

Commissioners Meeting
April 19, 2011

The regular meeting of the Board of County Commissioners was held on Tuesday, April 19, 2011 at the Buena Vista School District Administration Office, 113 North Court Street, Buena Vista. Board members present were Chairman Frank Holman, Commissioner Dennis Giese and Commissioner Dave Potts. Others present were Director of Finance Dan Short, Director of General Administration Robert Christiansen, County Attorney Jenny Davis, County Development Services Director Don Reimer and Deputy County Clerk Merrilou Cicerelli.

Regular Board of Commissioners meeting

Following the Pledge of Allegiance, Chairman Holman called the meeting to order at 9:00 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.

Review of minutes

Minutes of the April 5, 2011 Commissioners Meeting.

Commissioner Potts made a motion approve the minutes of April 5, 2011. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Public Comment

There was none.





Agenda Item A

Presentation to the Board of Commissioners from the Centennial Tennis Academy.

Judy Senter, 406 Gunnison Avenue, Buena Vista, thanked the Commissioners for allowing the use of the County Fairgrounds for the youth tennis program. She presented the Board with drawing from the participants of the winter youth tennis group.

Agenda Item C

Consider Resolutions for the following Land Use Applications:

-  Cook/Jones Minor Subdivision Final Plat.
-  Shikoba Acres Filing II Subdivision Final Plat.
-  An amendment to Chapter 9 of the Chaffee County Land Use Code.
-  Mining Permit and Non-Conforming Use for Rock Gulch Pit.

County Attorney Davis stated that she had been unable to prepare the resolutions for most of these items today. She asked for them to be considered at the first meeting in May.

County Attorney Davis presented an overview of draft Resolution 2011-27, adopting a New Section 9.6 of the Chaffee County Land Use Code concerning the seasonal employee campgrounds.

Commissioner Potts made a motion to adopt Resolution 2011-27, adopting a New Section 9.6 of the Chaffee County Land Use Code. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item D

Consider a Resolution and Development Agreement for The Estates at Mt. Princeton PUD Final Plan.

County Attorney Davis stated this item would be on the May 3, 2011 agenda for final approval of the resolution and development agreement.

Agenda Item E

Consider request from Buena Vista Heritage for the Buena Vista High School Cross Country 10K Run to be held on June 4, 2011. The race will cross County Road 321 within .10 miles. The written request was from Kayette Hutchinson, representing the Buena Vista Heritage.

Commissioner Giese made a motion to approve the request from the Buena Vista Heritage for the Buena Vista High School Cross Country 10K Run on June 4, 2011 and to coordinate with the Chaffee County Sheriff. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item G

Consider selection of 30 days event days under the County's Recreational In-Channel Diversion.

Commissioner Giese presented an overview of the proposal.

Commissioner Giese made a motion to set the 30 days event days for use of the County's Recreational In-Channel Diversion for May 28, 2011 to June 26, 2011. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item I

Review staff and consultant reimbursement request from the Nestle Water Reimbursement Fund.

Finance Director Short stated that there were no costs at this time.

Agenda Item J

Acknowledge report from the County Public Trustee for the first quarter of 2011.

Commissioner Potts made a motion to acknowledge the County Public Trustee Report for the first quarter of 2011. Commissioner Giese seconded the motion. On the question, the motion carried 3 - 0.

Consent Agenda

- ❖ Annual Wildfire Operation Plan for Chaffee County and Lake Counties 2011.
- ❖ Appoint Burke Kaiser to the Northern Chaffee County Library Board of Trustees for a five year term, December 21, 2010 – December 31, 2015.
- ❖ Pay bills.

Commissioner Giese asked that the items on the consent agenda be handled separately later in the meeting.

Agenda Item B

Report from County Sheriff Palmer.

County Sheriff Pete Palmer presented his March 2011 monthly report.

Agenda Item M

Appoint Burke Kaiser to the Northern Chaffee County Library Board of Trustees for a five year term, December 31, 2010 – December 31, 2015.

The Board was presented draft Resolution 2011-28, filling a vacancy for the Northern Chaffee County Library District.

Commissioner Giese made a motion approve Resolution 2011-28, appointing Burke Kaiser to the Northern Chaffee County Library Board of Trustees for a five year term, December 31, 2010 through December 31, 2015. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0. Commissioner Potts does not represent the Northern Chaffee County Library.

Consent Agenda

- Pay bills

Commissioner Giese made a motion approve the Consent Agenda as amended. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item O

Walt Harder's request for the County to support for exemption for the South Arkansas Fire District.

Walt Harder, 8122 County Road 122, Salida, asked the Board of Commissioners to support his request concerning the Harder-Sites Fire District Exclusion.

County Attorney Davis explained the request from Mr. Harder to prepare an Amicus Brief, which sets out the all of the reasoning of the county's actions.

Attorney Pete Cordova, 1640 H Street, Salida, representing South Arkansas Fire District, spoke in opposition of the request.

Mr. Harder stated that Brent Sites was also asking for the Amicus Brief to be drafted by the County.

The Board held discussion on this item. It was their decision to discuss this in this afternoon's executive session and make a decision after that meeting.

Agenda Item F

Consider request from the Colorado Junior Rodeo Association for financial support.

Kristi Staudt, Nathrop, presented an overview of the request.

The Board held discussion on this item concerning the problem that the County did not have money this year for donations.

Chairman Holman made a motion approve to offer the use of the stalls and the facility and that the Colorado Junior Rodeo Association will charge for the electricity and forward that to the County. Commissioner Giese seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item H

Consider Resolution 2011-26 regarding the Chaffee County Mail-Ballot Election on November 1, 2011.

Chaffee County Clerk Joyce Reno asked the Board of Commissioners to approve Resolution 2011-26, Chaffee County Mail Ballot November 1, 2011, which would set the election as a mail in ballot for the County.

Commissioner Potts made a motion accept Resolution 2011-26, Chaffee County Mail Ballot for November 1, 2011. Commissioner Giese seconded the motion. On the question, the motion carried 3 - 0.

Old Business

- ❖ Land Use Code Chapter 9 – Special Districts Section 9.3

This was discussed at the Monday's Work Session. No action was taken on this item.

Roundtable

- Salida/County Airport
- Chaffee County Peoples Clinic
- Estimates for road repair

Agenda Item K

Executive Session with County Attorney to consider potential sale of County property.

County Attorney Davis stated C.R.S. 24-6-402(4)(a) for the purpose of discussion of a potential sale of County property.

Commissioner Potts made a motion that we go into executive session under the statute C.R.S. 24-6-402(4) (a). Chairman Holman seconded the motion. On the question the motion carried 3 - 0.

The Board went into executive session at 11:10 a.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held April 19, 2011, during which the recorder was directed to take no minutes constituted a privileged attorney-client communication, but a CD recording was taken as prescribed by C.R.S 24-6-402(4)(a).

Jennifer A. Davis, Chaffee County Attorney

I, Frank Holman, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the portion of the executive session held on, April 19, 2011, during which no minutes were taken was confined to a topic authorized for discussion in an executive session, but a CD recording was taken as prescribed by C.R.S 24-6-402(4)(a).

Frank Holman, Chairman

Chairman Holman reconvened the regular meeting at 11:29 a.m. stating that no decisions were made during the Executive Session.

Chairman Holman recessed the meeting until the 2:00 p.m. meeting with additional agenda items.

Chairman Holman reconvened the meeting at 1:59 p.m. in the Board of Commissioners Meeting at the Courthouse.

Board members present were Chairman Frank Holman, Commissioner Dennis Giese and Commissioner Dave Potts. Others present were Director of Finance Dan Short, Director of General Administration Robert Christiansen, County Attorney Jenny Davis and Deputy County Clerk Merrilou Cicerelli.

Agenda Item L

Executive Session with County Attorney and CTSI (the County's insurance pool) attorney to receive legal advice on risk management issues and legal advice on a request for the county to prepare an Amicus Brief concerning the Dixie and Walt LLC District Court Case.

County Attorney Davis stated C.R.S. 24-6-402(4)(b) for the purpose of receiving information about risk management issues.

Commissioner Potts made a motion to go into executive session under the statute C.R.S. 24-6-402(4)(b). Commissioner Giese seconded the motion. On the question the motion carried 3 - 0.

The Board went into executive session at 2:10 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held April 19, 2011, during which the recorder was directed to take no minutes constituted a privileged attorney-client communication.

Jennifer A. Davis, Chaffee County Attorney

I, Frank Holman, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the portion of the executive session held on April 19, 2011, during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

Frank Holman, Chairman

Chairman Holman reconvened the meeting at 3:05 p.m. stating that no decisions had been made during the executive session.

Discussion was held on the Walt Harder Request for the County to prepare an Amicus Brief for the District Court. It was the direction of the Board not to have the County Attorney prepares an Amicus Brief and directed staff to inform Mr. Harder of their decision.

Agenda Item N

Annual Wildfire Operation Plan for Chaffee County and Lake Counties 2011.

The Board held discussion with County Sheriff Pete Palmer and Undersheriff John Speeze concerning the Operation Plan.

Commissioner Giese made a motion approve The Annual Wildfire Operation Plan for Chaffee County and Lake Counties for 2011 with possible amendments. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Being no further business to come before the Board, Chairman Holman closed the meeting at 3:39 p.m.

Attest:

Joyce M. Reno
Chaffee County Clerk