The regular meeting of the Board of Commissioners was held on July 19, 2016 in the Buena Vista School District Administration Building Meeting Room, Buena Vista. Board members present were Chairman Dennis Giese, Commissioner Frank Holman and Commissioner Dave Potts.

Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, Chaffee County Planning Manager Jon Roorda, County Attorney Jenny Davis and Deputy County Clerk Chris McGinnis.

Following the Pledge of Allegiance, Chairman Giese opened the meeting at 9:02 a.m.

Verification of Distribution of the Board of Commissioners’ Agendas
Chairman Giese asked Deputy Clerk McGinnis for verification regarding the distribution of the Board of Commissioners’ Agendas. Deputy McGinnis said that the agendas were properly distributed.

Items for Review
A list of public meetings the board may attend was reviewed.

Public Comment
There was no public comment.

Meeting Minutes
Commissioner Holman moved and Commissioner Potts seconded approval of the minutes of the May 31, 2016 Special Meeting and the June 21, 2016 Regular Meeting. On the question, the motion carried 3-0.

Agenda Item A
Consider recommendation for the Chaffee County Administration Offices Remodel. Continued from the July 12, 2016 meeting.

Director Christiansen said project Architect Sarah Whittington recommended the County select LM Kersting Construction Company as contractor on the project with its bid of $135,640. The bid is under budget, allowing for additional work on issues that may arise during the project such overhauling the heating and cooling system.

Commissioner Giese suggested the contract be drawn to incorporate incentives for timely completion of the project.

Commissioner Potts moved and Commissioner Holman seconded a motion for Director Christiansen to meet with the contractor and draw up a contract for approval. On the question, the motion carried 3-0.

Page 1 of 6
Board of Commissioners Meeting July 19, 2016
Agenda Item B
Consider a request from the Buena Vista Chamber of Commerce for a Special Events Permit for an event to be held on July 21, 2016 from 5:00 p.m. to 8:00 p.m. The event location is 17897 Highway 285, Nathrop.

Discussion was held.

Commissioner Holman moved and Commissioner Potts seconded a motion to approve the Buena Vista Chamber of Commerce Special Events Permit for the July 21 event in Nathrop. On the question, the motion carried 3-0.

Agenda Item C
Consider a request from the Arkansas River Trust for a Special Events Permit for an event to be held on August 5, 6 and 7, 2016 from 2:00 p.m. to 2:00 a.m. each day. The event location is at the Vertex Music Festival at 14822 County Road 350, Buena Vista.

Discussion was held.

Commissioner Holman moved and Commissioner Potts seconded a motion to approve the request with conditions. Conditions are that liquor sales are to be no later than 1 a.m. on August 5 and 6, and no later than 11:30 p.m. on August 7. The conditions reflect an agreement reached with event organizers after public hearings in March 2016. On the question, the motion carried 3-0.

Agenda Item D
Consider a request from Independent Whitewater, dba Drift In, 10832 County Road 165, Salida for a Transfer of Ownership of an Optional Premise Liquor License from the Eddy Out Grille.

Discussion was held.

Commissioner Potts moved and Commissioner Holman seconded the Transfer of Ownership of an Optional Premise Liquor License from the Eddy Out Grille. On the question, the motion carried 3-0.

Agenda Item E
Consider a request for a Boundary Line Adjustment and a Lot Line Elimination from Kenneth Gwynn & Judith Ann Peterson and The Meadows LLC. Property is located at 29155 County Road 331 and 15264 County Road 350 located in the SE1/4, SE1/4SW1/4, Section 7, Township 14 South, Range 78 West, 6th P.M., Buena Vista.

Discussion was held.
Commissioner Potts moved and Commissioner Holman seconded a motion to approve the Boundary Line Adjustment and a Lot Line Elimination. On the question, the motion carried 3-0.

Agenda Item F
Consider an amendment for an additional $348,000.00 in grant funds and contract extension for CDBG Contract #14-598 (Community Development Block Grant).

Discussion was held. The extension is an annual agreement Chaffee County signs as the host county for the program. Commissioner Potts moved and Commissioner Holman seconded a motion to approve the amendment. On the question, the motion carried 3-0.

Agenda Item G
Consider a request from the Land Trust of the Upper Arkansas for assistance from the County’s Conservation Trust Fund to help support The Lakeside Preserve Homeowners Association. Request is for $45,000.00. Continued from the June 21, 2016 meeting.

Lucy Waldo, Conservation Director for LTUA, said the request of $45,000 was toward a $70,000 conservation easement needed for a complicated, expensive project to preserve keeping water in Ice Lake north of Buena Vista.

Dave Kelly, water rights consultant, said he has been working with homeowners in the area for two years on the project.

The plan creates public access on the south side of the lake and the purchase of water rights to preserve fishing and wildlife habitat.

Colorado Parks and Wildlife is helping develop a Fishing is Fun program handicap-accessible pier for wildlife viewing.

The lake has been in existence since 1877, or before. The water was not adjudicated until 1942.

Commissioner Potts said he is concerned that the lake loses a lot of water through evaporation. The County in granting the request would be using public money for the private enhancement of the developer.

Commissioner Holman said he felt the project is worthwhile. It preserves a historic site, and Ice Lake is part of the community.

Commissioner Holman moved and Commissioner Giese seconded a motion to approve the request. On the question, the motion passed 2-1. Commissioner Potts voted against the motion.
Agenda Item H
10:00 a.m. - Public Hearing 1041 permit - For the purpose of considering an application for a 1041 Permit to Engage in Development of a Municipal or Industrial Water Project ("the Application"). The Application was submitted on behalf of the Homestake Water Project for Homestake Suction Pipeline Replacement.

Commissioner Giese opened the public hearing at 10:11 a.m.

Commissioner Giese announced each person giving testimony regarding the proposal would be asked to identify themselves and would be sworn in to tell the truth.

Commissioner Giese said at the conclusion of the hearing, the Board could continue the hearing, deliberate the permit or instruct the County Attorney to prepare a resolution approving the application.

Commissioner Giese asked for comments if anyone felt anyone on the Board had a conflict of interest. Hearing none, the hearing proceeded.

Manager Jon Roorda gave the County staff report.

Construction will occur on the east side of the Arkansas River beginning approximately two miles north of County Road 389 (Numbers launch access) and extend approximately two miles north to a location opposite the dam on Clear Creek Reservoir. Construction is on State of Colorado, Bureau of Land Management and privately-held lands. A 100-foot wide easement for construction and maintenance is in place for the entire length of the suction pipeline.

The County contracted with W.W. Wheeler to review the application and give an independent overview of the project on behalf of Chaffee County.

W.W. Wheeler concluded the pipeline design “appears to be complete and appropriate.” The purpose of the project is to reduce the risk of pipeline failures in areas that have been identified as most susceptible to failure. The firm recommends a floodplain development permit be required for work in floodplain areas. As the recommendation is relatively minor, W.W. Wheeler recommends the County approve the project.

Dan Slaby, 38620 N. US Highway 24, said he was concerned about project employees accessing the work site through his property, his access to irrigation work on his property, and potential damage to an irrigation culvert that serves his property.

Discussion was held.

The public hearing was closed at 11:18 a.m.

Commissioner Holman said there were some loose ends to clean up on the project, but he felt the County has a right and responsibility to maintain the pipeline. Irrigation issues
need to be addressed. Specifically, if there is damage to Mr. Slaby’s culvert, it needs to be repaired by the project contractor.

Commissioner Holman moved to direct the County Attorney to prepare a resolution to approve the Homestake Water Project 1041 application. The Board of County Commissioners will consider the resolution for approval at the August 2, 2016 Regular Meeting.

The following conditions are to be included in the resolution.

- Homestake Water Project personnel continue to work with landowners.
- Homestake Water Project personnel grant access to property during landowners’ irrigation time,
- A video of the pre and post-construction condition of Mr. Slaby’s irrigation culvert be produced. If the culvert is damaged, it must be repaired to pre-project conditions.
- Homestake Water Project designates a project representative to Chaffee County.
- Ample notice is given to landowners if roads will be closed.

Commissioner Potts seconded the motion. On the question, the motion carried 3-0.

**Agenda Item I**  
Consider a resolution for the Willows Subdivision, Filing 1, and Final Plat.

Commissioner Potts moved and Commissioner Holman seconded a motion to approve the resolution. On the question, the motion carried 3-0.

**Agenda Item J**  
Consider Resolution 2016-39 for the Schwitzer Minor Subdivision Final Plat.

Commissioner Potts moved and Commissioner Holman seconded a motion approving the resolution. On the question, the motion carried 3-0.

**Agenda Item K**  
Consider a resolution for a Boundary Line Adjustment from the Colorado Division of Wildlife and the Heart of the Rockies Medical Center.

Commissioner Giese said the hospital has committed money to move the road, including taking material off the existing road and moving it to the new one. The Hospital has secured a CDOT access permit.

Commissioner Potts moved and Commissioner Holman seconded approval of the resolution. On the question, the motion carried 3-0.
Agenda Item L
Update on pending litigation and potential claims and possible executive session pursuant to CRS 24-6-402(4) (b) for attorney – client advise on such matters.

No executive session was held.

Consent Agenda:
- Report from County Treasurer Copper for the month of May, 2016
- Report from the County Public Trustee for the second quarter of 2016
- Chaffee County uncollectible taxes up 2014
- Pay Bills

Commissioner Holman moved and Commissioner Potts seconded a motion to approve the Consent Agenda. On the question, the motion carried 3-0.

Old Business:
- Madison House Update
- Marijuana Ballot Question
- County Project Status Report

Discussion was held on placing a proposed excise tax of marijuana grow operations in Chaffee County on the November, 2016 General Election ballot.

Commissioner Holman said it is important to determine how the money from the tax would be spent. Taxpayers should know it is not going to the General Fund.

Roundtable
Director of Finance Dan Short said the County was denied a dispatch console grant. After a drive to Denver and about an eight-minute meeting about the denial, Director Short said the County was granted $100,000 for the project.

Commissioner Giese said he was asked to by Mr. Brett Mitchell to write and sign a letter of recommendation to place Mr. Mitchell on a resource advisory committee for the Pike and San Isabel National Forest. Commissioner Giese said he did so. Commissioner Holman offered to do the same.

There being no further business to come before the Board, Commissioner Giese adjourned the meeting at 11:36 a.m.

Attest:

Lori Mitchell, County Clerk