Irrigation Plan would be prudent.
5. The goats are mainly fed by alfalfa hay and grain that is brought onto the site, but also are pasture fed when possible.
6. Depending on the hours of operation on the commercial retail establishment, lighting glare from traffic and on-site uses may impact adjacent neighbors and users of the scenic byway.
7. An adjacent property owner provided testimony at the public hearing that negative odors emanating from the premises may affect his property values. The Planning Commission encouraged the property owner to contact the Planning Department to express concerns.
8. The application is consistent with the Chaffee County's Comprehensive Plan and the Commercial Land Use Policy.
9. All application requirements for a Special Land Use Permit have been submitted.
10. The new retail store does not have a final Certificate of Occupancy and requires outside weatherproofing (chinking). The applicant has stated that the weather needs to be warmer to finalize the chinking. The Building Department concurs with this assessment and will not issue a Certificate of Occupancy until (1) chinking is finalized, and (2) this SLUP is granted. A

Temporary Certificate of Occupancy has been granted until these items are finalized.

Conditions:

1. This permit shall be non-transferable without prior approval by the Board of County Commissioners.
2. The number of employees shall be limited to 30 on site at any given time for all operations on site.
3. The hours of operation for the commercial retail store shall generally be during daylight hours, with exceptions for special events.
4. Special events may be held on the property so long as appropriate liquor licenses are in place.
5. This permit shall expire in 20 years from the date of Board approval, and the applicant shall come before the Board to renew this permit at that time.
6. The applicant shall work with the Natural Resource Conservation Service to establish a Conservation and Irrigation Plan, which may include an appropriate land use plan, which shall be submitted to and reviewed by County Planning Staff.
7. In the event this property is rezoned to Rural Zoning, the dairy operation will become a use by right. However, the commercial retail operation will still be regulated by this special land use permit.
8. No extension or deviation of substantial nature shall be allowed except by action of the Board of County Commissioners.
9. This permit shall become null and void if these conditions are not met.

County Attorney Davis gave an overview of the documents that had been received concerning this item.

Dawn Jump, 31700 U.S. Highway 24 North, Buena Vista, presented a statement on the request.

Chairman Holman asked for any public comment on this item.

Karen Woolly, 16700 Holly Court, Buena Vista, commented in support of this request.

Edward Andrews, 31463 County Road 384, Buena Vista, commented in opposition and presented a petition signed by neighborhood residents.

Chairman Holman closed the public hearing at 10:38 a.m.

Commissioner Glenn made a motion to approve this request and implementing the Planning Commission recommendations subject to a two-year review period to evaluate any negative odors emanating from the property. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

The next agenda item was a public hearing to consider an application for a Change of Premises for Kathleen Ann Weeks, dba High Peaks Liquor, 12916 Highway 24/285, Unit A, Buena Vista.

Chairman Holman opened the public hearing at 10:38 a.m.

Chaffee County Clerk Joyce Reno presented an overview of the request.

County Attorney Davis commented that all of the paperwork was completed on the request.

Chairman Holman asked for any public comments on this item. There were none.

Commissioner Glenn made a motion to approve the request for a Change of Premises for Kathleen Ann Weeks, dba High Peaks Liquor, 12916 Highway 24/285, Unit A, Buena Vista. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

The next agenda item was a public hearing to consider Amendments to the IGA on land use between Salida and Chaffee County, and revisions to the IGA Map.

Commissioner Glenn recused himself from this item due to a conflict of business interests.

Chairman Holman opened the public hearing at 10:45 a.m.

County Planner Antonucci presented an update on this request.

County Development Services Director Reimer presented comments on the request.

Chairman Holman asked for public comment. There were none.

Chairman Holman closed the public hearing at 11:04 am.

Commissioner Giese made a motion to table this item to the March 2, 2010 meeting. Chairman Holman seconded the motion. On the question, the motion carried 2 – 0.

The next agenda item was an update on the Tri-State Generation Transmission Proposed Transmission Line Improvements.

Brad Jones, Tri-State Generation and Transmission Association, presented an overview of the proposed transmission line improvements and the reason for the County involvement.

Commissioner Glenn made a motion to instruct the County Attorney to prepare a resolution and a letter of support of the Tri-State Generation and Transmission Association in their efforts to complete a redundant transmission line to provide electricity to the San Luis Valley Community. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented Airport Development Group – Airport Project Update.

Chuck Kellerman, Airport Development Group, presented an overview of the Airport Project.

Director of General Administration Christiansen commented on the project.

The Board was presented Chaffee County Draft Energy Plan.

Kathryn Wadsworth presented an overview of the plan. She asked that the Board approve the plan.

Commissioner Giese made a motion to direct County Attorney Davis to prepare a resolution approving the ENERGYNOW planning policy and give the Chairman authorization to sign the Resolution. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented an update regarding the Public Opinion Research Proposal with Trust for Public Lands.

Director of General Administration Christiansen presented the update on this item.

Commissioner Giese made a motion to enter into an agreement with The Trust for Public Land for a shared cost of \$8,250 and to have Director of General Administration Christiansen and Commissioner Glenn work with them to create a public opinion poll that would be conducive for the County to conduct. Commissioner Glenn seconded the motion. On the question, the motion carried 3 -0.

The Board was presented a request from Wade Shelton, Trust for Public Lands, for a letter of support for a Conservation Easement for the KOK Ranch.

Chairman Holman presented an overview of the request.

Commissioner Glenn made a motion to approve the Chairman to sign a letter of support for this conservation easement. Chairman Holman seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented for consideration a resolution approving Early Retirement Incentive Program and Reduction in Force Policy.

Finance Director Short provided an overview of the resolution and policy.

County Attorney Davis presented an overview of the draft resolution, adopting retirement incentives for Chaffee County Employees and a reduction in force policy.

Commissioner Giese made a motion to approve Resolution 2010-16, adopting retirement incentives for Chaffee County Employees and a reduction in force policy. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented for approval a list of tenant leases for Toubert Building.

Director of Administration Christiansen presented an overview of the request.

Commissioner Giese made a motion to approve the leases in the Toubert Building as presented. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented the monthly County Treasurer's Report for January 2010 for acknowledgement.

Commissioner Glenn made a motion to acknowledge the County Treasurer Report for the month of January 2010. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

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

- ❖ Fire system contract for Detention Facility.
- ❖ Reimbursement request from the Nestle Water Reimbursement Fund.
- ❖ County Veterans Service Officers Monthly report for January 2010.
- ❖ Pay bills.

Commissioner Glenn made a motion to approve the Consent Agenda as presented. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Roundtable items:

- 🚧 County Road 120 Trail update.
- 🚧 Road trip to Nestle Waters project sight.
- 🚧 Draft of 2% County wide tax.
- 🚧 Ask for update on Chaffee County Housing Trust.
- 🚧 Fremont County gravel pit.

- ✚ Commissioner Glenn and former Commissioner Jerry Mallett trip to lobby in Washington DC for Natural Resource Center.
- ✚ Water Counsel request that the County might have interest in a recent filed water court cases
- ✚ County Attorney work load.
 - Contract work
 - Social Service work

Being no further business to go before the Board the February 9, 2010 Board of Commissioners meeting, Commissioner Glenn made a motion to adjourn. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0. The meeting was adjourned at 1:45 p.m.

Attest:

Joyce M. Reno
Chaffee County Clerk