



Chaffee County Commissioners Meeting
September 14, 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 September 14, 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 (PAO) Beth Helmke, Planning Manager Jon Roorda, Director of Housing Becky Gray, Airport Manager Zech Papp, 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 9:03 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 September 7, 2021 regular meeting.

Commissioner Baker moved to approve the minutes of the September 7, 2021 Commissioners' regular meeting amending the motion at item E.2. to read as follows (amendment is underlined): Commissioner Baker moved to continue the Jones appeal administrative decision regarding the grade crossing at County Rd. 102 to October 12, 2021, and we commit to study ownership and rights-of-way issues surrounding County Roads 102, "103," 177, and 102A. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

D. 9:15 a.m. - Public Hearings and consideration of recommendations from the August 31 Planning Commission Meeting with regard to the following matters:

1. ****Request continuance to October 12** Continued from September 7, 2021** Public Hearing**
- **Name of Project:** Ogden Major Subdivision Preliminary Plan-Final Plat **Applicants:** Ralph and April Ogden **Location:** 12806 County Road 190E, Salida **Zone:** Rural **Request:** To subdivide Lot 2 of the Ogden Heritage Water Subdivision Exemption of 20.14 acres into five lots, all approximately 4.0 acres. Wells and on-site wastewater treatment systems will serve the property. Applicants are dedicating a 30' wide private right of way (half road right of way adjacent to an existing access easement on adjoining property) off County Road 190E.

Manager Roorda addressed the Board to request a continuance of this matter to October 12, 2021.

Commissioner Granzella moved to continue the Ogden Major Subdivision Preliminary Plan-Final Plat; **Applicants:** Ralph and April Ogden, to October 12, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

E. Regular Agenda Items

1. Report from the County Sheriff

Commissioner Baker moved to accept the report from the County Sheriff as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. Consider a recommendation on how to use this year's Private Activity Bond allocation. - Becky Gray

Director Becky Gray addressed the Board to consider a recommendation on how to use this year's Private Activity Bond allocation and responded to Commissioners' questions.

Commissioner Granzella moved to return Chaffee County's 2021 Private Activity Bond allocation to the DOH and direct staff to prepare a resolution for September 21, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

Following executive session,

Commissioner Granzella moved to amend this motion to include, "to allow the Chair to sign due to the due date." Commissioner Baker seconded the motion. The motion carried unanimously.

3. Public Hearing - Consider a Resolution and Warranty Deed from the Salida School District to transfer 9051 County Road 140 in Unincorporated Chaffee County, Colorado, to Chaffee County.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-66 ACCEPTING A WARRANTY DEED FROM SALIDA SCHOOL DISTRICT TO TRANSFER 9051 COUNTY ROAD 140 UNINCORPORATED CHAFFEE COUNTY, COLORADO, TO CHAFFEE COUNTY. Attorney Tom and Manager Roorda responded to Commissioners' questions.

Commissioner Granzella moved to approve RESOLUTION 2021-66 ACCEPTING A

WARRANTY DEED FROM SALIDA SCHOOL DISTRICT TO TRANSFER 9051 COUNTY ROAD 140 UNINCORPORATED CHAFFEE COUNTY, COLORADO, TO CHAFFEE COUNTY with changes to the wording as discussed. Commissioner Baker seconded the motion. The motion carried unanimously.

4. Consider a ground lease between Chaffee County/City of Salida and Don Dubin for a hangar at Harriet Alexander Field.

Airport Manager Papp addressed the Board to consider a ground lease between Chaffee County/City of Salida and Don Dubin for a hangar at Harriet Alexander Field. Manager Papp responded to Commissioners' questions.

Commissioner Baker moved to approve the Ground Lease for a hangar at Harriet Alexander Field between the City of Salida, Colorado and Chaffee County, Colorado/Board of Commissioners of Chaffee County as Lessors and Don Dubin as Lessee. Commissioner Granzella seconded the motion. The motion carried unanimously.

5. Consider and approve new hours for the Veteran Services Office.

Discussion ensued regarding consideration and approval of new hours for the Veteran Services Office during which PAO Helmke and Director Christiansen responded to Commissioners' questions.

Commissioner Granzella moved to approve the proposed new hours for the Veteran Services Office. Commissioner Baker seconded the motion. The motion carried unanimously.

6. Public Hearing for a Special Events Liquor License for the Central Colorado Conservancy for an event on October 14, 2021 from 5:30 p.m. to 8:00 p.m. to be held at The Hutchinson Ranch at 6700 Old Corral Road, Salida.

Attorney Tom addressed the Board to consider a Special Events Liquor License for the Central Colorado Conservancy for an event on October 14, 2021 from 5:30 p.m. to 8:00 p.m. to be held at The Hutchinson Ranch at 6700 Old Corral Road, Salida. Attorney Tom responded to Commissioners' questions. Discussion ensued.

The public comment portion of the hearing opened at 9:42 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Baker moved to approve the Special Events Liquor License for the Central Colorado Conservancy for an event on October 14, 2021 from 5:30 p.m. to 8:00 p.m. Commissioner Granzella seconded the motion. The motion carried unanimously.

7. Public Hearing for a Special Events Liquor License for the Colorado Fourteeners Initiative for an event on September 26, 2021 from 12:30 p.m. to 7:30 p.m. to be held at The Frontier Ranch off of County Road 321, Buena Vista.

Attorney Tom addressed the Board to consider a Special Events Liquor License for the Colorado Fourteeners Initiative for an event on September 26, 2021 from 12:30 p.m. to 7:30 p.m. to be held at

the Frontier Ranch off County Road 321, Buena Vista.

Chair Felt invited applicant to speak.

Applicant Caleb Efta, 102 Grouse Rd., Buena Vista, clarified that the event will be in the field off County Rd. 321 across from the entrance to Frontier Ranch.

The public comment portion of the hearing opened at 9:44 a.m. There was no public comment and the public portion of the hearing was closed.

Commissioner Baker moved to approve the Special Events Liquor License for the Colorado Fourteeners Initiative for an event on September 26, 2021 from 12:30 p.m. to 7:30 p.m. to be held in the greater vicinity of Frontier Ranch off County Road 321, Buena Vista. Commissioner Granzella seconded the motion. The motion carried unanimously.

8. BLM - FLPMA Right-of-Way process

Attorney Tom addressed the Board regarding the BLM - FLPMA Right-of-Way process in connection with the Granite Bridge and responded to Commissioners' questions.

Commissioner Baker moved to authorize filing an application for the right-of-way for County Rd. 397 under the provisions of the Federal Land Policy Management Act of 1976 (FLPMA). Commissioner Granzella seconded the motion. The motion carried unanimously.

9. Consider Resolution 2021-67 Ratification and Extension/Amendment #14 of Declaration of Local Disaster Emergency.

Attorney Cottom addressed the Board to consider draft RESOLUTION 2021-67 RATIFICATION AND EXTENSION/AMENDMENT #14 OF DECLARATION OF A LOCAL DISASTER EMERGENCY.

Commissioner Granzella moved to approve RESOLUTION 2021-67 RATIFICATION AND EXTENSION/AMENDMENT #14 OF DECLARATION OF A LOCAL DISASTER EMERGENCY. Commissioner Baker seconded the motion. The motion carried unanimously.

10. Consider further legal action to remove an unsafe building or structure at 7118 Clark Hill Road, Salida Colorado 81201, Parcel No. 380707200110, (the "Property") Owner of record: Robert and Kimberly Frasher.

Attorney Tom addressed the Board to consider further legal action to remove an unsafe building or structure at 7118 Clark Hill Road, Salida, Parcel No. 380707200110, (the "Property") Owners of record: Robert and Kimberly Frasher. Attorney Tom responded to Commissioners' questions.

Chair Felt asked for public comment at 10:00 a.m.

Public comment was given by:

Chuck McKenna, 7116 Clark Hill Rd., Salida, stated that he promised to tell the truth.

Wendy McKenna, 7116 Clark Hill Rd., Salida, stated that she promised to tell the truth.

Public comment closed at 10:02 a.m.

Commissioners deliberated.

Commissioner Baker moved to authorize the County legal department to prepare a lawsuit to remove an unsafe building or structure at 7118 Clark Hill Road, Salida, Parcel No. 380707200110, (the "Property") Owners of record: Robert and Kimberly Frasher. Commissioner Granzella seconded the motion. Discussion ensued. Chair Felt called the question. The motion carried unanimously.

11. ****Continued from September 7, 2021**** Discuss and determine position on Mallinckrodt bankruptcy restructuring plan and general opioid litigation update.

Attorney Cottom addressed the Board regarding the Mallinckrodt bankruptcy restructuring plan and to give a general opioid litigation update and responded to Commissioners' questions.

Commissioner Granzella moved to approve the recommended Mallinckrodt bankruptcy restructuring plan and general opioid litigation. Commissioner Baker seconded the motion. The motion carried unanimously.

12. Consider a letter of support for the USFS Salida Ranger District for the 2022 CPW Non-Motorized Trail Grant.

Chair Felt addressed the Board to consider a letter of support for the USFS Salida Ranger District for the 2022 CPW Non-Motorized Trail Grant. Discussion ensued.

Commissioner Baker moved to approve the letter of support for the USFS Salida Ranger District for the 2022 CPW Non-Motorized Trail Grant as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 10:17 a.m.

The meeting resumed at 10:23 a.m.

13. Presentation on Methodist Mountain Road issues.

Mark Young, 14099 - 5875 Road, Montrose, CO, stated that he promised to tell the truth and addressed the Board regarding Methodist Mountain Road issues.

Attorney Tom and Young responded to Commissioners' questions.

No formal action was taken.

15. Designate the voting Commissioner for the CCI Legislative Committee meeting on Friday, October 8, 2021.

Chair Felt addressed the Board to consider designating the voting Commissioner for the CCI Legislative Committee meeting on Friday, October 8, 2021.

Commissioner Felt moved to designate Commissioner Keith Baker as the voting Commissioner for the CCI Legislative Committee meeting on Friday, October 8, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

F. Consent Agenda

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

1. Pay Bills

G. Active Projects

E. Regular Agenda Items

14. Enter into executive session for the purpose of discussing access on Methodist Mountain.

Chair Felt addressed the Board regarding a possible executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions involving Methodist Mountain road access.

County Attorney Tom stated that this executive session is under CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions involving Methodist Mountain road access. Commissioners Keith Baker, Greg Felt, and Rusty Granzella, and Assistant County Attorney Daniel Tom will attend. County Attorney Jennifer Davis, Director of County Administration Bob Christiansen, Director of Finance Dan Short, and PAO 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 Baker moved to go into executive session. Commissioner Granzella seconded the motion. The motion carried unanimously.

The Board of Commissioners moved into executive session at 11:20 a.m. The Board of Commissioners came out of executive session at 11:40 a.m. with no decisions being made.

I, Daniel Tom, Chaffee County Deputy County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on September 14, 2021 constituted privileged attorney-client communication.

Daniel Tom, Deputy 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 September 14, 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

The regular meeting resumed at 11:42 a.m. The following actions were taken when the meeting resumed:

Commissioner Baker moved to direct legal staff to establish communications with Tri-State's legal counsel concerning their lawsuit regarding access to the Methodist Mountain antenna farm, and, if necessary, to prepare an amicus brief for that lawsuit and authorize the Chair to sign on behalf of the Board. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Granzella moved to amend the motion at Item E.2. to include, "to allow the Chair to sign due to the due date." Commissioner Baker seconded the motion. The motion carried unanimously.

Chair Felt clarified that the agenda item that was the topic of the executive session will be continued to the October 19, 2021 meeting.

H. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 11:46 a.m.

I. Potential Road Trip

Attest:



Lori Mitchell, County Clerk