Commissioners Meeting  
August 2, 2016  

The regular meeting of the Board of Commissioners was held on August 2, 2016 in the Commissioners Meeting Room at the Courthouse. Board members present were Chairman Dennis Giese, Commissioner Dave Potts, and Commissioner Frank Holman. Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Attorney Jenny Davis, County Planning Manager Jon Roorda and Administrative Assistant Patty Baldwin.

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

Verification of Distribution of the Board of Commissioners’ Agendas  
Chairman Giese asked Ms. Baldwin for verification regarding the distribution of the Board of Commissioners’ Agendas. Ms. Baldwin confirmed that the agendas were properly distributed.

Items for Review  
Public Notices.

Public Comment  
There was no public comment.

Review of the minutes of June 7, June 13, June 14, July 5 and July 26 Special Meeting.  
Commissioner Potts moved to approve the minutes of the June 7, June 13, June 14, July 5 and July 26 Special Meetings. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item A  
Contract/Grant Consideration:  
  ❖ Miles Marketing Destinations

Scott Peterson, Marketing Director, Chaffee County Visitor’s Bureau, gave the Commissioners an overview of the contract. There are two contracts with a total of $62,000.00. Both contracts are purchased a year in advance so these will be for 2017. He told the Board that the amount for both contracts was approved, and recommended for approval by the Commissioners, by the Chaffee County Visitors Bureau.

Commissioner Potts moved to accept the recommendation from the Chaffee County Visitor’s Bureau and award Miles Marketing Destinations $62,000.00 for the calendar year 2017. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.
Agenda Item B
Report from the County Sheriff
Sheriff Spezze was not present.

Agenda item C
Public Hearings and consideration of recommendation from the July 26, 2016 Planning Commission Meeting with regard to the following matter:

Commissioner Giese opened the Public Hearing at 9:15 a.m. to consider **Article 5.2.3J**: Proposed Minor Subdivision Exemption – division by road, highway, railroad or major stream to be added to Section 5.2.3 Additional Types of Subdivision Exemptions J. Minor Subdivision Exemption. A Minor Subdivision Exemption may be used to separate parcels under a single ownership that are divided by a County Road, State Highway, railroad, river or major stream.

Planning Manager Roorda told the Commissioners that this would be used for parcels that are separated by a county road, state highway, railroad, river or major stream with only one owner.

Attorney Davis met with the Planning Commission at their July 26th meeting to discuss questions and concerns. She received more background to figure out if this was currently a problem that they were trying to correct or if there could be problems for the County in the future. The Planning Commission felt this situation was out of the landowners control so they proposed a simpler way to divide the property. At this time if a landowner would want to split the property that was divided by any of the above they would have to do a Minor Subdivision. Once the property became a Minor Subdivision the property owner may not do another Minor Subdivision with that parcel but would need to go through the Major Subdivision process. This exemption would fix that situation so the property owner could do another Minor Subdivision. Planning Commission member Karin Adams indicated she was aware of several properties with one identified on Trout Creek Pass divided by County Road 311.

Brett Mitchell, 155 N Highway 24, Buena Vista, was sworn in. Mr. Mitchell attended the Planning Commission work session and felt the Planning Commission’s reason to do this was so the property owner could go through the Minor Subdivision process and not the Major Subdivision process. If it is out of the control of the property owner they should not have to go through the Major Subdivision process.

There were no other comments and the public hearing was closed.

For the record, Commissioner Giese wanted to note that this item was talked about in open public hearings with the Planning Commission and Board of Commissioners for at least two months. Anything that is done regarding the Land Use Code goes through a rigorous public hearing process with comments received from the public. Nothing is
rubber stamped. There have been several tweaks to the Land Use Code and there will be more and they will continue to be through the public process.

Commissioner Potts added that the Land Use Code is a working document and this item was brought up in February. When there is a total rewrite such as the Land Use Code, there will be items to be re-written and adjusted. On this specific item there will still be requirements such as access, water availability etc. and will need to go through staff and just one public hearing before the Commissioners and approved by resolution. The real ramification is to allow for a second minor tract division.

Commissioner Potts moved to adopt the recommendation from the Planning Commission on Article 5.2.3J: Proposed Minor Subdivision Exemption – division by road, highway, railroad or major stream to be added to Section 5.2.3 Additional Types of Subdivision Exemptions J. Minor Subdivision Exemption. A Minor Subdivision Exemption may be used to separate parcels under a single ownership that are divided by a County Road, State Highway, railroad, river or major stream and direct the County Attorney do draft a resolution. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Agenda item D
Consider a request for a Plat Amendment from Troy and Julie Baker. Property is located at 17229 County Road 365, in Tract 2, Wheeler Informal Subdivision, in the NE1/4 NE14/, S11,T14S,R79W,6th P.M.

Planning Manager Roorda gave an overview of the application and staff report. No public hearing is required for a Plat Amendment application. The applicants are requesting a 40 foot extension of the building envelope to construct a garage. This is permitted by the Land Use Code and does require consent by adjoining property owners. All adjoining property owners have consented to the extension of the building envelope and they will need to sign off on the plat before recording.

Mike Henderson, 203 G Street, Salida, representing the Bakers, told the Commissioners that Mr. and Ms. Baker will not sign the plat until the two adjourns sign.

Commissioner Holman moved to approve the request for a Plat Amendment and for Commissioner Giese to sign the plat from Troy and Julie Baker, property is located at 17229 County Road 365, in Tract 2, Wheeler Informal Subdivision, in the NE1/4 NE14/, S11,T14S,R79W,6th p.m. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item E:
Consider a request for a variance to ADU requirements from Butala Construction
Applicant Tom Eve gave an overview of the request. The extra footage of 240 feet would be added to the attic space. It would not impact the original footprint of the dwelling.

There was discussion regarding the footage of the space inside the dwelling and footprint.

Commissioner Potts moved to approve the request for a variance to ADU requirements and directed the County Attorney to create a resolution for Lot 1 of the Vista Del Rio Subdivision, not exempting the footprint but the living space. Commissioner Holman seconded the motion. After discussion the motion was amended to add with the plans as submitted. On the question, the motion carried 3 – 0.

Commissioner Giese asked staff to go back and consider the footprint and not the living space of ADU’s.

**Agenda Item F:**
Consider a request for an Addendum to Subdivision Improvements Agreement for the Strother Parcels Minor Subdivision.

Planning Manager Roorda gave an overview of the request. The outstanding item an agreement for use of a shared well. Since the lot has not yet sold an agreement cannot be drafted.

Commissioner Holman moved to approve the request for an Addendum to Subdivision Improvements Agreement for the Strother Parcels Minor Subdivision. Commissioner Potts seconded and motion carried unanimously.

**Agenda Item G:**
Consider a request from the Historic St. Elmo and Chalk Creek Canyon for a match of funds on four grant awards from the Colorado Historical Fund.

Melanie Roth, Historic St. Elmo board member, gave a presentation to the board. The Annual Members Dinner will be August 13th. This fundraiser will bring in more dollars for the match.

Commissioner Giese suggested that the Commissioners approve up to $13,072.00 and that the Board give the amount to make up for the difference.

Commissioner Potts moved to continue this item to the August 16th meeting to see how successful the fundraiser is to get to the amount needed. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

**Agenda Item H**
Consider a resolution for a 1041 Permit application for the purpose of considering an application for a 1041 Permit to Engage in Development of a Municipal or Industrial Water Project for the Homestake Water Project.

County Attorney Davis gave an overview of the resolution with the background of the 1041 application, history of the application and that all public hearing requirements were satisfied with findings.

There was discussion regarding the re-vegetation and possibly asking for a weed management mitigation fee. Tom Vidmar, addressed the board and told them there would be no problem with a deposit for weed management.

Commissioner Giese moved to approve Resolution 2016-41 with the exemption of an amount for the re-vegetation plans. Commissioner Holman seconded and motion. On the question, the motion passed 3 – 0.

Agenda Item I
Consider IGA with the Town of Buena Vista for asphalt work on CR 317.

Director of Administration Christiansen told the Board that this agreement came about because of the bid for the overlay of County Road 317. County Attorney Davis put together the cost sharing of the project and the Buena Vista council approved the agreement at their last meeting. The Mayor of Buena Vista will be signing the agreement today.

Road Supervisor, Mark Stacy, explained to the Board that they will probably go in and charge Buena Vista for equipment and material. He will be meeting with the Town’s Road Supervisor. The County has been plowing this road section and will continue to do so in the future.

Commissioner Holman moved to approve the cost sharing agreement IGA for asphalt work on County Road 317. Commissioner Potts seconded and motion. On the question, the motion carried 3 – 0.

Agenda Item J
Consider Cash Match for $10,000 for Reimbursement Agreement for CO FLAP CHA306(1) Cottonwood Pass East Side Project.

Director Christiansen gave an overview of the Agreement. He submitted two applications, one for Cottonwood Pass and the other from Cottonwood Pass down County Road 306 to the Buena Vista Town limits, about 19 miles, in May to the review committee. Both applications were chosen for the short list. A team will be sent out to do an analyzation of the projects and the County needs to approve $10,000.00 for this to be done. The total scoping cost is estimated to be $58,000 with the county match being $10,000 of that total. The total project for both is about seven million dollars. The
county match is a little over 17% of the total project cost. Once the scoping is completed it will go to the project review committee in January for final project selections.

Commissioner Potts felt this was a once in a lifetime opportunity. Mr. Short told the Board more matches could possibly be found. Road and Bridge Supervisor Stacy would like to get this done at the same time Gunnison County is doing their side of the project.

Director Christiansen told the Board that Chaffee County’s application for County Road 300 work was denied.

Commissioner Holman moved to approve a $10,000.00 cash match for the Reimbursement Agreement for CO FLAP CHA306(1) Cottonwood Pass East Side Project. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

**Agenda Item K.**
Consider a request from Arkansas River Trust for an amended Application for a Special Events Permit (Malt, Vinous and Spirituous Liquor) for the Vertex Festival.

The original application that was submitted and approved at the July 19th meeting had a starting time of 2:00 p.m. on Friday, Saturday and Sunday. They would like to amend the starting time to 12:00 p.m. on Saturday and Sunday.

Megan Marshall, (725 W. Sheridan, Chicago, IL) told the Board there was a misunderstanding with the application and starting time. This is good information for next year to expand the hours. Nothing will change operationally. She explained why they would like the liquor sales to start earlier. The concert stages are in one area of the venue and while there is music on the stages the event expands beyond the performances on the stages.

Commissioner Holman moved to grant the amended application for the liquor license for the upcoming Vertex Festival. Mr. Potts added hours as stated from the letter from Lori Mitchel, 2:00 p.m. – 1:00 a.m. on August 5, 12:00 p.m. – 1:00 a.m. on August 6 and 12:00 p.m. – 11:30 p.m. on August 7. Commissioner Potts seconded and motion carried unanimously.

There was discussion regarding the e-mail sent with the offer of free tickets and to attend a party at the event. County Attorney Davis reminded the Board that anything over $50.00 cannot be accepted. She did note it could be a good idea to attend the party though.

There was discussion about who is responsible for monitoring the opening and closing times of the liquor sales. Sheriff Spezze sent an e-mail that he will not be doing the
monitoring. It was confirmed via an e-mail that State Liquor enforcement would be responsible for monitoring.

Agenda Item L
Consider a request for a renewal Hotel and Restaurant Liquor License from Twisted Cork Enterprises Inc. dba Twisted Cork, 8048 W US Highway 50, Salida.

Commissioner Potts moved to grant the request for a renewal Hotel and Restaurant Liquor License from Twisted Cork Enterprises Inc. dba Twisted Cork, 8048 W US Highway 50, Salida. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item M
Consider a request for a renewal Hotel and Restaurant Liquor License from Riverside Grill LLC dba Riverside Grill, 24070 County Road 301, Buena Vista.

Commissioner Giese moved to accept a renewal Hotel and Restaurant Liquor License from Riverside Grill LLC dba Riverside Grill, 24070 County Road 301, Buena Vista. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Consent Agenda:
- Pay Bills

Commissioner Potts moved to accept the consent agenda. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

CONVENE AS BOARD OF EQUALIZATION
To consider referee’s recommendations from property tax hearings.

Chairman Giese moved to approve the recommendations from the referees. Commissioner Holman seconded the motion. On the question the motion carried 3 – 0.

Chairman Giese moved to approve recommendations from the referee from July 28, 2016. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

Old Business:
- Ballot question regarding excess tax for marijuana
- Madison House Update
- County Project Status Report
There being no further business to come before the Board, Chairman Giese adjourned
the meeting at 10:55 a.m.