



Chaffee County Commissioners Meeting
August 3, 2021

These minutes have been taken remotely via Zoom. Some County staff, representatives from other governments and government agencies, and others from the public may attend, including participating in the public hearing portion of the meeting, remotely via Zoom.

A. Call to Order

The regular meeting of the Board of Commissioners was held on August 3, 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, Planner Greg Laudenslager, Assessor Brenda Mosby, Residential Appraiser Daren Williams, Deputy Assessor/Land Appraiser Dean Russell, Development Services Director Dan Swallow, Planning Manager Jon Roorda, and IT Ethan Smith.

Deputy County Clerk Barbara Tidd was present remotely.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:02 a.m.

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

The following persons gave public comment:

Chris Martin, 30991 County Rd. 356, Buena Vista, stated that he promised to tell the truth.

Susan Nies, 30640 Promontory East, Buena Vista, stated that she promised to tell the truth.

Planner Laudenslager, Attorney Tom, and Public Affairs Officer Helmke spoke.

Dr. Jerry Raski, 10158 Starlight Ln., Salida, stated that he promised to tell the truth.

Commissioners Granzella and Felt and Attorneys Tom and Davis spoke.

John Armstrong, 7032 County Rd. 107, Salida, stated that he promised to tell the truth.

Commissioner Baker spoke.

Christina Ruiz de Molina, 3026 Overhill Rd., Birmingham, AL, stated that she told the truth.

Commissioner Granzella and Helmke spoke.

B. Minutes for Approval

1. Approve the minutes from the July 20, 2021 regular meeting.
Commissioner Granzella moved to approve the minutes of the July 20, 2021 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

D. Convene as the Board of Equalization

The Board of Commissioners recessed as the Board of Commissioners at 9:38 a.m. and convened as the Board of Equalization.

1. To consider referee's recommendations from property tax hearings

Chair Felt and Assessor Mosby addressed the Board regarding the Referee's recommendations from property tax hearings. Assessor Mosby responded to Commissioners' questions. Appraisers Williams and Russell spoke.

Chair Felt asked for public comment. There was no public comment.

Commissioner Baker moved to approve the Board of Equalization's recommendations from the property tax appeals hearings for 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

The Board adjourned as the Board of Equalization at 9:52 a.m. and reconvened as the Board of Commissioners at 9:52 a.m.

E. Regular Agenda Items

1. **Public Hearing - Name of Project:** Darland Heritage Water Subdivision Exemption **Applicants:** Elmer R. Darland & Muriel Darland Trust, Patricia Casey, Trustee; Represented by Julie Kersting **Location:** 34515 N Highway 24, Buena Vista **Zone:** Rural and Rural Commercial/Recreational (RCR) **Request:** To subdivide 58.04 acres into two lots of 5.00 acres (Parcel 1) and 53.04 acres (Parcel 2). Wells and on-site wastewater treatment systems will serve the property. Parcel 1 will retain the domestic well.

Manager Roorda addressed the Board to consider the Darland Heritage Water Subdivision Exemption for **Applicants** Elmer R. Darland and Muriel Darland Trust, Patricia Casey, Trustee; Represented by Julie Kersting; **Location:** 34515 N Highway 24, Buena Vista. Manager Roorda responded to Commissioners' questions.

Chair Felt invited Applicant Representative Julie Kersting, 33630 Mt. Harvard Cir., Buena Vista, to speak. She stated that she promised to tell the truth and addressed the Board.

Attorney Tom and Manager Roorda responded to Commissioner's questions.

The public comment portion of the hearing opened at 9:59.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Granzella moved to approve the Darland Heritage Water Subdivision Exemption; **Applicants** Elmer R. Darland and Muriel Darland Trust, Patricia Casey, Trustee; Represented by Julie Kersting; **Location:** 34515 N. Highway 24, Buena Vista, accepting the conditions of approval and direct staff to prepare a resolution for approval on August 17, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

2. ****Continued from June 15, 2021**** Consider Resolution 2021-41 approving the McFarland Heritage Water Subdivision Exemption

Manager Roorda addressed the Board concerning the McFarland Heritage Water Subdivision Exemption and requested that this matter be continued. Attorney Tom addressed the Board.

Commissioner Granzella moved to continue consideration of Resolution 2021-41 APPROVING THE MCFARLAND HERITAGE WATER SUBDIVISION EXEMPTION to August 17, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

3. Consider entering a building inspections Intergovernmental Agreement with the City of Salida. - Dan Swallow

Attorney Tom addressed the Board to consider entering into a Building Inspection Intergovernmental Agreement with the City of Salida. Attorney Tom and Director Swallow responded to Commissioners' questions.

Commissioner Baker moved to approve entering into the Building Inspection Intergovernmental Agreement with the City of Salida as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

4. Consider a request for the renewal of a Hotel & Restaurant Liquor License for Cliff Hangers Inc. dba Cliffhangers at 22720 W. Highway 50, Salida.

Chair Felt addressed the Board to consider a request for the renewal of a Hotel & Restaurant Liquor License for Cliff Hangers Inc. dba Cliffhangers at 22720 W. Highway 50, Salida.

Commissioner Granzella moved to approve the renewal of the Hotel & Restaurant Liquor License for Cliff Hangers Inc. dba Cliffhangers at 22720 W. Highway 50, Salida, and waive the local fee. Commissioner Felt seconded the motion. The motion carried with Commissioners Felt and Granzella voting FOR the motion. Commissioner Baker was not present for the vote.

5. Introduction and First Reading of Proposed Ordinance Adopting Regulations Concerning the Application and Licensing, Permitting or Operation of Short-Term Rentals in Unincorporated Portions of Chaffee County.

Attorney Tom addressed the Board describing the process for approval of this proposed ordinance. Attorney Tom responded to Commissioner's question. Attorney Tom introduced and provided the First Reading of Ordinance No. 2021-002 AN ORDINANCE ADOPTING REGULATIONS CONCERNING THE APPLICATION AND THE LICENSING, PERMITTING, OR OPERATION

OF SHORT-TERM RENTALS IN UNINCORPORATED PORTIONS OF CHAFFEE COUNTY.

Commissioner Granzella spoke.

Discussion ensued during which Attorney Tom, Administrative Assistant Fesenmeyer, and Director Swallow responded to Commissioners' comments and questions.

Attorney Tom stated that the Second Reading will be on September 7, 2021.

No formal action was taken.

6. Consider Resolution 2021-54 Broadview ROSI Plat Amendment.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-54 APPROVING BROADVIEW ROSI LOT 3B PLAT AMENDMENT.

Commissioner Granzella moved to approve RESOLUTION 2021-54 APPROVING BROADVIEW ROSI LOT 3B PLAT AMENDMENT with the correction on the wording. Commissioner Baker seconded the motion. The motion carried unanimously.

7. Consider Resolution 2021-53 for the Haygood Plat Amendment

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-53 APPROVING HAYGOOD PLAT AMENDMENT.

Commissioner Baker moved to approve RESOLUTION 2021-53 APPROVING HAYGOOD PLAT AMENDMENT. Commissioner Granzella seconded the motion. The motion carried unanimously.

8. Consider Resolution 2021-?? for the Sage Heights Major Subdivision Sketch Plan

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-57 CONDITIONALLY APPROVING THE FINAL SKETCH PLAN FOR SAGE HEIGHTS MAJOR SUBDIVISION.

Commissioner Granzella moved to approve RESOLUTION 2021-57 CONDITIONALLY APPROVING THE FINAL SKETCH PLAN FOR SAGE HEIGHTS MAJOR SUBDIVISION. Commissioner Baker seconded the motion. The motion carried unanimously.

9. Consider Resolution 2021-?? for the Swift Vacation Right of Way

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-56 VACATING CERTAIN RIGHT OF WAY OF AN ALLEYWAY IN THE TOWNSITE OF GARFIELD BETWEEN JONES STREET AND SPRING STREET.

Commissioner Granzella moved to approve RESOLUTION 2021-56 VACATING CERTAIN RIGHT OF WAY OF AN ALLEYWAY IN THE TOWNSITE OF GARFIELD BETWEEN JONES STREET AND SPRING STREET. Commissioner Baker seconded the motion. The motion carried unanimously.

10. Consider entering into a Public Access Agreement for Viewing Area on Centerville Way with

Grantor, Jeff Ince.

Attorney Tom addressed the Board to consider entering into a Public Access Easement for a Viewing Area on Centerville Way with Grantor Jeffrey C. Ince. Attorney Cottom spoke. Attorney Tom responded to Commissioner's question.

Commissioner Baker moved to enter into the Public Access Easement - Public Scenic Viewing Area - Centerville Way - Centerville Ranch with Grantor Jeffrey C, Ince. 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

G. Adjourn as the Board of County Commissioners

The Board of Commissioners recessed as the Board of Commissioners at 11:07 a.m.

H. Convene as the Board of Health

The Board of Commissioners convened as the Board of Health at 11:07 a.m.

1. Consider Resolution BOH Resolution No. BOH 2021-01 of the Chaffee County Board of Health for Riverside Grill Board of Health Variance.

Attorney Tom addressed the Board to consider draft BOH Resolution No. BOH 2021-01 APPROVING APPLICATION PERTAINING TO 24070 CR 301, BUENA VISTA, COLORADO GRANTING A VARIANCE TO VAULTED TANKS REQUIRED BY THE CHAFFEE COUNTY ONSITE WASTEWATER SYSTEM REGULATIONS. Attorney Tom responded to Commissioner's question.

Commissioner Baker moved to approve BOH Resolution No. BOH 2021-01 APPROVING APPLICATION PERTAINING TO 24070 CR 301, BUENA VISTA, COLORADO GRANTING A VARIANCE TO VAULTED TANKS REQUIRED BY THE CHAFFEE COUNTY ONSITE WASTEWATER SYSTEM REGULATIONS. Commissioner Granzella seconded the motion. The motion carried unanimously.

I. Adjourn as the County Board of Health

The Board of Health adjourned at 11:10 a.m.

N. Active Projects

The Board of Commissioners reconvened at 11:10 a.m.

M. Executive Session

1. Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from County Attorney Davis on specific legal questions involving the Alison Brown federal litigation, Case No. 1:19-cv-01301-RMR-STV; Deputy County Attorney Tom, Bob Christiansen, Dan Short and Beth Helmke may also attend.

Chair Felt addressed the Board to consider moving into Executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice from County Attorney Davis on specific legal questions involving the Alison Brown federal litigation, Case No. 1:19-cv-01301-RMR-STV. Deputy County Attorney Tom, Assistant County Attorney Cottom, Directors Bob Christiansen and Dan Short, and Public Affairs Officer Beth Helmke may also attend.

This portion of the meeting would constitute attorney-client communication, and no further recording of this portion of the meeting would be required.

Commissioner Granzella moved to go into executive session. Commissioner Baker seconded the motion. The motion carried unanimously. The Board of Commissioners moved into executive session at 11:23 a.m.

The Board of Commissioners came out of executive session at 11:52 a.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 August 3, 2021 constituted privileged attorney-client communication.

Jennifer A. Davis, Chaffee County Attorney

I, Greg Felt, 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 August 3, 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

After the executive session, the meeting recessed until 1:00 p.m.

J. Convene as 1041 Permit Authority

The Board of Commissioners reconvened at 1:04 p.m., recessed, and convened as the 1041 Permit Authority at 1:04 p.m.

1. **1:00 pm - Continue deliberations - Continued from June 24, June 15, June 1, May 18, May 4, April 20, March 16, March 9, 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 introduced this matter.

Attorney Tom addressed the Board regarding questions, comments, and the raising of a possible conflict of interest of Chair Felt again since the last hearing. Attorney Tom gave a statement on behalf of legal that based on statutes, policies, and statements of Chair Felt, there is not a conflict of interest.

Attorney Davis addressed the Board providing the status of this matter and presenting draft Resolution 2021-58 A RESOLUTION GRANTING AN EXTENDED PERMIT TO CONDUCT AN ACTIVITY OF STATE INTEREST IN AN AREA OF STATE INTEREST, WITH CONDITIONS, TO BLUE TRITON BRANDS, INC. (FORMERLY KNOWN AS NESTLE WATERS NORTH AMERICA, INC.) ("1041 PERMIT").

Commissioners deliberated.

The meeting recessed for a break at 2:31 p.m.
The meeting resumed at 2:56 p.m.

Commissioners continued deliberations during which Attorney Davis presented revisions to the resolution as requested by the Commissioners.

Commissioner Granzella moved to approve the renewal of the 1041 Permit for Blue Triton Brands, Inc. pending editing of the 1041 Permit as adopted today to be effective August 4, 2021 at 12:01 a.m. and finalize draft RESOLUTION 2021-58 A RESOLUTION GRANTING AN EXTENDED PERMIT TO CONDUCT AN ACTIVITY OF STATE INTEREST IN AN AREA OF STATE INTEREST, WITH CONDITIONS, TO BLUE TRITON BRANDS, INC. (FORMERLY KNOWN AS NESTLE WATERS NORTH AMERICA, INC.) ("1041 PERMIT") pursuant to the discussions today.

Attorney Davis responded to Commissioners' questions.

Commissioner Baker seconded the motion. The motion carried unanimously.

K. Adjourn as 1041 Permit Authority

The Board adjourned as the 1041 Permit Authority at 3:10 p.m.

L. Reconvene as the Board of County Commissioners

The Board reconvened as the Board of Commissioners at 3:10 p.m. Chair Felt thanked everyone for their participation in the 1041 permit renewal process. Commissioner Granzella commented.

O. Adjourn

Commissioner Granzella moved to adjourn the meeting. Commissioner Baker seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:12 p.m.

P. 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