



Chaffee County Commissioners Meeting
March 16, 2021

Due to the COVID-19 pandemic and State and County safer-at-home orders, these minutes have been taken remotely via Zoom meeting. Some County staff, representatives from other governments and government agencies, and others from the public attend, including participating in the public hearing portion of the meeting, remotely via Zoom meeting as well.

A. Call to Order

The regular meeting of the Board of Commissioners was held on March 16, 2021, at the Chaffee County Courthouse. Board members present were Commissioner Keith Baker (remotely), Chairman Greg Felt, Commissioner Rusty Granzella.

Others present in person were Director of General Administration Bob Christiansen, Director of Finance Dan Short, County Attorney Jennifer Davis, Assistant County Attorney Daniel Tom, Public Affairs Officer Beth Helmke, Development Services Director Dan Swallow, and Planner Christie Barton.

Others present remotely were Emergency Manager Rich Atkins, Planning Manager Jon Roorda, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

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

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

The following persons gave public comment with respect to Agenda item 9. the Upchurch Property Annexation (because they may not be available when this Agenda item is addressed today):

Charlie Farrell, 8255 County Rd. 141, Salida

Paula Farrell, 8255 County Rd. 141, Salida

Attorney Tom addressed the Board in response to P. Farrell's comments.

B. Minutes for Approval

1. Approve minutes for the March 9th regular meeting.

Commissioner Baker moved to approve the minutes of the March 9, 2021 Commissioners' regular meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

D. Regular Agenda Items

1. Presentation of Community Wildfire Protection Plan Annual Report for Year 1 - Forest Health Council
Cindy Williams on behalf of the Envision Forest Health Council presented the Next Generation Community Wildfire Protection Plan 2020 Annual Community Report along with John (JT) Shaver with the Colorado State Forest Service, US Forest Service Salida District Ranger Jim Pitts, Kent Maxwell and Chief Robert Bertram with the Chaffee County Fire Protection District, and County Emergency Manager Rich Atkins. Presenters responded to Commissioners' questions and Commissioners commented.

No formal action was taken.

2. **Public Hearing - Name of Project:** Joplin Properties, LLC Road and Alley Vacation of Right of Way (ROW) **Applicants:** Derrick Eggleston for Joplin Properties LLC **Location of properties adjacent to ROW proposed to be vacated:** 11125 County Road 198, 11218 County Road 198, 11232 County Road 197-A, 11227 County Road 197-A and the Union Pacific Railroad, Nathrop **Zone:** Residential **Request:** To vacate the northwesterly half of B Street adjacent to Block 16; the southeasterly half of C Street adjacent to Block 16; the southwesterly half of Fourth Street adjacent to Block 16 extended to the centerline of said B Street and said C Street; and all of the alley within Block 16; all in the Townsite of Nathrop. Access for these properties is from County Road 198 or county road 197-A. These rights of way do not have roads constructed in them.

Planner Barton addressed the Board concerning the Joplin Properties, LLC Road and Alley Vacation of Right-of-Way (ROW) for Applicant Joplin Properties LLC represented by Derrick Eggleston. Location of properties adjacent to ROW proposed to be vacated: 11125 County Road 198, 11218 County Road 198, 11232 County Road 197-A, 11227 County Road 197-A and the Union Pacific Railroad, Nathrop. Planner Barton, Attorneys Tom and Davis, and Planning Manager Roorda responded to Commissioners' questions.

Derrick Eggleston, 15870 T Rd., Buena Vista, co-owner with Jennifer Eggleston of Joplin Properties LLC, addressed the Board on behalf of Applicant.

Commissioner Granzella spoke followed by Derrick Eggleston. Commissioners Baker and Felt spoke. D. Eggleston responded to Commissioners' questions. Discussion ensued during which Attorneys Tom and Davis, Planner Barton, and Development Services Director Swallow responded to Commissioners' questions.

The meeting recessed at 10:57 a.m. for a short break. The meeting resumed at 11:00 a.m.

The public comment portion of the hearing opened at 11:01 a.m.

Public comments were given by:

Teri Martin, 11232 County Rd. 197A, Nathrop. Planner Barton responded to Martin's questions.

William Ortiz, 11225 County Rd. 198, Nathrop.

Charles Cole and Gracie Cole, 11227 County Rd. 197A, Nathrop. D. Eggleston responded to C. Cole's question.

The public comment portion of the hearing closed at 11:17 a.m.

D. Eggleston spoke. C. Cole responded to Commissioner's question.

Discussion ensued. Commissioners deliberated.

Commissioner Felt moved to approve the vacation request as submitted. The motion died for lack of a second.

Commissioner Granzella moved to approve vacation of the alley between B and C Streets and the vacation of the western half (1/2) of 4th Street between B and C Streets and direct staff to prepare a resolution for the April 6, 2021 meeting. Commissioner Felt seconded the motion. Discussion

ensued.

The motion carried with Commissioners Granzella and Felt voting FOR and Commissioner Baker voting AGAINST the motion.

9. Discuss Annexation of 6.22 acre parcel of incorporated and undeveloped land between CR 140 and CR 141-A north of Shepherd Road (Upchurch Property) in the City of Salida. - Attorney Tom

Attorney Tom addressed the Board to open the discussion of the annexation of a 6.22 acre parcel of incorporated and undeveloped land between County Rd. 140 and County Rd. 141A north of Shepherd Road (Upchurch Property) in the City of Salida. Discussion ensued during which Attorney Tom responded to Commissioners' questions.

The public comment portion of the hearing opened at 12:23 p.m.

Public comments were given by:

Charlie Farrell, 8255 County Rd. 141, Salida.

Ann Daniel, 7700 County Rd. 141D, Salida.

Cliff Whitehouse, 8195 County Rd. 141, Salida, via Zoom Chat (because of poor connection), which Chair Felt read into the record.

Dean Metzler, 8110 County Rd. 141C aka 8110 Pinon St., Salida.

Attorney Tom responded to Ann Daniel's question.

James Jacobson, 8175 Ponderosa Dr., Shavano Subdivision, Salida.

Attorney Tom responded to Jacobson's question.

Charlie Farrell commented further.

At Chair Felt's request, City of Salida Administrator Drew Nelson addressed the Board.

The public comment portion of the hearing closed at 12:59 p.m.

Discussion ensued.

Commissioner Felt moved to schedule a special meeting of the Board of Commissioners for this Agenda item regarding a letter from the Board of Commissioners to the City of Salida concerning the Upchurch annexation proposal on March 18, 2021 at 8:00 a.m. Commissioner Baker seconded the motion. Discussion ensued. The motion carried unanimously.

The meeting recessed at 1:17 pm. for a short break.

The meeting resumed at 1:35 p.m. for Agenda item 3.

3. Consider a request for matching funds for the Town of Buena Vista Recreation GOCO application. - Earl Richmond

Director Christiansen addressed the Board to consider a request for matching funds for the Town of Buena Vista Recreation GOCO Resilient Communities grant application.

Buena Vista Recreation Director Earl Richmond addressed the Board and responded to questions.

Commissioner Baker moved to approve the request for matching funds for the Town of Buena Vista Recreation GOCO grant application as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

The Board of Commissioners recessed at 1:43 p.m. The Board convened as the 1041 Permit Authority at 1:43 p.m.

E. Convene as 1041 Permit Authority

1. **Public Hearing - Continued from February 16, 2021 and originally continued from December 15, 2020 - Applicant:** Nestle Waters North America Inc. **Location:** 12974 Hwy 24/285, Johnson Village, 22565 and TBD CR 300, Nathrop, lying in the S1/2 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, and the SE1/4 SE1/4, all in Section 11, Township 15 South, Range 78 West, 6th P.M. **Zones:** Commercial and Rural **Request:** Ten (10) year extension of an existing 1041 Permit for a spring water production process, and associated transmission pipeline and loading facility.

All documents regarding this hearing may be found on the Chaffee County Public Notice website at <http://www.chaffeecounty.org/Public-Notices>

Chair Felt addressed the Board and public regarding this matter. Attorneys Davis and Tom provided an update regarding the County's economic study report.

Nestle Waters North America (NWN) Resource Manager Larry Lawrence, 5772 Jarupa St., Ontario, CA addressed the Board followed by NWN Land Use Counsel Caitlin Quander.

Quander and Attorney Davis responded to Commissioners' questions.

Chair Felt directed staff to publish the NWN 2020 Annual Report to the County website.

Commissioner Granzella moved to continue the NWN 1041 permit renewal public hearing to April 20, 2021 at 1:00 p.m. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board adjourned as the 1041 Permit Authority at 2:04 p.m. and reconvened as the Board of Commissioners for Agenda item 4.

D. Regular Agenda Items

4. Determine the eight days in June under the County recreational in-channel diversion (RICD)(i.e. the eight days in June when the water rights for the RICD should be 1,800 c.f.s. - Attorney Davis
Attorney Davis addressed the Board to select the eight (8) high-flow event days in June under the County recreational in-channel diversion (RICD) when the water rights for the RICD should be 1,800 cfs.

Commissioner Granzella moved to select Sunday, June 13 through Sunday, June 20, 2021 as the eight (8) high-flow event days in June under the County recreational in-channel diversion (RICD) when water rights for the RICD shall be a minimum of 1,800 cfs. Commissioner Baker seconded the motion. The motion carried unanimously.

5. Discuss potential enforcement action for the property located at 3400 Willow Lane. - Dan Swallow
Director Swallow addressed the Board to discuss potential enforcement action for the property located at 3400 Willow Lane, Poncha Springs, and responded to Commissioners' questions.

Attorney Tom responded to Commissioners' questions.

Discussion ensued.

Commissioner Granzella moved to direct County legal staff to pursue enforcement for the property located at 3400 Willow Lane, Poncha Springs, related to a land use code violation. Commissioner Baker seconded the motion. The motion carried unanimously.

6. Report from the County Sheriff

Commissioner Granzella moved to accept the County Sheriff's report for February 2021.

Commissioner Baker seconded the motion. The motion carried unanimously.

7. Consider a request for a Temporary Liquor License Transfer for the JV Food Shop in Johnson Village. -
County Clerk Mitchell

Attorney Tom addressed the Board to consider a request for a Temporary Liquor License Transfer for the JV Food Shop in Johnson Village and responded to Commissioners' questions.

Commissioner Baker moved to approve the Temporary Liquor License Transfer for the JV Food Shop in Johnson Village as presented and with the documents provided. Commissioner Granzella seconded the motion. The motion carried unanimously.

8. Open bids for seven county vehicles to be sold.

Attorney Tom addressed the Board requesting that this matter be continued to April 6, 2021 to allow for proper notice.

Commissioner Granzella moved to continue the bid process for seven (7) County vehicles to April 6, 2021, and set a cut-off date for bid offers of April 2, 2021. Baker seconded the motion. The motion carried unanimously.

10. Consider proclamation supporting agriculture, ranching and food production in Chaffee County. -
Commissioner Baker

Commissioner Baker addressed the Board to consider this Proclamation, which he read into the record.

Commissioner Baker moved to approve the Chaffee County Proclamation Supporting Agriculture, Ranching, and Local Food Production in Chaffee County as read into the record. Commissioner Granzella seconded the motion. The motion carried unanimously.

F. Consent Agenda

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

1. Pay bills

2. Report from the County Treasurer for the month of February, 2021.

G. Active Projects

H. Adjourn

Commissioner Granzella moved to adjourn the meeting. Commissioner Baker seconded the motion. The motion carried unanimously. The meeting was adjourned at 2:48 p.m.

I. Potential Road Trip

Attest:

A handwritten signature in cursive script that reads "Lori Mitchell". The signature is written in dark ink on a light-colored background.

Lori Mitchell, County Clerk