Commissioners Meeting  
March 1, 2016

The regular meeting of the Board of Commissioners was held on Tuesday, March 1, 2016 at the Central Colorado Regional Airport at 27960 County Road 319 in Buena Vista. 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, Road and Bridge Superintendent Mark Stacy, Chaffee County Sheriff John Spezze and Deputy County Clerk Jennifer Sylvester.

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 Deputy Clerk Sylvester for verification regarding the distribution of the Board of Commissioners’ Agendas. Deputy Clerk Sylvester stated that the agendas were properly distributed.

Items for Review  
Public Notices.

Public Comment  
Jim Osborne, 37380 Hwy 24 North, stated that he has concerns about the planned resurfacing of County Road 317 this summer. He stated that the road does not have an adequate base to it and would like to see the county completely rebuild the base before resurfacing.

Commissioner Holman stated that the road is holding together fairly well as it is now, other than a few soft spots that will be fixed.

Road and Bridge Superintendent Stacy stated that 90% of the roads in Chaffee are chip and seal and adding about 2 inches of asphalt will really help seal the road.

Jim Thompson, 17065 County Road 338, stated that when he was on the Board, about 20 years ago, they had gotten a quote to fix the road properly and it would have cost about $500,000.

Agenda Item A  
Report from the County Sheriff

The Board of Commissioners skipped the report from the County Sheriff as they had met with him the day before.

Agenda Item B
Consider a request from Madison House for a Special Events Permit (Tabled from the February 16, 2016 meeting).

Chairman Giese opened the public hearing at 9:08 a.m. He stated that more emails regarding this agenda item were received that morning. He also noted that he had just received a petition signed by approximately 84 people asking the Commissioners to deny the special events permit.

Planning Manager Roorda gave an overview of the concert area, including the entrances. He stated that this was the most recent plan, received just a few days prior.

Chaffee County Sheriff Spezze stated that he had no new comments at this time and was available to answer questions.

Director of Emergency Medical Services Josh Hadley stated that he had visited the site twice since the last Board meeting and had met with Madison House. He had also attended a meeting of the fire chiefs and a number of Madison House staff to identify areas important to EMS. Before he could submit a proposal for EMS staffing and costs, he needed to know the event’s hours of operations. He had also reached out to EMS’ mutual aid partners.

Director of Emergency Management Phil Graham stated that he feels comfortable moving forward at this point.

Michael Sampliner from Madison House stated that they had made some changes to the traffic plan. He stated that the safety and security team from Madison House had met with fire and EMS and very briefly with the Sheriff. Madison House had also begun conversations with community members regarding philanthropic programs in the community. He stated that they had tried to contact anyone who had written an email or contacted the County. He stated that from these conversations he had determined there were seven main concerns.

Chairman Giese and Mr. Sampliner held a discussion regarding the intersection at Rodeo Rd. and W. Main St.

Discussion was held regarding the proposed pedestrian/bike path and its possible use of a private drive.

Chairman Giese and Mr. Sampliner discussed sanitation services and issues regarding the need for a towing service.

Mr. Sampliner stated that homeowners and guests in the neighborhoods would be identified and able to get in and out of the area with hangtags that would be distributed closer to the concert date.
Chairman Giese and Mr. Sampliner discussed the proposed curfew times. Mr. Sampliner detailed Madison House’s curfew plan.

Chairman Giese opened public comment at 9:36 a.m.

Brett Mitchell, 115 US Highway 24 North, thanked the Board for having the meeting in Buena Vista this week. He stated that Madison House has done a great job so far this year and done a great job last year. He only recommendation was that they start getting in touch with the neighbors sooner.

Rebecca Hinds, 29540 County Road 371, stated that there would be an increase in revenue from this event and asked Madison House to find a way to bring more people into the town.

Keith Baker, 831 McDonald Ave., stated that the people he had spoken with in Salida about last year’s festival all said it was a good thing. He mentioned previous concerns neighbors had about the Meadows property being developed. He stated his concerns with the late curfews and that this is not a lifetime commitment, it is for this year only.

Mike Senter, 14830 County Road 350, stated that his concern was the bike/pedestrian path. He did question why there needed to be such a disruption to the community. He stated that according to Madison House, 90% of concertgoers will remain on the property and that will bring very little revenue to the community.

Hugh Eccles, 37643 Lake View Dr., stated his concern about illegal parking in church parking lots in that area. He was also concerned about the noise level on Sunday morning, during services. He stated that at that time of the year, there could be rain and asked how that would affect the festival.

Jerry Colgate, 15622 County Road 306, stated that his wife was unable to come but she wanted him to tell the Board she says no to the festival. He was concerned that the concert was too big for that area and that people crossing back and forth through Cottonwood Creek would be an issue unless a bridge was built.

Michael Sampliner stated that there are two bridges already on the property and they would build a third, temporary bridge.

Bob Freed, 16875 County Road 363 stated that he had many concerns but the biggest one was the ability of emergency medical services to get to the residences west of the festival site.

Chairman Giese stated that any services provided by the County: EMS, Sheriff, etc., will be “neutral,” meaning that their ability to provide services will be the same as any other day.
Sheriff Spezze stated that, if anything, Sheriff Department services would be enhanced. There will be deputies working the venue and a normal-size staff on duty to provide service to the rest of the County.

Kevin Meadows, 34000 Surrey Lane, stated that he supports the festival and is excited to bring friends and family into town to hear music. He also thought it would bring a spotlight to the town and people would want to visit in the future.

Francie Allen, 29145 County Road 331, stated that along with her home being adjacent to the concert venue, she is also a business owner in Buena Vista. She is on the positive side and thinks that this will be good for business. She also stated that this is a short-term sacrifice to prevent those grounds from being developed in the future. She asked Madison House to look at a shuttle to town so people can explore and local businesses can see more benefits.

Carlo Boyd, 29480 County Road 361, had concerns about keeping the land in agriculture. He also voiced concerns about the curfew and drugs and alcohol on the property during concert.

Jeff Dunn, 233 N. Sangre de Cristo, stated that his concerns were with people camping and trespassing on private property. He was also worried about the curfew and the noise going late into the night. He asked how they were planning to police issues like alcohol, drugs and violence.

Chuck Nachtrieb, 206 Neighbors Lane, stated that his concern was people parking on his street and trespassing through private properties.

Bob Kilborn, 14773 Neighbors Lane, stated most of his questions have been addressed but one thing he still has concerns about is water quality, as well as stream bank mitigation on Cottonwood Creek.

Jim Thompson, 17065 County Road 338 stated that this is an issue about the property rights of both the Selbys and the people in the surrounding area. He also had a concern about buckwheat and other endangered plants in the area being destroyed.

Chairman Giese stated there are two other departments that need to have some input: the Health department, to inspect food vendors; and the Noxious Weed Department, to ensure noxious weeds are not brought in.

David Lynch, 15264 County Road 350, stated that the concert is an important, financial part of keeping the Meadows property intact. He stated that he is in support of the application.

Kim Reese, 29343 County Road 358A, stated that she has concerns with the camping site on her east property line and the production area on her south property line. She is
also concerned about the road the production vehicles will be driving. Another concern is the noise from the generators noise.

Chairman Giese stated that Road and Bridge Superintendent Stacy would be looking at all the roads in the area and submitting a proposal to Madison House.

John Simmons, 29391 County Road 358, stated that he is against having the event at this location. He had quite a few concerns, including questions about the potential for fires, the fencing on the venue, drugs and alcohol, and noise levels of the music.

Mr. Sampliner from Madison House was able to answer his questions and provide clarification.

Theresa Simmons, 29391 County Road 358, stated concerns regarding the number of people that would be coming to the concert. She also had concerns about the curfew times and mentioned the curfew that Red Rocks has in place. She also mentioned that Red Rocks enforces a decibel limit. She had questions about what types of music and artists Madison House would have.

Mr. Sampliner stated that they are waiting for the County to approve their permit before announcing any artists. He stated that the genres of music will include blues rock, bluegrass, 70s folk rock/folk heroes, some funk and soul, a couple DJs but there would be no rap and no heavy metal types of music.

Mrs. Simmons reminded everyone of a shooting incident that occurred in June 2014 at a hip-hop concert at Red Rocks. She asked if it was still the intent to bring people in from the west on County Road 350.

Chairman Giese stated that that was is still correct, and the only thing that would alter those plans would be a traffic issue, like a broken down car.

Mrs. Simmons stated that for her and her neighbors there is no way out that does not involve navigating the festival and traffic. She had one other question about whether or not water and sewer trucks were going to be traveling on CR 350 as well.

Mr. Sampliner stated that there are no potable water trucks, they will be using the water from the wells on the land. Sewer trucks will be primarily on Crossman, servicing the toilets in the camping areas near there.

Randy Peters, 15685 Par Lane, voiced concerns regarding traffic, trespassing, damage to private property and weapons control at the concert.

Discussion was held regarding firearms and other weapons at the concert venue.

Julie Henderson, 18245 Crossman Ave., stated that this event came as quite a surprise, as she and her husband had been out of town. She voiced concerns regarding the
noise and proposed location. She stated that she appreciates the fact the concert will help the businesses in town but does not agree with the location.

Jerry Henderson, 18245 Crossman Ave., stated that he had concerns about the music starting in the morning, going all day and into the night. He also suggested that perhaps a location south of Buena Vista would be more appropriate.

Thad Putnam, 206 Thompson Ct., asked that the Board amend the curfew and questioned who bore the cost of the increase in EMS and Sheriff services.

Chairman Giese stated that additional staffing and time was charged to Madison House.

There was a discussion regarding the special events permit and what the County was allowed to do and restrict under those guidelines.

Robert Selby, 1008 Swift Cir., stated that he had purchased the property after being approached by the bank. He stated that the organic farm is wonderful, but it does not pay the property taxes. He and his family were invited to a Madison House festival and they were very impressed with the concert and how they had run everything.

Pat Jahla, 28992 County Road 361A, had concerns about endangered species in the area and wondered if the EPA had been contacted. She stated that she had no objections to the music or the noise but hoped a different location could be found, one that would not affect property values.

Scott Peterson, 29725 Pinon Lane, stated that he is a property owner near the venue and the Marketing Director for the Chaffee County Visitor’s Bureau. He announced that the Visitor’s Bureau had voted to support the event.

Amy Ames, 30812 County Road 356-1, stated that she supports the application because it will give her business a boost until next winter.

Bill Confer, 246 N. Sangre de Cristo and 248 N. Sangre de Cristo, stated that he had concerns about all the traffic coming down the dirt county roads. He was also concerned about any fires on the property, pets and people trespassing. He asked that the permit be denied.

Patricia Confer, 246 N. Sangre de Cristo and 248 N. Sangre de Cristo, stated that they are surrounded on multiple sides by the Meadows property and that they would not be able to go about their usual activities. She had no problem with the types of music Madison House said they would have but did not want to hear it 24 hours a day, for four days. She suggested that because there are many Christians in the community, perhaps they have Christian music on Sunday morning.
Commissioner Holman stated this application is for this year only. If the permit is approved and the event does not go well, they will not approve other requests in the future.

The Board recessed at 11:35 a.m.

The Board reconvened at 11:47 a.m.

Chairman Giese stated that the Board would now go through the application and discuss the concerns that have been voiced.

The Board and Mr. Sampliner held discussions on the concerns citizens had brought up during public comment.

Chairman Giese stated that he would not approve a curfew of 2:30 a.m. He wanted to discuss curfew further.

The Board and Mr. Sampliner held a discussion regarding the curfew.

Commissioner Potts stated that he would like to do a site visit and see the ingress and egress routes. He stated that there were many concerns about the proximity of adjacent properties to the proposed fence. He also stated that there needs to be further discussion regarding the curfew.

Chairman Giese stated that he does not want the Board to approve something, in turn forcing the hand of all the other cooperating agencies. He stated that without some issues being addressed, he thought it would be best to continue this to the next meeting in Buena Vista.

Mr. Sampliner requested that the Board continue this at the meeting next Tuesday, not in two weeks.

Commissioner Potts made a motion to continue this item until the meeting on March 8, 2016 and to hold the meeting in Buena Vista. Commissioner Holman seconded the motion. On the question, the motion passed.

Chairman Giese thanked the Town of Buena Vista for allowing the use of the facility and for setting up the venue.

Agenda Item C
Contract/Grant Consideration

- Riverview Management, Inc., dba Progressive Alarms, for installation of access readers at the Touber Building
County Administrator Christiansen stated that these access readers will help secure the Touber Building. He stated that the bid was reasonable based on information from a few other companies.

- AARMS National Institute for Jail Operations for development of policies and procedures for detention facility

Chaffee County Undersheriff Derek Bos stated that the current jail policies are 11 to 12 years old at this point. AARMS is a program that creates legal based jail guidelines that are updated through the year based on court rulings. The program includes online training every month for the detention staff. There is a cost upfront and then a monthly cost as well.

County Attorney Davis stated that it was important to get the jail policies updated as soon as possible

The Board held discussion with Finance Director Short regarding the 2016 budget.

Commissioner Potts made a motion to grant the request for contract for Riverview Management, Inc., dba Progressive Alarms, for the installation of access readers at the Touber Building and the contract for AARMS National Institute for Jail Operations for the development of policies and procedures for the detention facility. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item D
Consider a request for a Boundary Line Adjustment from Conrad & Janice Fisher and George & Maria Garcia. Property is located at 22620 Main St. and 22610 Main St., Lots 27, 28, 29, 30 & vacated alley and Lots 12, 13, 14, E1/2 15, & vacated alley Block 14, Townsite of Garfield.

Planning Manager Roorda gave the Board an overview of the request. He stated that the adjustment involves an equal exchange of land between the two parties.

Commissioner Holman made a motion to grant the request for a boundary line adjustment from Conrad & Janice Fisher and George and Maria Garcia in the Townsite of Garfield. Commissioner Potts seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item E
Consider a request from Glen Merrifield to amend Resolution 2014-44 to allow grandfathered status of existing marijuana establishments to go with the land not the lessee or licenses.

County Attorney Davis gave an overview of the previous resolutions and the current regulations.
The Board and County Attorney Davis held a discussion regarding what constituted a “break in operations.”

Charles Houghton, Attorney for Mr. Merrifield, stated that their concern was that after the lease terminates with the current operator, it takes some time for another operator to get the necessary permits and approval.

Commissioner Holman stated that as long as the Merrifields continue to own the land, he is okay with amending the resolution.

Glen Merrifield stated that he and his family have been here since the 1800s and they do not intend to leave the County.

Commissioner Potts and Chairman Giese stated that they agreed with Commissioner Holman that as long as the Merrifields continued as majority owner of the property, they were okay with amending the resolution.

Chairman Giese made a motion to approve Resolution 2016-16 with the discussed changes. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item F
Consider 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 Pueblo West Metropolitan District with respect to new diversion and measurement structure (Pioneer Ditch Augmentation Station) related to Hill Ranch water transfer decree, Case No. 01CW152.

County Planning Manager Roorda stated that the applicant and the applicant’s engineer have requested this be continued until August or September

Chairman Giese made a motion to continue until September 20, 2016. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item G
Discuss and establish dates and criteria to RICD administration and appoint County Representative to Flow Committee.

Chairman Giese made a motion to nominate Dave Potts as the County Representative to Flow Committee. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

Commissioner Potts stated that the Committee is adopting a five-year plan at the beginning of April.
Discussion was held with County Attorney Davis regarding setting dates with the state water engineer.

Consent Agenda
  ❖ Pay bills.

Chairman Giese made a motion to approve the Consent Agenda. Commissioner Potts seconded the motion. On the question, the motion carried 2 – 0. Commissioner Holman was not present for the vote.

Old Business
  ❖ County Road 302
  ❖ Cleora Railroad Crossing
  ❖ County Project Status

Chairman Giese made a motion to adjourn the March 1, 2016 Board of Commissioners’ meeting. Commissioner Holman seconded the motion. On the question, the motion carried 3 – 0.

The Board adjourned at 1:00 p.m.

Attest:

Lori Mitchell, County Clerk