

Special Meeting
February 4, 2009

The Board of County Commissioners held a Special Meeting at the Commissioners Meeting Room in the Courthouse on Wednesday, February 4, 2009. Board members present were Chairman Frank Holman, Commissioner Tim Glenn and Commissioner Dennis Giese. Others present were County Development Services Director Don Reimer and County Attorney Jenny Davis.

Chairman Holman called the meeting to order at 3:42 p.m. He stated that the purpose of the meeting was to have an executive session with water counsel, Attorney Steve Bushong, regarding ditch issues and the Friend Ranch Development.

Chairman Holman stated that the Board would take limited comments from the public.

Pat Alderton, Poncha Springs Administrator, stated that she was present to tell Poncha Springs' side of the story as she felt that the Commissioners had chosen to listen to only a small portion of the County's citizens on this matter. She commented that Friend Ranch was working in anyway possible to make everyone happy.

Richard Chick, Friends Ranch Developer, stated that he had been working with all of the effected ditch owners, with the exception of the Ouray Ditch and the Waldon Ditch because the original mapping and the direction that they were going to take was for the utilities. He had met with Sam Scanga, who was the representative of the ditch owners less than an hour ago who gave him their requests. He was arranging meetings with them and planned to resolve these issues before crossing their ditches. He stated that a feasibility study, which had been done by Futura Engineering, on the commercial areas of Friends Ranch had begun. His concern was that the Board was isolating the community in particularly the water rights of the Friend Ranch and not looking at the global picture. He felt that he did not know if the County had changed their mind and now wanted to be involved in something that should be between the developer and the Town of Poncha Springs. He asked what was the deliberation in the executive session going to be about.

County Attorney Davis stated that the purpose of this Executive Session was to meet with water counsel to obtain some legal advice on the ditch issues that Steve Bushong had been working with.

Developer Chick stated that the only water issues he was aware of were the Spring Brook Seep and the Champ Seep. He did not know who changed position but before it was "you really do not have a fight in the ditch issue but you do have an interest in Roberts and Spring Brook". He asked if there had been a change in position on this.

County Attorney Davis again stated the purpose of the meeting.

Chairman Holman stated that his interest in this and he felt the Commissioners interest also was to make sure that they represented all the citizens of the County and they wanted to make sure that everything was going well and they were willing to help in anyway to get it all ironed out.

Developer Chick stated that he did not think that the two new Commissioners had been on a site visit. He told them that they could take that at anytime they wished.

Rob Curry stated that he had a share in the Ouray Ditch and Mr. Chick had been willing to work with him. His concern was putting clay in underneath the ditch so that they did not lose any of their ditch water. He thought that Mr. Chick was going to do that so he had no more problems.

Steve Chelf, Poncha Springs Lumber, hoped that the Board of Commissioners would take a strong look at the number one industry in the County, the building industry and how the Friends Ranch could help the County's economy. He hoped that the Board would come on board with this project as it meant a lot to the economy of the County. He had 864 account customers this year and 650 of those accounts were contractors. He stated that when he talked to customers about the Friends Ranch, he did not hear anyone saying that we did not need it. He stated that we needed this project and we needed it badly.

Chairman Holman stated that he agreed with Mr. Chelf that building and development has held the County together for many years and was a critical industry. He felt that the Friends Ranch was a great development and would be a wonderful asset to the community. He stated that the Board just wanted to make sure that this little issue was taken care of.

Commissioner Glenn stated that he felt that the County had been very clear on where they were at and they had said repeatedly that they supported the Friend Ranch Project. He stated that the Board had supported it from the beginning and had supported Poncha Springs in taking the development into their Town. This was what the Board thought it should be. He stated that the Board had supported the developer, but the Board's concern in moving forward was that agricultural interests were not harmed, which was why the County was taking such a close look at the water issues. When there was talk about agricultural interests, their first and foremost primary interest was their ability to still convey their water to the place that they needed to use it, which was where the County had been on this issue. This was why the County was involved in the issue to look out for agricultural interests in relationship to development. It was not as if the County had done this only in this instance. They were doing it in other instances as well. There have been water cases that the Upper Arkansas Water Conservancy District where the Board has had disagreements with what was happening. The Board wanted to see this issue worked out and make sure that the County's

interest in what they were seeing was necessary to be resolved as well. If the Board felt that the agricultural interests were being taken care of, he would assure you that the County would no longer be involved in the case, but this was where they wanted to be at this time. He stated that rest assured, the Board did support the Friends Ranch Project and they had supported the project.

Developer Chick stated that he was setting up meetings with the ditch owners that they were going to have cross with the sewer line. He stated that they had approached all of them previously with the exception of the Ouray Ditch Owners, because they were not crossing it. They had one ditch crossing agreement and the rest of them basically did not seem to need to be on the front burner until now. So now, it was on the front burner and they wanted to try to get it done.

Chairman Holman asked County Attorney Davis to quote statute to allow the Board of Commissioners to go into executive session for this purpose.

County Attorney Davis stated C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice from water counsel, Steven Bushong, via telephone, regarding ditch issues and the Friend Ranch Development.

Commissioner Giese made a motion to go into executive session under the statute C.R.S. 24-6-402(4)(b). Commissioner Glenn seconded the motion. On the question, the motion carried 3 - 0. The Board went into Executive Session at 3:55 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held February 4, 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 Holman, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the portion of the executive session held on February 4, 2009, 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 special meeting at 4:48 p.m., stating that no decisions had been made during the executive session. He gave staff direction to add this item to the next Board of Commissioners meeting agenda.

Chairman Holman closed the special meeting of February 4, 2009 at 4:55 p.m.

Attest:
Joyce M. Reno
Chaffee County Clerk