The regular meeting of the Board of Commissioners was held on Tuesday, March 13, 2018 in the Commissioners’ meeting room at the Courthouse. Board members present were Chairman Dave Potts, Commissioner Keith Baker, and Commissioner Greg Felt.

Others present were Director of General Administration Bob Christiansen, Director of Finance Dan Short, County Attorney Jennifer Davis, Development Services Director Dan Swallow, Planning Manager Jon Roorda, Planner Christie Barton, Administrative Assistant Patty Baldwin, and County Clerk Lori Mitchell.

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

Public Notices
The Board reviewed the Public Meeting List.

Public Comment
There were no public comments.

Minutes of the December 5, 12, 2017, January 2, February 20, March 1 Special Meeting, March 6, 2018 meetings

Commissioner Baker moved to approve the minutes. Commissioner Felt seconded the motion. The motion carried unanimously.

Agenda Item A
Contracts/Grant Consideration

Finance Director Short outlined the contract which is for the County accounting software.

Commissioner Felt moved to approve the contract with Computer Information Concepts. Commissioner Baker seconded the motion. The motion carried unanimously.

*Agenda Item I
County Road 301 Impact Mitigation Agreement

County Attorney described the agreement.

Commissioner Baker moved to approve the agreement contingent upon the approval of Road and Bridge Supervisor Mark Stacy. Commissioner Felt seconded the motion. The motion carried unanimously.
Sheila Moore representing ACA Products asked the Board if by approving this agreement all of their requirements have been made. The Board asked Planning Manager Roorda if all of the requirements have been made and his answer was yes.

**Agenda Item J**
Determine the 8 event days in June under the County recreational in-channel diversion (RICD) (Select the 8 days in June when water rights for the RICD shall be 1,800 c f s)

County Attorney Davis described the Recreational In-Channel Diversion (RICD) and noted at this time the Board will just select the eight (8) days in June when water rights for the RICD shall be 1,800 cfs.

Commissioner Felt move to select June 10 to June 17, 2018 as the eight days for the RICD. Commissioner Baker seconded the motion. The motion carried unanimously.

**Agenda Item B**
9:15 a.m. - Public Hearings and consideration of recommendations from the February 27, 2017 Planning Commission with regard to the following matters:

a. **Whispering Pinons Acres Major Subdivision** - **Applicants:** Robert Wyzykiewicz and Rachel Hirschey **Location:** 11341 County Road 206, Salida **Zone:** Rural **Request:** To divide 40.68 acres into 12 lots with the minimum being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems

   Planner Christie Barton gave the staff report

   Applicant Robert Wyzykiewicz introduced himself the Board.

   There were no public comments.

   Commissioner Baker moved to approve the Whispering Pinons Acres Major Subdivision located at 11341 County Road 206, Salida. Commissioner Felt seconded the motion. The motion carried unanimously.

b. **Updates to the Chaffee County Land Use Code** – 1. Add to Article 15 – Definitions – Animal Shelter. 2. Add new Section: 5.2.3.K – Heritage Water Subdivision Exemption

   b. 1.
   Planning Manager Roorda gave the staff report.

   There were no public comments.
Commissioner Felt moved approve the change in definition for animal shelter and direct the County Attorney to prepare a resolution. Commissioner Baker seconded the motion. The motion carried unanimously.

b. 2.
Planning Manager Roorda gave the staff report.

There were no public comments.

Commissioner Felt moved to add New Section: 5.2.3.K Heritage Water Subdivision to the Land Use Code and directed the County Attorney to prepare a resolution to that effect. Commissioner Baker seconded the motion. The motion carried unanimously.

**Agenda Item C**

**10:00 a.m. – Public Hearing** – To consider a request for an Agricultural Subdivision Exemption. **Applicant:** E. Michael Senter **Location:** 12135 County Road 190-E, Salida **Legal:** Lot 2 of Senter Agricultural Subdivision Exemption #2. **Zone:** Rural **Request:** To divide 37.8 acres into two lots of 2.7 acres and 35.1 acres

Planner Barton gave the staff report.

There were no public comments.

Commissioner Baker moved to approve the request for an Agricultural Subdivision Exemption for E. Michael Senter for property located at 12135 County Road 190-E, Salida, and directed the County Attorney to prepare a resolution to that effect. Commissioner Felt seconded the motion. The motion carried unanimously.

**Agenda Item D and Item E were heard together**

**10:15 a.m. – Public Hearing** – For the purpose of receiving input regarding a petition to vacate a portion of County Road 154 near the intersection of U.S. Highway 291, Salida. Applicant is also requesting application fees be waived. Request is from the Salida Hospital District, dba Heart of the Rockies Medical Center (HRRMC) for the purpose of relocating the Colorado Department of Transportation (CDOT) access for County Road 154 to U.S. Highway 291 south to improve the site distance from the Arkansas River Bridge at U.S. Highway 291.

**Agenda Item E**

Consider Road Easement for County Road 154

Planning Manager gave the staff report.

County Attorney made comments about language that will be included in the resolution.
Applicant Representative Joe DeLuca of the Crabtree Group addressed the Board describing the entire project.

Applicant Representative Dan Christianson of HRRMC answered questions.

The Board asked questions of the County Attorney.

Commissioner Baker moved to approve the petition to vacate a portion of County Road 154 near the intersection of US Highway 291, Salida, and directed the County Attorney to prepare a resolution in accordance with the template provided and incorporate the necessary road easement for the new alignment of County Road 154 (Agenda Item F) and a waive application fees from the Community Development Department. Commissioner Felt seconded the motion. The motion carried unanimously.

Agenda Item F
Consider resolution for the Live Nation Special Event Permit

County Attorney Davis went through the resolution line by line and discussion was held with staff, the applicant, and the Board.

Live Nation Representative Sean O’Connell asked questions regarding access points and asphalt requirements.

Chairman Potts made a motion to consider the Live Nation Resolution for formal adoption on March 20, 2017. Commissioner Baker seconded the motion. The motion carried unanimously.

Agenda Item G
Consider resolution for the Oak Leaf Limited Impact appeal

Chairman Potts moved to hear this item on March 20, 2018. Commissioner Baker seconded the motion. The motion carried unanimously.

Agenda Item H
Consider repeal of the County Assessor’s decision regarding the Senior Property Tax Homestead Exemption

Commissioner Felt moved to repeal the County Assessor’s decision regarding the Senior Property Tax Exemption for Philip and Brenda Luensmann. Commissioner Baker seconded the motion. The motion carried unanimously.

*Agenda Item K
Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions and strategy involving the pending Rule 106 appeal in the ACA/Holman mining permit application matter.
County Attorney Davis asked the Board to go into executive session under Colorado Revised Statutes 24-6-402 4 B for the purposes of receiving legal advice on specific legal questions and strategy involving the pending Rule 106 appeal in the ACA/Holman mining permit application matter. In her legal opinion, such would be privileged attorney client communication and no further recording is necessary.

The Board went into executive session at 1:55 p.m.

The Board came out of executive session at 2:32 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on March 13, 2018 constituted privileged attorney-client communications.

Jennifer A. Davis, Chaffee County Attorney

I, Dave Potts, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on March 13, 2018 were confined to the topic described in the announcement of such session and authorized by the provisions of CRS 24-6-402(4)(b).

Dave Potts

Consent Agenda

- Report from the County Treasurer for the month of February, 2018
- Pay Bills

Commissioner Baker moved to approve the Consent Agenda. Commissioner Felt seconded the motion. The motion was carried unanimously.

Attest:

Lori Mitchell, County Clerk