



Chaffee County Commissioners Meeting
June 15, 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 June 15, 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, Assistant County Attorney Miles Cottom, Assessor Brenda Mosby, Planning Manager Jon Roorda, Administrative Assistant Debbie Fesenmeyer, and IT Ethan Smith.

Others present remotely were Development Engineer Gary Greiner, Public Affairs Officer Beth Helmke, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:06 a.m.

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

As an introduction to Public Comment, Chair Felt stated that those who give public comment will be required to state that they will tell the truth before speaking.

There was no public comment.

B. Minutes for Approval

1. Approve the minutes of the June 1, 2021 regular meeting.

Commissioner Baker moved to continue consideration of approval of the minutes of the June 1, 2021 Commissioners' regular meeting to June 22, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. Approve the minutes of the June 10, 2021 special meeting.

Commissioner Baker moved to approve the minutes of the June 10, 2021 Commissioners' special meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Consider approval of a contract with L.M. Kersting in the amount of \$243,678.25 for the remodel of the Assessor's Office.

Director Christiansen and Assessor Mosby addressed the Board to consider approval of a contract with L.M. Kersting in the amount of \$243,678.25 for the remodel of the Assessor's Office. Assessor Mosby responded to Commissioner's question.

Commissioner Granzella moved to approve the contract with L.M. Kersting in the amount of \$243,678.25 for the remodel of the Assessor's Office. Commissioner Baker seconded the motion. The motion carried unanimously.

D. 9:15 a.m. - Public Hearings and consideration of recommendations from the Planning Commission Meetings with regard to the following matters:

1. **Public Hearing - Name of Project:** Larks Perch Major Subdivision Sketch Plan **Applicants:** 9479 Hutchinson, LLC c/o Integrity Trust Company, represented by Crabtree Group, Inc. **Location:** 9479 Hutchinson Lane, Salida **Zone:** Rural **Request:** To subdivide 36.9 acres into seven (7) lots, ranging in size from 2.1 to 19.4 acres. The lots are aligned along Hutchinson Lane, and drainage easements will protect the existing drainages. Wells and on-site wastewater treatment systems will serve the property. The lots will have individual driveways onto Hutchinson Lane.

Manager Roorda addressed the Board to consider Larks Perch Major Subdivision Sketch Plan located at 9479 Hutchinson Lane, Salida for Applicant 9479 Hutchinson, LLC c/o Integrity Trust Company, represented by Crabtree Group Inc. Manager Roorda responded to Commissioners' questions.

Applicant representative Tracy Vandaveer of Crabtree Group Inc., 325 D St., Salida, stated he promises to tell the truth and addressed the Board and responded to Commissioners' questions.

Engineer Greiner addressed the Board.

The public comment portion of the hearing opened at 10:10 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated during which Vandaveer and Manager Roorda responded to Commissioners' questions and Attorney Davis spoke.

Commissioner Granzella moved to approve the Larks Perch Major Subdivision Sketch Plan; Applicant: 9479 Hutchinson, LLC c/o Integrity Trust Company, represented by Crabtree Group Inc.; Location: 9479 Hutchinson Lane, Salida; and to adopt the conditions of Planning & Zoning with the exceptions of numbers 4, 5, 6, 7, and 10 and adjust them as discussed in this session. Commissioner Baker seconded the motion. The motion carried unanimously.

2. **Public Hearing - **Request Continuance to July 13, 2021 ** Continued from May 4, 2021 - Name of Project:** Cooper Property Minor Subdivision Final Plat **Applicants:** Joe Edward Cooper Living Trust, represented by Joe Cooper and Antonia Cooper **Location:** 9325 County Road 160 and 9693 County Road 163, Salida **Zone:** Rural **Request:** To re-subdivide Tract 1A-R of the Cooper

Property Boundary Line Adjustment No. 2 of 16.73 acres into four (4) tracts; three of which will be 2.0 acres and the remainder tract of 10.73 acres. A request for a waiver of Section 7.3.7C1 to allow a private road easement for access and frontage to the lots off County Road 163. Wells and on-site wastewater treatment systems will serve the property.

At the request of Applicant, Manager Roorda addressed the Board to request a continuance of this matter to July 13, 2021.

Commissioner Baker moved to continue to July 13, 2021 the Cooper Property Minor Subdivision Final Plat **Applicants:** Joe Edward Cooper Living Trust, represented by Joe Cooper and Antonia Cooper **Location:** 9325 County Road 160 and 9693 County Road 163, Salida. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. **Public Notice - **Request continuance to July 13, 2021** This item originally continued on January 19, 2021 and again continued on February 9, 2021, March 9, 2021, April 13, 2021 and May 4, 2021 - Name of Project:** Land Use Code Text Amendment - correction to Table 7.7.2 Salida Airport Overlay District Applicants: Chaffee County Staff **Request:** Remove existing Section 7.7.2 Salida Airport Overland District and replace it with proposed new section. Text is available at <https://www.chaffeecounty.org/Planning-and-Zoning-Planning-Commision>

Manager Roorda addressed the Board to request a continuance of this matter to July 13, 2021, and responded to Commissioner's question.

Commissioner Granzella moved to continue to July 13, 2021, consideration of the Land Use Code Text Amendment regarding the airport overlay. Commissioner Baker seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 10:55 a.m. The meeting resumed at 11:01 a.m.

E. Regular Agenda Items

1. **Public Hearing - Name of Project:** Lofgren Heritage Water Subdivision Exemption **Applicants:** Jacob & Sherri Lofgren, represented by Mike Henderson **Location:** 9245 County Road 156, Salida **Zone:** Rural **Request:** To subdivide approximately 10 acres into two lots of 4.42 and 4.99 acres, and 0.44 acres of right of way dedication for County Road 156. Wells and on-site wastewater treatment systems will serve the property.

Manager Roorda addressed the Board to consider the Lofgren Heritage Water Subdivision Exemption located at 9245 County Road 156, Salida, for Applicants Jacob and Sherri Lofgren, represented by Mike Henderson. Manager Roorda responded to Commissioners' questions.

Applicant Jacob Lofgren, 7918 Jared Way, Littleton, CO, stated that he will tell the truth and addressed the Board. Lofgren responded to Commissioner's question.

The public comment portion of the hearing opened at 11:15 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated.

Commissioner Granzella moved to approve the Lofgren Heritage Water Subdivision

Exemption; Applicants: Jacob and Sherri Lofgren, represented by Mike Henderson; Location: 9245 County Road 156, Salida; and to adopt the staff recommendations except for 2, 3, and 4, to totally strike them, and direct staff to prepare a resolution for July 6, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

2. **Public Hearing - Name of Project:** Nighthawk Heritage Water Subdivision Exemption
Applicants: Steve O'Neill **Location:** 9395 County Road 160, Salida **Zone:** Rural **Request:** To subdivide 7.7 acres into two lots of 4.04 and 3.54 acres, and 0.12 acres of right of way dedication for County Road 163. Wells and on-site wastewater treatment systems will serve the property.

Manager Roorda addressed the Board to consider the Nighthawk Heritage Water Subdivision Exemption, located at 9395 County Road 160, Salida, for Applicant Steve O'Neill. Manager Roorda responded to Attorney Davis' and Commissioners' questions.

Applicant Steve O'Neill, 9395 County Rd. 160, Salida, introduced himself and stated he had no comments.

The public comment portion of the hearing opened at 11:29 a.m.

Public comments were given by:

Geoff Anderson, 1331 17th St., Suite 800, Denver, CO, representing the Cooper Trust, stated that he promised to tell the truth and addressed the Board.

Commissioners commented in response to Anderson's comments.

The public comment portion of the hearing closed at 11:34 a.m.

Applicant O'Neill had no response to public comment.

Commissioner Baker moved to approve the Nighthawk Heritage Water Subdivision Exemption application; Applicant: Steve O'Neill; Location: 9395 County Road 160, Salida, and direct staff to prepare a resolution to that effect for the July 6, 2021 meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. Consider approval of funding various capital projects through the issuance of Certificates of Participation secured by the Detention Facility and a resolution authorizing and approving documents in connection with the issuance, including without limitation a Site Lease, Lease Purchase Agreement, and Preliminary Official Statement. - Attorney Davis and Finance Director Short

Attorney Davis addressed the Board to consider approval of draft Resolution 2021-43 regarding funding various capital projects through the issuance of Certificates of Participation secured by the Detention Facility and authorizing and approving documents in connection with the issuance, including without limitation a Site Lease, Lease Purchase Agreement, and Preliminary Official Statement.

Director Short addressed the Board.

Attorney Davis and Director Short responded to Commissioners' questions.

Alan Matlosz of Stifel Public Finance, 1401 Lawrence St., Denver, CO, stated that he agrees to tell the truth and addressed the Board.

Commissioner Granzella moved to approve Resolution 2021-43 A RESOLUTION AUTHORIZING AND APPROVING DOCUMENTS IN CONNECTION WITH THE LEASE PURCHASE FINANCING TO FUND CERTAIN PUBLIC IMPROVEMENTS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED 8.5 MILLION DOLLARS (\$8,500,000).

Commissioner Baker seconded the motion. The motion carried unanimously.

4. Consider release of lot sales restriction for Nola Minor Subdivision.

Manager Roorda addressed the Board to consider release of the lot sales restriction for Nola Minor Subdivision and responded to Commissioner's questions.

Commissioner Granzella moved to approve release of the lot sales restriction for Nola Minor Subdivision. Commissioner Baker seconded the motion. The motion carried unanimously.

5. Release escrow for storm water detention basing for 10764 Sawatch Range Road aka Lot 9 Vista Sawatch Subdivsion.

Manager Roorda addressed the Board to consider release of the escrow for the storm water detention basin for 10764 Sawatch Range Road aka Lot 9 Vista Sawatch Subdivision per Applicant's request. Manager Roorda responded to Commissioner's question.

Commissioner Baker moved to approve release of the escrow for the storm water detention basin for 10764 Sawatch Range Road aka Lot 9 Vista Sawatch Subdivision. Commissioner Granzella seconded the motion. The motion carried unanimously.

6. Consider Resolution 2021-40 approving the Farney Heritage Water Subdivision Exemption.

Attorney Davis addressed the Board to consider draft RESOLUTION 2021-40 APPROVING THE FARNEY HERITAGE WATER SUBDIVISION EXEMPTION. Manager Roorda responded to Attorney Davis' and Commissioners' questions.

Commissioner Baker moved to approve RESOLUTION 2021-40 APPROVING THE FARNEY HERITAGE WATER SUBDIVISION EXEMPTION. Commissioner Granzella seconded the motion. The motion carried unanimously.

7. Consider Resolution 2021-41 approving the McFarland Heritage Water Subdivision Exemption

Attorney Davis addressed the Board to consider per Applicant's request continuance to July 20, 2021 the consideration of draft RESOLUTION 2021-41 APPROVING THE MCFARLAND HERITAGE WATER SUBDIVISION EXEMPTION.

Commissioner Granzella moved to continue consideration of RESOLUTION 2021-41 APPROVING THE MCFARLAND HERITAGE WATER SUBDIVISION EXEMPTION to July 20, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

Attorney Davis addressed the Board. Discussion ensued. No further formal action was taken.

8. Consider a resolution designating operating hours, areas of public assembly and unauthorized activities on County properties. - Attorney Tom

Attorney Davis addressed the Board regarding draft RESOLUTION 2021-32 DESIGNATING OPERATING HOURS, AREAS OF PUBLIC ASSEMBLY AND UNAUTHORIZED ACTIVITIES ON COUNTY PROPERTIES. Attorney Davis responded to Commissioners' questions.

Discussion ensued.

Commissioner Baker moved to continue consideration of draft RESOLUTION 2021-32 DESIGNATING OPERATING HOURS, AREAS OF PUBLIC ASSEMBLY AND UNAUTHORIZED ACTIVITIES ON COUNTY PROPERTIES to June 22, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

9. Consider a request for the renewal of a Beer and Wine On-Premises License for Station 24.

Chair Felt addressed the Board to consider a request for the renewal of a Beer and Wine On-Premises License for Station 24.

Commissioner Granzella moved to approve the renewal of a Beer and Wine On-Premises License for Station 24 and waive the local license fees of \$175.00. Commissioner Baker seconded the motion. The motion carried unanimously.

10. Consider an application for a new Liquor Store, for applicant, BV Outdoors, LLC dba Buena Vista KOA.

Attorney Davis addressed the Board regarding an application for a new Liquor Store for Applicant BV Outdoors, LLC dba Buena Vista KOA. She stated that Clerk Mitchell requested to set a hearing date for no earlier than June 26, 2021, and establish a one or two-mile radius around the property for notification. Attorney Davis responded to Commissioners' questions.

Commissioner Baker moved to accept the application for a new Liquor Store for Applicant BV Outdoors, LLC dba Buena Vista KOA, establish the neighborhood for that consideration of a one-mile radius from the campground, and schedule the hearing for July 6, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

11. Consider approving the Chaffee County 2020 audit.

Director Short addressed the Board to consider approving the Chaffee County 2020 audit.

Commissioner Baker moved to approve and accept the Chaffee County 2020 audit as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

12. Consider Resolution 2021-42 appointing referees for the Board of Equalization hearings and appointing arbitrators for appeals from decisions of the Board of Equalization.

Attorney Davis addressed the Board to consider draft RESOLUTION 2021-42 APPOINTING REFEREES FOR BOARD OF EQUALIZATION HEARINGS, AND APPOINTING ARBITRATORS FOR APPEALS FROM DECISIONS OF THE BOARD OF EQUALIZATION. Assistant Fesenmeyer addressed the Board.

Commissioner Granzella moved to approve RESOLUTION 2021-42 APPOINTING REFEREES FOR BOARD OF EQUALIZATION HEARINGS, AND APPOINTING ARBITRATORS FOR APPEALS FROM DECISIONS OF THE BOARD OF EQUALIZATION. Commissioner Baker seconded the motion. The motion carried unanimously.

13. Consider engagement with Revize Software Systems, LLC for Chaffee County Government website redesign and development project.

Public Affairs Officer Helmke addressed the Board to consider engagement with Revize LLC dba Revize Software Systems for the Chaffee County Website Redesign and Development Project. Director Christiansen responded to Commissioners' questions.

Commissioner Baker moved to approve engagement with Revize LLC dba Revize Software Systems for the Chaffee County Website Redesign and Development Project. 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 Chaffee County Veterans Service Officer for May, 2021.

Additional item not on Agenda

Chair Felt brought up an email request from Nathan to allow 'equal time' for representatives of an opposition group to speak at both the June 22, 2021 and August 17, 2021 public hearings regarding the Seven Peaks/Live Nation event and The Meadows venue application event respectively.

Discussion ensued during which Attorneys Cottom and Davis spoke.

By consensus, the Commissioners agreed that regarding the Seven Peaks/Live Nation hearing on June 22, 2021, one opposition group will be allowed 20 minutes to speak; the group must identify the people it represents; and the group will be encouraged to send information to the Commissioners by the Thursday before the hearing date. It was clarified that this is strictly related to the Seven Peaks/Live Nation application, that this is not setting precedent, that the Commissioners are working on policy, and this will be on an agenda in July, 2021.

The Board of Commissioners and the meeting recessed at 12:44 p.m. for a break.

G. Convene as 1041 Permit Authority

The Board of Commissioners convened as the 1041 Permit Authority at 1:18 p.m.

1. **1:00 P.M. - Public Hearing - Continued from May 18, May 4, April 20, 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 of the 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 to introduce this continued hearing. Attorney Davis responded to Commissioners' questions.

Chair Felt invited Applicant representatives to present their rebuttal.

The following Applicant representatives introduced themselves:

Blue Tritan Brands Natural Resource Manager Larry Lawrence, 5772 Jarupa St., Ontario, CA, stated he promised to tell the truth.

Land Use Counsel Caitlin Quander of Brownstein Hyatt Farber Schreck, 410 Seventeenth St., Suite 220, Denver, CO, stated she promised to tell the truth.

Lawrence addressed the Board, shared his presentation, and he and Quander responded to Commissioners' questions.

The meeting recessed at 2:06 p.m. for a short break. The meeting resumed at 2:13 p.m.

Quander addressed the Board regarding her handout to Commissioners and Attorney Davis during the break. Commissioners accepted into the record this 1041 Compliance Table and Regulations, which Quander stated was included as an Exhibit in the 2020 Annual Report submitted to the C in March 2021.

Lawrence, Quander, and Attorney Davis responded to Commissioners' questions.

Chair Felt addressed the Board regarding the Board initiating its evaluation of 1041 standards for this new permit.

Discussion ensued regarding the 1041 standards during which Attorneys Davis and Quander and Lawrence responded to Commissioners' questions.

The meeting recessed at 4:22 p.m. for a short break. The meeting resumed at 4:31 p.m.

Discussion continued.

Commissioner Baker moved to continue this Blue Triton Brands hearing to a special meeting on June 24, 2021 at 9:00 a.m. Commissioner Granzella seconded the motion. The motion carried unanimously.

The Board adjourned as the 1041 Permit Authority at 5:02 p.m. and reconvened as the Board of

Commissioners at 5:02 p.m.

H. Active Projects

I. Adjourn

Commissioner Granzella moved to adjourn the meeting. Commissioner Baker seconded the motion. The motion carried unanimously. The meeting was adjourned at 5:02 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