

HART INTERCIVIC E00718900JB

Draft Minutes

Special Meeting

August 19, 2009

The Board of Commissioners held a Special Meeting on Wednesday, August 19, 2009 at the Commissioners Meeting Room at the Courthouse. Board members presents were Chairman Frank Holman, Commissioner Tim Glenn and Commissioner Dennis Giese. Others present were County Attorney Jenny Davis, County Development Services Director Don Reimer, Special Counsel Barbara Green, County Clerk Joyce Reno and Deputy County Clerk Merrilou Cicerelli.

Following the Pledge of Allegiance, Chairman Holman called the meeting to order at 9:01 a.m.

Chairman Holman asked for verification from the Deputy Clerk Cicerelli that the Commissioner's agendas were distributed appropriately. Deputy Clerk Cicerelli stated that the agendas had been distributed appropriately.

Chairman Holman stated that the reason for this special meeting was the continuation of the Public Hearing to consider a request from Nestle Waters North America, Inc. – Special Land Use Permit and 1041 Permit. The request is the development of spring water source, associated transmission pipeline and loading facility. Location: 12916 and 12974 Highway 24/285, Johnson Village, and TBD County Road 300, Nathrop. Pipeline will be located on the subject properties; and within the rights-of-way for County Road 300, County Road 301 and County Road 310, and within easements proposed for publicly and privately owned lands between the project properties.

County Attorney Davis commented that there had been requests from the applicant and the Citizens' for Sustainability for copies of the written comments on the latest draft of conditions that had been forward to Board members.

County Land Use Counsel Green stated that if the Board were to choose to hear the comments, they would then be added to the record. She stated the record currently was closed.

There was discussion among the Board and support staff as to whether they wanted to accept this information. It was determined that the public written and verbal comments had been closed and should remain closed.

County Attorney Davis presented an overview of what other staff members and she had been doing to get the conditions into a document. The mitigation document would be separate from the other conditions.

Special Counsel Green stated that information taken by staff from the public through August 13, 2009. County Economic Counsel Jean Townsend was in attendance to answer any questions by the Board during the day. She read a portion of the 1041 review standards "A permit application for a proposed project may not be approved unless the applicant satisfactorily demonstrates that the proposal including all mitigation measures proposed by the applicant, complies with all of the applicable criteria set forth in these regulations. If the application does not comply with all of the applicable criteria, the permit shall be denied, unless the Permit authority determines, in its discretion, that reasonable conditions to comply with the criteria".

Commissioner Giese asked staff to summarize the changes that had been made to the conditions from the last meeting.

Comments and questions were made by the Board and were answered by staff.

County Economic Counsel Townsend gave an overview of the Cost Reimbursement Fund. The fund was intended to reimburse costs directly attributable to the project and incurred by local governments. This was structured for costs that were directly

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attributable to the project for the permittee. There were quite a few procedures that the County and the applicant would follow. Any one receiving money from this fund would have to have a written request and the fund manager would then use their administrative discretion regarding submitting a written request for reinstatement. After twelve months, the fund would be reset to the amount of the largest three months use and kept at that amount for the remainder of the time. This money would be used to fund staff or consultants to monitor the happenings of the applicant.

The Board was okay with this arrangement.

Chairman Holman stated that the only item under contention was #21 dealing with conditions for the fishing access.

Discussion was held on this item.

The Board asked staff to present an overview of the conditions with revisions on the conditions.

County Development Services Director Reimer stated that conditions 27-40 satisfied the conditions.

County Land Use Counsel Green told the Board that they must make the decision if they would accept the conditions.

Each of the Board members presented their ending statements.

Commissioner Glenn made a motion to direct staff to prepare a resolution approving the Nestle Waters 1041 Application incorporating changes presented to the draft conditions. Commissioner Giese seconded the motion. On the question, the motion carried 3 - 0.

Commissioner Giese made a motion to direct staff to prepare a resolution approving the Special Land Use Permit incorporating the Planning Commission's recommendations and any 1041 conditions approved by the Board of Commissioners. Commissioner Glenn seconded the motion. On the question, the motion carried 3 - 0.

County Development Services Director Reimer stated that the County owned a couple of parcels of land that Nestle Waters would ask for an easement for and that an appraisal would have to be completed to do this.

Commissioner Giese made a motion to close the public hearing and deliberation process of the Nestle Waters North America Incorporated for a Special Land Use Permit and a 1041 Permit. Commissioner Glenn seconded the motion. On the question, the motion carried 3 - 0. The meeting adjourned at 11:55 a.m.

Attest:


Joyce M. Reno
Chaffee County Clerk

"The Board of County Commissioners (the "Board") acknowledges receipt of the above of the above draft meeting minutes. It is the policy of the Board, adopted at a regular meeting held on October 20, 2009, that the CD taken at the meeting shall constitute the official minutes of the meeting. To the extent that the above textual summary provides an overview of the subject matter discussed and action taken by the Board, the above shall constitute the visual text record of the Board. Any further detail, including summaries of testimony and deliberations, has not been approved by the Board should not be considered minutes of the Board."

Clerk's Note:

Since the Board of County Commissioners (the Board) did not approve the above minutes, they will remain as draft minutes as minutes of record. A CD is available for the official recording of this meeting.