The regular meeting of the Board of Commissioners was held on Tuesday, December 13, 2016 in the Commissioners' meeting room at the Courthouse. Board members present were Chairman Dennis Giese, Commissioner Frank Holman, and Commissioner Dave Potts.

Others present were Director of General Administration Bob Christiansen, Director of Finance Dan Short, County Attorney Jennifer Davis, Planning Manager Jon Roorda, and County Clerk Lori Mitchell.

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

**Public Notices**
The Board reviewed the Public Meeting List.

**Public Comment**
County Weed Department members Larry Walker and Kayla Malone reported to the Board that Commissioner Frank Holman received an award from the Colorado Weed Management Association recognizing him for service that has been above and beyond. Commissioner Holman then reported that Larry and Kayla also received awards.

**Agenda Item A**
Consider a request from Barry Cole for a Ground Lease at Harriett Alexander Field.

Airport Manager Zech Papp gave an overview of the request. The hangar will be a standard lease and will be 60’ x 60’.

Commissioner Holman made a motion to approve the lease request for another hangar at Harriet Alexander Field. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item B**
Consider recommendation from the Airport Advisory Board regarding changing the name of Harriett Alexander Field to Salida Airport Harriet Alexander Field.

Airport Manager Papp reported that the Airport Advisory Board has made a recommendation that the name of the airport be changed to Salida Airport Harriet Alexander Field. He explained that it is common for airport names to represent the City they service and the change will make aeronautical charts more accurate. He also presented a new logo for the airport.
Commissioner Holman made a motion to approve the recommendation of the Airport Advisory Board name change to Salida Airport Harriet Alexander Field and to adopt the new logo. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

Chairman Giese moved ahead in the Agenda to accommodate the scheduled times for public hearings.

**Agenda Item E**
Consider letter of support for proposed permanent easement in River Rim Estates to land owned by Colorado Parks and Wildlife (CRS 33-10-107(2))

Planning Manager Roorda explained that this is a follow up to a boundary line adjustment for a permanent easement which gives whitewater boaters access to safely traverse around the Helena Ditch Diversion Structure.

Commissioner Potts made a motion to grant the request for a letter of support for a proposed permanent easement in River Rim Estates to land owned by Colorado Parks and Wildlife. Commissioner Holman seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item F**
Consider a resolution for a Subdivision Exemption for Public Benefit from Ruby Mountain Ranch Irrevocable Trust.

County Attorney Davis gave an overview of Resolution 2016-61.

Commissioner Potts made a motion to ratify Resolution 2016-61, Approving the Ruby Mountain Subdivision Exemption for Public Benefit. Commissioner Holman seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item G**
Consider a resolution to change Monarch, Colorado to Garfield, Colorado on CDOT signs.

County Attorney Davis gave an overview of Resolution 2016-62.

Commissioner Holman made a motion to adopt Resolution 2016-62, Approving a Change of Signage Reflecting the Location of the Historic Townsites of Garfield and Monarch and repealing Resolution 1989-27. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item H**
Consider a resolution extending the ban on new medical marijuana establishments in the unincorporated areas of the County.
County Attorney Davis reviewed for the Board, Resolution 2016-63. She noted that this resolution is simply a continuation of the existing ban. She also wishes to modify Section 4. Section 4 refers to Resolution 2014-44 and it is slightly burdensome to have to go back and look at previous resolutions so she will modify Section 4 to include the changes that the Board approved last week. These changes, for all material purposes, track the ordinance that was passed last week.

Commissioner Potts made a motion to adopt 2016-63 extending the moratorium on new medical marijuana establishments in unincorporated areas of the County including the revisions discussed by Attorney Davis. Commissioner Holman seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item I**
Consider 2017 Voting Proxies for CCI.

Human Services Director Dave Henson asked the Board to consider assigning voting proxies for CCI in 2017. Commissioner Holman made a motion to assign Dave Henson, Andrea Carlstrom, and Bob Christiansen as proxies at CCI meetings with regard to Health and Human Services. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item J**
Consider an amendment to the 2016 Chaffee County Budget.

Finance Director gave an overview of Resolution 2016-60 which appropriates additional funds.

Commissioner Potts made a motion to adopt Resolution 2016-60, appropriating additional funds to the 2016 budget. Commissioner Holman seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item C**
9:30 a.m. Public Hearing – Adoption of the 2017 budget.

Finance Director Short gave an overview of the three resolutions that need to be adopted concerning the 2017 budget. The first resolution adopts the 22 funds; the second levies the taxes; and the third appropriates the funds. Since October 15th there have been no material changes to the draft budget.

There were no public comments.

Commissioner Holman made a motion to ratify Resolution 2016-57, adoption the 2017 Budget for Chaffee County. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.
Commissioner Potts made a motion to adopt Resolution 2016-58, levying general property taxes. Commissioner Holman seconded the motion. On the question, the motion passed 3 - 0.

Commissioner Holman made a motion to adopt Resolution 2016-59, appropriating sums of money to the various funds. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

**Agenda Item D**

**Public Hearings** and consideration of recommendations from the November 29, 2016 Planning Commission Meeting

a. To consider changes to the Chaffee County Land Use Code: Section 2.2.1.C Lot and Building Requirements; Section 2.2.3.C Operational Characteristics; Section 2.6.4.G Administration; Section 4.1.3.G.4 Notice to Adjacent Property Owners; Section 4.6.2.J.1 Open Space Plan Map; Section 7.1.3.B and 7.1.3.B.2 Adequate Wastewater Treatment; Section 15.1 Acronyms; Section 7.4.6.A.3 Driveway Standards; Sections 7.4.7.L.1 and 7.4.7.L.2 Access Driveways; Section 7.8.1.G Compliance with Covenants and Restrictions

Planning Manager Roorda gave the Staff Report. These proposed changes to the Land Use Code were heard and approved by the Planning Commission on the 29th of November 2016.

There were no public comments.

Commissioner Potts made a motion to ask the County Attorney to prepare a resolution on the recommendations from the November 29, 2016 Planning Commission Meeting with regard to the matters listed on our agenda. Commissioner Holman seconded the motion. On the question the motion passed 3 - 0.

b. **Major Impact Review - Name of Applicant:** ACA Products/Frank Holman **Location:** 14110 County Road 140, Located in the SW1/4SE1/4SW1/4, Section 36, Township 50 N, Range 7 E, NMPM, Salida. **Zone:** Rural **Request:** Surface mining of construction aggregates (Tabled from the November 8, 2016 meeting)

Commissioner Holman recused himself from the hearing.

Planning Manager Roorda gave the Staff Report. He described the application as a new construction materials 112 mining permit. On the 29th of November 2016 the Planning Commission voted unanimously to table this application with the following findings:

1. Public Safety on CR 140 and CR 250 is a concern.
2. Request engineering review to determine level of road improvements needed for existing and future traffic levels. (Applicant to pay for engineering review)
3. Request survey to determine status of right-of-way and feasibility of road improvements. (Applicant to pay for survey)

4. Request that BoCC decide if Applicant or County will contract with engineer and surveyor.

A scope of work was then presented to the Applicant.

Sheila Moore, representative of ACA Products testified that ACA hired a traffic engineer to do the original traffic study and they came up with the peak hours as required in the Chaffee County Land Use Code. Now she reports that the Planning Commission is asking ACA to hire an engineer to review the traffic design and to determine future traffic that will be on the road and consider the traffic coming out of the pit. Ms. Moore does not believe ACA Products should hire an engineer to report that the roads need to be widened at the 90 degree turns, ACA already knows they need to be widened at the 90 degree turns.

Chairman Giese opened the Public Comment portion of the hearing. Those giving public comment were sworn in prior to their testimony. Chairman Giese said testimony will be limited to the traffic study.

Dominic Gory, 13656 Hidden Valley Lane, is a retired astronaut and has experience in Risk Management and Risk Mitigation. He feels 12 trips by large gravel trucks per day is significant and unsafe.

Chris Laden, 13676 Hidden Valley Trail, is concerned about the number of trips by trucks and that they will increase with demand.

Joe Deluca, 11575 US Highway 50, testified for the past 100 years his family has had a farm which borders the proposed surface mine and he believes the Board should follow the Planning and Zoning recommendation and have a traffic study done.

Mike Coleman of ACA Products testified about the legal weights of tractor trailers.

John Haggerty, an attorney who represents an adjacent land owner testified that the Land Use Code requires a traffic study and the prescriptive easement is the established historical use of the road.

Pat Deluca, 1415 F St., testified that a traffic study is required.

Mark Anderson, 1127 E Ouray Ave., testified that there appears to be the appearance of impropriety. He also testified that the width of the road for the established public use varies and the only way it can be determined if the road is safe for this use is for an independent engineer to do a survey.
Mary Borgman, 13400 County Road 140, gave testimony that the curve is very dangerous.

Wendy Gory, 13656 Hidden Valley Lane, and her husband have done preliminary hand calculations and determined for a 30ft. truck, axel to axel, to maneuver the turns, each lane would need to be increased 10 feet on both sides, for a total of 20 ft.

Larry Price, 12651 Bald Eagle Lane, spoke in opposition to the permit.

Sheila Moore of ACA Products informed the Board that the road in question has been in existence since 1892.

Mike Coleman of ACA Products spoke about the safety record of ACA truck drivers, they have not been cited for injuring any person. Perception is that big trucks traveling on the road will injure someone, but he says that these are not the facts. His belief is that other drivers on the roads are the problem and not his truck drivers. He asked the question, “if this corner is so horrible and so unsafe then why are the landowners against fixing it?” He said that ACA wants to fix and improve the road.

Mr. Deluca then asked the representatives from ACA Products if they were the only company that was going to haul out of this gravel pit. ACA answered no. Mr. Deluca’s second point was to ask ACA Reps if they would like it if somebody wanted to take their property for a road that is already there and has worked since 1889. He then stated that what we are looking at here is property rights and you don’t take somebody's property for a private entity. He stated that the road isn’t sufficient for truck traffic.

Chairman Giese made a motion that an independent 3rd party engineer will perform the scope of work as outlined by Mr. Roorda on the paper from the Planning Commission that the County will seek an RFP from those engineers and that the scope of work and whoever is hired be paid for by the applicant. Commissioner Potts seconded the motion. On the question, the motion passed 2 - 0.

The Chairman closed the Public Meeting at 11:58 p.m.

Consent Agenda:
❖ Proposed Holidays for 2017
❖ Report from the County Treasurer for interest received for the month of October, 2016 and Balance sheet for the month of November, 2016
❖ Pay Bills

Commissioner Holman made a motion to approve the consent agenda. Commissioner Potts seconded the motion. On the question, the motion passed 3 - 0.

There being no more business before the Board, the meeting adjourned at 12:05 p.m.
Attest:

Lori Mitchell, County Clerk