

Commissioners Meeting
August 9, 2011

The regular meeting of the Board of County Commissioners was held on Tuesday, August 9, 2011 in the Commissioners Meeting Room 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, 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 Clerk Cicerelli for verification regarding the distribution of the Board of Commissioners' Agendas. Deputy Clerk Cicerelli stated that the agendas were properly distributed.

Items for Review

Public Notices

Minutes for review

Minutes of the July 19 and August 2, 2011 meetings.

Commissioner Giese made a motion to approve the corrected minutes of July 19th, 2011. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

Commissioner Giese made a motion to approve the minutes of August 2nd, 2011. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

Public Comment

There was none.

Agenda Item A

Hearings and consideration of recommendations from the July 26, 2011 Planning Commission Meeting with regard to the following matter.

Special Land Use Permit – Applicant Nancy Farrar – Owner John Teegarden – The request is for an acupuncture business in an existing studio. The property is located at 8315 County Road 144, Salida, Lot 4 Ranchos De Caballeros Subdivision.

Commissioner Potts recused himself from the request, due to a conflict of interest.

County Development Services Director Reimer presented an overview of the request.

County Attorney Davis gave an overview of the draft resolution, approving application of Nancy Farrar for a Special Land Use Permit (Commercial Operation – Acupuncture Business) at 8315 County Road 144.

Commissioner Giese made a motion approve Resolution 2011-51, approving application of Nancy Farrar for a Special Land Use Permit (Commercial Operation-Acupuncture Business) at 8315 County Road 144. Chairman Holman seconded the motion. On the question, the motion carried 2 - 0.

Commissioner Potts reentered the meeting.

Agenda Item B.

Consider a request for a Subdivision Exemption from Frank and Sherry Holman. The property is located at 14110 County Road 140, S ½ SE ¼ and the E ½ SW ¼ Section 36, 50 North, Range 7 East, N.M.P.M, Salida, in a Recreational Zone. This item had been tabled from the July 19, 2011 Commissioners Meeting.

Chairman Holman recused himself from this request due to the fact that the request was made by his wife and himself.

County Development Services Director Reimer presented an overview of the request.

Mike Henderson, 203 G Street, Salida, gave an overview of the application.

The hearing was closed at 9:31 a.m.

The Board held discussion on the request.

County Attorney Davis presented an overview of the draft resolution, approving the Holman Subdivision Exemption.

Commissioner Potts made a motion approve Resolution 2011-52, approving the Holman Subdivision Exemption. Acting Chairman Giese seconded the motion. On the question, the motion carried 2 - 0.

Chairman Holman re-entered the meeting.

Agenda Item C

Consider an application for a 1041 Permit to engage in development of a Municipal or Industrial Water Project. The application was submitted on behalf of the Pueblo West Metropolitan District with respect to the Willowdale Structure and the Grass Creek Structure related to the Hill Ranch Water Transfer Decree, Case No. 01CW152. This item was continued from the July 19, 2011 Commissioners Meeting.

County Development Services Director Reimer presented an update on the request.

County Attorney Davis presented an overview of the proposed resolution, granting a permit to conduct an activity of state interest in an area of state interest ("1041 Permit"), with conditions, for Pueblo West Metropolitan District.

Commissioner Giese made a motion approve Resolution 2011-53, a resolution granting a permit to conduct an activity of state interest in an area of state interest ("1041 Permit"), with conditions, for Pueblo West Metropolitan District. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Alan Leek, WRC Engineering Inc., 950 South Cherry Street, Denver, presented the Board an update on the progress at the site.

Jack Johnson, District Manager, 109 East Pueblo West Blvd., Pueblo, thanked the Board of Commissioner for allowing them to work with the County.

Agenda Item D

Consider request for a Boundary Line Adjustment from Karen Adams and Edwin, Dorothy and Neale Miller. The property is located at 7628 County Road 253 and south of County Road 140, Tracts 1 and 2 of the Adams Boundary Line Adjustment, NW ¼ Section 4, Township 49 North, Range 8 East, N.M.P.M.

County Development Services Director Reimer presented an update on the request.

Commissioner Giese made a motion to approve to continue this application until the applicant has time to reconsider the problems found by the Planning Department with the application that would form an illegal tract. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item E

Consider resolution finding there had been a break in operations of a medical marijuana cultivation operation at 7618 County Road 253, Salida. This item had been continued from the August 2, 2011 Commissioners Meeting.

County Attorney Davis presented an overview of the draft resolution, denying request that property located at 7618 County Road 253 qualifies as a Grandfathered Medical Marijuana Off-Premises Cultivation Operation.

Commissioner Giese made a motion to approve Resolution 2011-54, denying a request that property located at 7681 County Road 253 qualifies as a Grandfathered Medical Marijuana Off-Premises Cultivation Operation. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item F

Discussion regarding the process and procedure required in connection with a request from John Cogswell for a determination of Subdivision Exemption for Lonesome Pine Holdings, LLC, located within the SE ¼ Section 12, Township 14 South, Range 79 West and S ½ Section 7, NW ¼ SW ¼ Section 8, Township 14 South, Range 78 West, 6th P.M., Buena Vista.

County Development Services Director Reimer presented an overview of the request.

John Cogswell commented on his interpretation of what could be done with the land.

Sue Boyd, Buena Vista Town Administrator, presented the Town's view of the request.

It was the Board's decision to have an executive session on this item.

Agenda Item I

Discussion regarding County Road 177 Prescriptive Easement.

Joe DeLuca, Crabtree Group, 325 D Street, Salida, presented new information on the County Road 177.

Surveyor Mike Henderson, 203 G Street, Salida, commented that without a prescriptive easement across this road the property owners in Fred Lowry's subdivision would be landlocked.

Commissioner Giese recessed the meeting at 11:30 a.m.

Chairman Holman reconvened the meeting at 12:35 p.m.

Agenda Item H

Executive session to receive legal advice regarding the legal status of County Road 177.

County Attorney Davis stated C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on the legal status of County Road 177 and legal advice on the request of the subdivision exemption for Lonesome Pine Holdings, LLC for the County to take a position on the exemption.

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

The Board went into executive session at 12:36 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held August 9, 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 August 9, 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 1:10 p.m. stating that no decisions had been made during the executive session.

Chairman Holman made a motion to direct staff to compose a letter to Mr. John Cogswell stating that until the property was de-annexed from the Town of Buena Vista, the County would not take action on his request. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

The Board directed county staff to contact Mr. DeLuca on the County Road 177 request and explain that at this time there was not enough evidence to perceive that the County had a prescriptive easement on County Road 177.

Agenda Item G

Appoint Commissioner to serve as Colorado Counties Incorporated (CCI) 2011 Legislative Committee Member.

Commissioner Giese stated that he would like to serve as this committee member.

Commissioner Potts made a motion to appoint Commissioner Giese to serve as CCI 2011 Legislative Committee Member. Chairman Holman seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item J

Continue determination of a Revenue Initiative Ballot question for the November Election.

The Board held discussion on the needs that the money would be used for and how to make the issue as simple as possible. Some comments were:

- ✚ EMS separate from other issues
- ✚ 1.25 mill levy to pay off the jail that would sunset in 13 years
- ✚ Give the taxpayers a choice
- ✚ Use tax for EMS
- ✚ ¼ cent sales tax for road maintenance
- ✚ 911 dispatch
- ✚ Cost reductions
- ✚ Billing process to the municipalities for 911 and communications center
- ✚ Keep PILT funds separate from general expenses
- ✚ Questions on allocation of funds from use tax and sales tax
- ✚ Time for county to keep all of the 2% sales tax in the future
- ✚ Municipalities could lower their percentage of the county sales tax

Commissioner Potts made a motion to have a ballot issue created for a vehicle use tax of 2.25% that would be dedicated to solely for Emergency Medical Services for Chaffee County, use tax would be only for vehicles 1 ton or less, not to include SMM, but to include trailers. Commissioner Giese seconded the motion. On the question, the motion carried 2 -1. Chairman Holman voted no.

Commissioner Giese made a motion to have a ballot issue created for a mill levy tax equal to \$454,988 to pay off the jail that would sunset in 13 years. Commissioner Potts seconded the motion. On the question, the motion carried 2 -1. Chairman Holman voted no.

Commissioner Potts made a motion to have a ballot issue created for a one quarter cent sales tax that would be used solely for capital expenditures. Commissioner Giese seconded the motion. On the question, the motion carried 2 – 1. Chairman Holman voted no.

The Board agreed that they would hold a Special Meeting for final ballot language on August 30th at 8:30 a.m.

Consent Agenda

- ❖ Report from the County Clerk for the month of July 2011.
- ❖ Report from the County Veterans Service Officer for the month of July 2011.
- ❖ Pay bills.
- ❖ Weed Management at Windmill Ranch Estates.

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

Commissioner Giese made a motion to close the meeting. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0. The meeting was adjourned at 2:05 p.m.

Attest:

Joyce M. Reno
Chaffee County Clerk