



Chaffee County Commissioners Meeting
April 20, 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 April 20, 2021, at the Chaffee County Courthouse. Board members present were Commissioner Keith Baker, 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, Deputy County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer Beth Helmke, Planning Manager Jon Roorda, and IT Ethan Smith.

Others present remotely were Director of Public Health Andrea Carlstrom, Director of Emergency Medical Services (EMS) Josh Hadley, 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
There was no public comment.

B. Minutes for Approval

1. Approve the minutes of the April 13th, 2021 regular meeting.

Commissioner Baker moved to approve the minutes of the April 13, 2021 Commissioners' regular meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Underwriter Engagement Agreement for Certificates of Participation (COP's) issuance.

Director Short introduced Alan Matlosz with Stifel, Nicolaus & Company, Inc. who addressed the Board to consider an Underwriter Engagement Agreement for Certificates of Participation issuance. Matlosz responded to Commissioner's questions.

Commissioner Granzella moved to approve the Underwriter Engagement Agreement for Certificates of Participation with Stifel, Nicolaus & Company, Inc. Commissioner Baker seconded the motion.

The motion carried unanimously.

D. Public Hearings and consideration of recommendations from the Planning Commission with regard to the following matters:

1. **Public Hearing - ** Requesting continuance to August, 17, 2021 ** Name of Project:** The Meadows Farm Outdoor Theater & Event Venue Major Impact Review **Applicants:** The Meadows Farm, LLC, represented by Davis Farrar & Matt Farrar **Location:** 14998 CR 350, 29062 CR 331, 15264 CR 350, 15284 CR 350, 15274 CR 350 and 15774 CR 359, Buena Vista **Zone:** Residential **Request:** To permit up to twelve (12) large scale events (i.e., events of over 1,000 attendees) per year; to allow these large scale events to be approved by 1) submittal of an "Event Plan" to Chaffee County; and 2) an Administrative Review approval process with the County; and to allow small-scale events (i.e., events of 1,000 attendees or less) as a use by right on the site and to have no limitations on the number of these events that can be hosted each year.

Planning Manager Roorda addressed the Board stating that Applicant requested that this matter be continued. Manager Roorda responded to Commissioners' questions.

Commissioner Granzella moved to approve a continuance to August 17, 2021 for The Meadows Farm Outdoor Theater & Event Venue Major Impact Review. Commissioner Baker seconded the motion. The motion carried unanimously.

E. Regular Agenda Items

1. Designate a 30 day period of higher flows (1,400 c.f.s.) under the County recreation in-channel diversion (RICD) (anywhere between the Friday before Memorial Day and the end of June).

Attorney Davis addressed the Board to designate a 30-day period of higher flows (1,400 cfs) under the County recreation in-channel diversion (RICD). Discussion ensued.

Commissioner Felt moved to designate June 1, 2021 through June 30, 2021 as the 30-day period of higher flows (1,400 cfs) for the County recreation in-channel diversion (RICD) water right. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. Discuss whether the Meadows Major Impact Review for an Outdoor Theater and Camping must obtain a permit under Chapter 9 of the 1041 Regulations for Development in Areas Containing or Having a Significant Impact upon Natural Resources of Statewide Importance. - Attorney Tom

Attorney Tom addressed the Board regarding this matter. He and Attorney Davis responded to Commissioners' questions.

Davis Farrar with Western Slope Consultants, 0165 Basalt Mountain Drive, Carbondale, addressed the Board.

Attorney Tom spoke. Farrar spoke further. Chair Felt spoke.

Commissioner Baker moved to continue the discussion of whether the Meadows Major Impact Review merits a 1041 review to a date determined or suggested by the County legal department. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. Consider a Resolution to Section 7.8.22 of the Land Use Code to Reduce Setbacks.

Attorney Tom addressed the Board to consider draft Resolution 2021-33 ADOPTING

AMENDMENTS TO THE CHAFFEE COUNTY LAND USE CODE REGARDING MARIJUANA SETBACKS FOR AN OPTIONAL CULTIVATION CENTER SECTION 7.8.22 B.2. Attorney Tom responded to Commissioner's question.

Commissioner Baker moved to approve Resolution 2021-33 ADOPTING AMENDMENTS TO THE CHAFFEE COUNTY LAND USE CODE REGARDING MARIJUANA SETBACKS FOR AN OPTIONAL CULTIVATION CENTER SECTION 7.8.22 B.2. Commissioner Granzella seconded the motion. The motion carried unanimously.

4. Consider a Resolution to Suspend Acceptance and Scheduling of any Land Use Application for Vacating Right of Ways in the Townsite of Nathrop for 180 days.

Attorney Tom addressed the Board to consider draft Resolution 2021-34 A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR ROAD AND ALLEY VACATIONS IN THE TOWNSITE OF NATHROP PENDING CONSIDERATION OF A COMPREHENSIVE TRANSPORTATION PLAN. Attorney Tom responded to Commissioners' questions.

Commissioner Granzella moved to approve Resolution 2021-34 A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR ROAD AND ALLEY VACATIONS IN THE TOWNSITE OF NATHROP PENDING CONSIDERATION OF A COMPREHENSIVE TRANSPORTATION PLAN. Commissioner Baker seconded the motion. The motion carried unanimously.

5. Consider additional fee waivers per the Chaffee Housing Trust's February, 19th 2021 request.

Read McCulloch, 246 Blake St., Salida, with Chaffee Housing Trust addressed the Board to consider additional fee waivers not to exceed \$3,500 and refund of \$400 previously paid.

Commissioner Baker spoke.

Commissioner Baker moved to approve the additional fee waivers requested by the Chaffee Housing Trust and amend their February 19, 2021 request. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed at 9:44 a.m. for a short break.
The meeting resumed at 9:50 a.m.

6. Consider temporary protocols and possible attendance limits for outdoor events in unincorporated Chaffee County during the current local disaster emergency (namely, the COVID pandemic).

Chair Felt addressed the Board regarding this matter followed by Director Carlstrom and Attorney Davis. Chair Felt spoke. Attorneys Davis and Tom responded to Commissioner's questions. Discussion ensued during which Director Hadley addressed the Board and responded to Commissioner's questions. Directors Carlstrom and Hadley spoke further.

Chair Felt opened up Public Comment at 10:29 a.m.
Public comments were given by:

Jed Selby, 901 S. Main St., Buena Vista.

Scotty Stoughton, founder of Bonfire Entertainment/Campout for the Cause and Meet Me At The Creek, 786 Majestic, Steamboat Springs, CO.

Julie Matway with Live Nation/Seven Peaks, 1201 Villa Place, Nashville, TN.

Brian O'Connell, President of Live Nation's Country Touring, 1201 Villa Place, Nashville, TN.

Carle Linke, 32709 Columbia Ranch Rd., Buena Vista.

Chair Felt closed Public Comment at 10:51 a.m.

Director Carlstrom responded to Stoughton's question. Director Hadley spoke. Matway responded to Director Hadley's comments. Director Carlstrom responded to Commissioner's question.

Discussion ensued during which Director Carlstrom spoke and responded to Commissioners' questions, and Matway, Attorney Davis, Selby, Attorney Tom, and O'Connell spoke.

Commissioner Felt moved to approve the following with respect to any event subject to the Board of Commissioners' permitting authority or any other event to take place within the jurisdiction of the Chaffee County Board of Health, including within municipalities of the County: maximum cap of 2,000 attendees at an outdoor event with the understanding that the cap would be reviewed at monthly Board of Health meetings, and in the meantime, any events requiring a permit would be required to submit a COVID element to the already required health and safety plan. The County will continue to accept applications and work with Applicants to set hearing dates that meet Applicants' needs and needs of the County for adequate analysis. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed at 11:56 a.m. for a short break.

The meeting resumed at 12:03 p.m.

7. Consider setting hearing dates for Live Nation and Meet Me at the Creek special event permits.

Chair Felt addressed the Board to consider setting hearing dates for Live Nation and Meet Me at the Creek special event permits.

Live Nation

Matway addressed the Board regarding setting a hearing date for Live Nation.

Attorneys Tom and Davis spoke. Chair Felt and Attorney Davis responded to Matway's questions regarding Live Nation's application.

Meet Me at the Creek

Michael Welle, Director, Operations at Bonfire Entertainment, 22040 Whitewood Dr. W, Steamboat Springs, CO addressed the Board.

Commissioner Granzella moved to approve a hearing date of June 22, 2021 for the Live Nation/Seven Peaks special event permit and a hearing date of June 1, 2021 for the Meet the Creek special event permit. Commissioner Baker seconded the motion. The motion carried unanimously.

9. Clarify meeting dates for the Chaffee County Board of County Commissioners (BOCC) for June, 2021.

Chair Felt addressed the Board to clarify meeting dates for the Chaffee County Board of County Commissioners (BOCC) for June, 2021.

Commissioner Baker moved to have the first regular meeting on June 1, 2021, a work session on June 14, 2021, the second regular meeting June 15, 2021, and the third regular meeting on June 22, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

10. Additional urgent item brought up at this time requiring action today:

Chair Felt addressed the Board and read a letter from Colorado Parks and Wildlife Area Wildlife Manager Jim Aragon concerning the conservation easement at Ruby Mountain Springs. Attorney Davis addressed the Board regarding this matter.

Commissioner Baker moved to provide a letter of support to Colorado Parks and Wildlife for the conservation easement at Ruby Mountain Springs. Commissioner Granzella seconded the motion. The motion carried unanimously.

G. Consent Agenda

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

1. Pay bills
2. Report from the County Treasurer for the month of March, 2021.

E. Regular Agenda Items

8. Executive session under C.R.S. Sec. 24-6-402(4)(b) for purposes of receiving legal advice from County Attorney Davis and Deputy County Attorney Tom in connection with Nwana 1041 Permit. Attorney Cottom and Directors Christiansen and Short may also attend.

The Board recessed as the Board of Commissioners at 12:04 p.m. and convened as the 1041 Permit Authority.

Chair Felt addressed the Board regarding this matter.

Attorney Davis stated that this portion of the meeting would constitute attorney-client communication, that no further recording of this portion of the meeting would be required, and that no decisions would be made in executive session.

Commissioner Granzella moved to go into executive session under CRS Sec. 24-6-401(4)(b) for purposes of receiving legal advice from County Attorney Davis and Deputy County Attorney Tom in connection with the Nestle Waters North America (Nwana) 1041 Permit. Commissioners Keith Baker, Greg Felt, and Rusty Granzella; County Attorney Jennifer Davis, and Deputy County Attorney Tom will attend. Assistant County Attorney Miles Cottom and Directors Christiansen and Short may also attend. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board acting as the 1041 Permit Authority moved into executive session at 12:07 p.m.

The Board of Commissioners acting as the 1041 Permit Authority came out of executive session at 1:06 p.m. with no decisions being made.

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 April 20, 2021, constituted privileged attorney-client communication.

Jennifer A. Davis, Chaffee County Attorney

I, Greg Felt, Chairman of the Chaffee County Board of County Commissioners acting as the 1041 Permit Authority, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on April 20, 2021 were confined to the topic described in the announcement of such session and authorized by the provisions of CRS 24-6-402(4)(b).

Greg Felt, Chairman

F. Convene as 1041 Permit Authority

1. **1:00 P.M. - Public Hearing - Continued from March 16, 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>

The regular meeting resumed at 1:14 p.m. The Board remained convened as the 1041 Permit Authority.

Chair Felt addressed the Board stating that Ed Harvey of Harvey Economics (HE) would present regarding HE's draft Economic Impact report. Chair Felt stated that there has been a change of ownership of Nestle Waters North America (Nwana) and mentioned the letter from Area Wildlife Manager Aragon regarding the conservation easement and request for a letter of support from the Board of Commissioners, which the Board approved today and will ratify at its May 4, 2021 meeting.

Ed Harvey introduced himself along with his associate Jessica Harvey, gave his presentation, and he and Jessica Harvey responded to Commissioners' questions.

Attorney Davis responded to Commissioners' questions.

Nwana Resource Manager Larry Lawrence, 5772 Jurupa St. Ontario, CA, spoke.

Discussion ensued during which Attorney Davis responded to Commissioners' questions.

Following discussion, Chair Felt stated that an Nwana hearing will be scheduled for May 18, 2021 at 1:00 p.m. for Nwana to ask questions of HE and present a response to Commissioners followed by public comment. Lawrence stated that he and Caitlin Quander will be available for that hearing.

Commissioner Baker moved to accept the Harvey Economics Power Point Presentation shown today

and the report that will be received tomorrow for the 1041 permit renewal. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Granzella moved to continue the Nwana 1041 permit renewal hearing to May 4, 2021 at 1:00 p.m. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board adjourned as the 1041 Permit Authority at 3:42 p.m. and reconvened as the Board of Commissioners.

H. Active Projects

I. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:44 p.m.

J. 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