



Chaffee County Commissioners Meeting
December 7, 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. TO MAKE ANY COMMENTS ON THIS AGENDA, PLEASE GO TO:

1. <https://chaffeespeaks.org/>

B. Call to Order

The regular meeting of the Board of Commissioners was held on December 7, 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, Development Engineer Gary Greiner, and Planning Manager Jon Roorda.

Others present remotely were County Clerk Lori Mitchell 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.

C. Approve the Agenda

Commissioner Baker moved to approve the Agenda as submitted and published. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. Public Comment
Susan Nies, 30640 Promontory East, Buena Vista, gave public comment.
Chair Felt and Manager Roorda spoke.

D. Minutes for Approval

1. Approve the minutes of the November 16, 2021 regular meeting.
Commissioner Granzella moved to approve the minutes of the November 16, 2021 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

E. Contracts/Grant Consideration

1. Consider funding award recommendations from the 2021 METAB grant cycle - Dave Henson, METAB Board chair

METAB Board Chair Dave Henson addressed the Board to consider funding award recommendations from the 2021 METAB grant cycle and responded to Commissioners' questions.

PAO Helmke addressed the Board.

Commissioner Granzella moved to approve the funding award recommendations of the METAB Board for the 2021 METAB grants cycle as presented. Commissioner Baker seconded the motion. The motion carried unanimously.

2. Consider change order of \$60,957.30 to LM Kersting for Assessors Remodel.

Engineer Greiner addressed the Board to consider a change order of \$60,957.30 to LM Kersting for the Assessor's Remodel.

Commissioner Baker moved to approve the change order of \$60,957.30 to LM Kersting for the Assessor's Remodel. Commissioner Granzella seconded the motion. The motion carried unanimously.

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

1. ****Continued from November 16, 2021****

Public Hearing: Name of Project: Elk Run Conservation Subdivision

Owner: D&G Sparks FLP II

Applicants: Bruce Kramer (First Son Development) & Todd Sparks (D&G Sparks FLP II)

Location: 28505 County Road 340, Buena Vista

28495 County Road 340, Buena Vista

28375 County Road 340, Buena Vista

Zone: Rural

Request: To subdivide five (5) parcels (R326914200139, R326914100138, R326914100148, R326914100147, R326914100141) of a combined ~393 acres into twenty-nine (29) lots with the minimum being 4.00 acres and four additional outlots of a combined 313.88 acres to be preserved in perpetuity as contiguous open space. Wells and on-site wastewater treatment systems would serve the property.

Manager Roorda addressed the Board to consider the Elk Run Conservation Subdivision Sketch Plan; Owner: D&G Sparks FLP II; Applicants: Bruce Kramer (First Son Development) & Todd Sparks (D&G Sparks FLP II); Location in Buena Vista: 28505 County Road 340; 28495 County Road 340; 28375 County Road 340. Manager Roorda and Attorneys Cottom and Tom responded to Commissioners' questions.

Applicant Bruce Kramer, 24731 County Rd. 339, Buena Vista, addressed the Board.

The public comment portion of the hearing opened at 10:12 a.m.

Public comments were given by:

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

Manager Roorda spoke.

Neil Movitz, 28887 Cielo Lane, Buena Vista, stated that he promised to tell the truth and spoke.

The public comment portion of the hearing closed at 10:27 a.m.

Applicant Kramer, Attorney Tom, and Manager Roorda responded to Commissioners' questions.

Commissioner Granzella moved to approve the Elk Run Conservation Subdivision Sketch Plan; Owner: D&G Sparks FLP II; Applicants: Bruce Kramer (First Son Development) & Todd Sparks (D&G Sparks FLP II); Location in Buena Vista: 28505 County Road 340; 28495 County Road 340; 28375 County Road 340; including Conditions from the Planning Commission.

Commissioner Baker seconded the motion. The motion carried unanimously.

G. Regular Agenda Items

1. **Requesting continuance to December 14, 2021**

Name of Project: Tomkiewicz/Fortier Heritage Water Subdivision Exemption

Applicants: Warren C. Tomkiewicz III and Karen A. Fortier

Location: 9540 W Highway 50, Salida

Zone: Rural

Request: To subdivide 19.88 acres into two (2) lots of 11.25 and 8.63 acres. The property has a shared well and the new lot (Lot 2) will have augmentation or connection to Poncha Springs central water. An On-site Wastewater Treatment System will serve the new lot. Access is on an existing shared driveway, in accordance with an existing Roadway Easement.

Manager Roorda addressed the Board to request a continuance to December 14, 2021, on behalf of Applicants Warren C. Tomkiewicz III and Karen A. Fortier for the Tomkiewicz/Fortier Heritage Water Subdivision Exemption; **Location:** 9540 W Highway 50, Salida.

Commissioner Granzella moved to continue to December 14, 2021, the Tomkiewicz/Fortier Heritage Water Subdivision Exemption; **Applicants:** Warren C. Tomkiewicz III and Karen A. Fortier; **Location:** 9540 W Highway 50, Salida.

Commissioner Baker seconded the motion. The motion carried unanimously.

The meeting recessed at 10:43 a.m. for a short break.

The meeting resumed at 10:50 a.m.

2. Discuss septic disposal system violation at 10350 W. Cherokee Drive.

Engineer Greiner addressed the Board regarding the septic disposal system violation at 10350 W. Cherokee Drive. Attorney Tom spoke.

No formal action was taken.

3. Election review with Clerk Mitchell.

Clerk Mitchell gave a review of the election and responded to Commissioners' questions.

No formal action was taken.

4. Consider the renewal of the fermented malt beverage license for Powder Monarch, LLC.

Clerk Mitchell addressed the Board to consider the renewal of the fermented malt beverage license for Powder Monarch, LLC and responded to Commissioner's question.

Commissioner Granzella moved to approve the renewal of the fermented malt beverage license for Powder Monarch, LLC. Commissioner Baker seconded the motion. The motion carried unanimously.

5. Introduction and First Reading of an Ordinance Imposing a Temporary Moratorium Until December 31, 2023 on the Submission, Acceptance or Processing of Applications and the Licensing, Permitting or Operation of any Retail Marijuana Establishment as Defined by the Colorado Constitution, Article Xviii, Section 16 in Unincorporated Portions of Chaffee County (Except Applications and Licenses With Respect to Certain Existing Marijuana Establishments), Including the Use of Land for Such Purpose or Purposes.

Attorney Tom addressed the Board introducing and providing the First Reading of this Ordinance and responded to Commissioners' questions.

No formal action was taken.

H. Consent Agenda

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

1. Approve the 2022 Chaffee County holiday schedule.
2. Ratify the return of \$4,900 of escrow money to Andrew and Monica White for a storm water retention pond at 10760 Sawatch Road.
3. Ratify the return of \$10,000 of escrowed money on the Longhorn Ranch for landscaping.
4. Approve Resolution 2021-79 Increasing Landfill Charges for Concrete, Dirt from Construction/Brush/Yard Waste and Adopting a Minimum Fee for Bagged Household Trash
5. Approve Resolution 2021-82 The Final Plat for the El Rancho Vaquero Minor Subdivision.

6. Approve the renewal of a contract with Gobins for the GlobalSearch software.
7. Approve a contract with Hamilton Medical to purchase a ventilator needed to transport COVID patients.
8. Approve a contract with the City of Salida for use of City of Salida meeting facilities.
9. Approve airport hangar leases:
Cole
Diesslin
Dubin
10. Pay Bills

I. Active Projects

G. Regular Agenda Items

6. Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from County Attorney Jenny Davis on specific legal questions involving open meetings/open records issues. Deputy Attorney Tom, County Administrator Christiansen, and Finance Director Short may also attend.

Chair Felt addressed the Board regarding going into Executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions involving open meetings/open records issues. In addition to Commissioners, Deputy Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Director of County Administration Bob Christiansen, and Director of Finance Dan Short may also attend. Attorney Davis stated that no decisions will be made following executive session, that 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 11:29 a.m.

The Board of Commissioners came out of executive session at 12:30 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 December 7, 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 December 7, 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

Following the executive session, there was no other business.

J. Adjourn

The meeting was adjourned at 12:31 p.m.

K. Potential Road Trip

Attest:



Lori Mitchell, County Clerk