



Chaffee County Commissioners Meeting
April 12, 2022

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 April 12, 2022, 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 Finance Dan Short, County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer (PAO) Beth Helmke, Planning Manager Jon Roorda, Planner Christie Barton, Principal Planner Greg Laudenslager, and Development Engineer Gary Greiner.

Present remotely was Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

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

2. Approve the Agenda

Chair Felt addressed the Board regarding removing from the Consent Agenda Item 3. Letter of Support for Harm-reduction Pilot Project of Chaffee County Public Health. Consensus was that this item be removed from the Consent Agenda and placed onto the Regular Agenda.

Commissioner Granzella moved to approve the amended Agenda as above. Commissioner Baker seconded the motion. The motion carried unanimously.

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

Public Comment was given by:

David Holt, 12895 County Rd. 162, Nathrop, stated that he promised to tell the truth and spoke.

Attorney Cottom and Chair Felt responded to Holt's questions.

B. Minutes for Approval

1. Approve the Minutes of the Regular Meeting April 5 2022

Commissioner Granzella moved to approve the minutes of the April 5, 2022 Commissioners' regular

meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

C. Consent Agenda

Commissioner Baker moved to approve the Consent Agenda as amended with Item 3. Letter of Support Re: Harm-reduction Pilot Project of Chaffee County Public Health removed for discussion under Regular Agenda Items. Commissioner Granzella seconded the motion. The motion carried unanimously.

1. Approve Amending Contract Policy With Respect To Section 2.2, Director Of Finance Authority To Execute All Separation Agreements Not Exceeding \$25,000
2. Approve the Liquor License Renewal for Station 24 Cafe
4. Acknowledge the CDMVA County Veterans Service Officers Monthly Report and Certification of Pay / March 2022

D. Regular Agenda Items

3. [moved from Consent Agenda] Approve the Letter of Support (Chaffee County Board of Health) Re: Harm-reduction Pilot Project of Chaffee County Public Health

Discussion ensued regarding the Letter of Support Re: Harm-reduction Pilot Project of Chaffee County Public Health during which Attorneys Cottom and Tom spoke.

Consensus was to continue this matter to the April 19, 2022 meeting.

1. **9:20 a.m. - **Continued from April 5 2022****
Name of Project: Blitstein Agricultural Subdivision Exemption #2
Applicants: Michael L. Blitstein Revocable Trust
Location: 36570 Highway 24 North, Buena Vista
Zone: Rural
Request: To re-subdivide Tract 1, Blitstein Agricultural Subdivision Exemption (located in Tract 1, Gert's Tracts) of 43.0 acres into two (2) lots. Tract 1B will be 2.00 acres, with Tract 1R (remainder lot) of 41.00 acres. Wells and on-site wastewater treatment systems will serve the property.

Chair Felt addressed the Board to consider the Blitstein Agricultural Subdivision Exemption #2;
Applicant: Michael L. Blitstein Revocable Trust; **Location:** 36570 Highway 24 North, Buena Vista.

Attorney Cottom provided a status regarding access.

Michael Blitstein, 36570 N. US Hwy. 24, Buena Vista, for Applicant, stated that he promised to tell the truth and spoke.

Chair Felt spoke. Attorney Cottom spoke further.

Buena Vista Special Projects Manager Joel Benson responded to Commissioner's question stating that the Town has no problem with the subdivision, but the Town wants a condition that the

easement agreement be fully executed.

Attorney Cottom spoke in response to Benson. Benson spoke further.

Blitstein stated he is fine with maintaining the road to the highway.

Attorney Cottom, Blitstein, and Commissioners spoke further.

Attorney Cottom stated that consideration of the resolution for this matter is on the Commissioners' April 19, 2022 Agenda.

Commissioner Granzella moved to approve the Blitstein Agricultural Subdivision Exemption #2; **Applicant:** Michael L. Blitstein Revocable Trust; **Location:** 36570 Highway 24 North, Buena Vista, to adopt the conditions as presented in the Staff Report and add the condition related to the remainder lot, that both parties make a reasonable effort to reach an agreement for future development, and direct staff to prepare a resolution for April 19, 2022. Commissioner Baker seconded the motion. The motion carried unanimously.

2. ~9:30 a.m. - Consider an Exception to LUC Article 4.6.2.3.c.1, Requirement for Acknowledgement of Lienholder, for the Paulden-Stergius Boundary Line Adjustment and Lot Line Elimination.

Manager Roorda addressed the Board to consider an Exception to LUC Article 4.6.2.3.c.1, Requirement for Acknowledgement of Lienholder, for the Paulden-Stergius Boundary Line Adjustment and Lot Line Elimination.

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

Helen Stergius, 4107 Tumbleweed Dr., Colorado Springs, stated that she promised to tell the truth and spoke responding to questions about mortgages on the property which is the subject of this matter.

Manager Roorda and Attorney Tom responded to Commissioners' questions.

Commissioner Baker moved to approve an Exception to LUC Article 4.6.2.3.c.1, Requirement for Acknowledgement of Lienholder, for the Paulden-Stergius Boundary Line Adjustment and Lot Line Elimination. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. ~9:40 a.m. - Consider a Fee Waiver (\$600) for RIP's Ranch Subdivision Exemption for Public Benefit Which Delegates Right-of-Way for Forest Road 108 on the North Side of Methodist Mountain for Access to Communication Tower Facilities.

Manager Roorda addressed the Board to consider a Fee Waiver (\$600) for RIP's Ranch Subdivision Exemption for Public Benefit Which Dedicates Right-of-Way for Forest Road 108 on the North Side of Methodist Mountain for Access to Communication Tower Facilities.

Attorney Tom spoke. Manager responded to Commissioners' questions.

Commissioner Baker moved to approve a Fee Waiver (\$600) for RIP's Ranch Subdivision Exemption for Public Benefit Which Dedicates Right-of-Way for Forest Road 108 on the North Side of Methodist Mountain for Access to Communication Tower Facilities on Methodist Mountain. Commissioner Granzella seconded the motion. The motion carried unanimously.

4. ~9:50 a.m. - Approve CR 397 Bridge Rehabilitation Nationwide Permit Pre-construction Notification (PCN) and UP Real Estate Project no. 0079386 Public Highway At-Grade Crossing Agreement.

Attorney Tom addressed the Board to consider the County Rd. 397 Bridge Rehabilitation Nationwide Permit Pre-construction Notification (PCN) and UP Real Estate Project no. 0079386 Public Highway At-Grade Crossing Agreement.

Commissioner Granzella moved to approve the County Rd. 397 Bridge Rehabilitation Nationwide Permit Pre-construction Notification (PCN) and UP Real Estate Project no. 0079386 Public Highway At-Grade Crossing Agreement. Commissioner Baker seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 10:21 a.m.

The meeting resumed at 10:30 a.m.

5. **10:00 a.m. - **Continued from March 8, 2022**** Appeal of Decision: Aspire Tours Limited Impact Review - Deliberation and Decision

Chair Felt addressed the Board giving an overview of the history of the process of the Appeal of Decision regarding the Aspire Tours Limited Impact Review and where we are today, which is Applicants' response to public comments followed by Commissioners' deliberations and decision.

Attorney Tom spoke regarding an April 5, 2022 letter from Tom Wagner of the Anderson Law Group PC to the Commissioners, which is not part of the public record. Attorney Tom stated that the Commissioners could accept the letter into the public record.

Discussion ensued.

Commissioner Baker moved to accept the Anderson Law Group letter of April 5, 2022, and enter it into the record with the understanding that accepting the letter into the record does not commit us either way on reopening public comment. Commissioner Granzella seconded the motion. The motion carried unanimously.

Attorney Tom addressed the Commissioners regarding the letter. Attorneys Cottom and Tom spoke and responded to Commissioner's questions.

Planner Barton responded to Commissioner's question and stated that the letter will be considered Exhibit A for today.

Applicants' legal counsel Eric Stein, 410 Henry St., Cortez, CO, stated that he promised to tell the truth and addressed the Board with a power point presentation in response to public comments. Stein responded to Commissioners' questions.

Applicants' Professional Engineer Lindsay George, P.E., 4863 Case St., Middlebury, VT, stated that she promised to tell the truth and addressed the Board to respond to Commissioners' questions.

Attorneys Cottom and Tom responded to Commissioner's procedural question.

Stein responded to Commissioner's question.

Applicant Kathrin Troxler, 3905 Balsam St., Wheat Ridge, CO, stated that she promised to tell the truth and addressed the Board to respond to Commissioners' questions.

Joe Henderson with Sustainable Traffic Solutions, 823 W 124th Dr., Westminster, CO, stated that he promised to tell the truth and responded to Commissioners' questions.

Troxler responded to Commissioners' questions.

Planner Barton stated that Counsel for Applicant's Power Point Presentation will be labeled as Exhibit B and responded to Commissioners' questions.

Principal Planner Laudenslager stated he would defer to Engineer Greiner in response to Commissioner's question.

Engineer Greiner and Planner Barton responded to Commissioners' questions along with Attorneys Cottom and Tom.

Attorney Cottom and Planner Barton responded to Commissioner's questions about the Planning Commission vote.

Engineer Greiner spoke further regarding the traffic study in response to Commissioner's questions. Stein spoke in response to Commissioner's question.

Commissioner Granzella moved to close public testimony. Commissioner Baker seconded the motion. The motion carried unanimously.

Commissioners began deliberations during which Attorney Cottom spoke and suggested moving into executive session under CRS 24-6-402(4)(b) for the purposes of receiving legal advice from Attorneys Cottom and Tom on specific legal questions and strategy involving the Aspire Tours Limited Impact Review. Attorney Cottom stated that Commissioners Keith Baker, Greg Felt, and Rusty Granzella will attend; Directors Bob Christiansen and Dan Short and PAO Beth Helmke may also attend. County Attorney Tom stated that the executive session 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 recess the regular meeting until 1:15 p.m. at which time the Commissioners will convene in executive session, and regular proceedings will resume at 1:30 p.m. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed at 12:30 p.m.

The meeting reconvened with the Commissioners in executive session at 1:15 p.m.

Commissioner Baker moved to come out of executive session at 1:47 p.m. Commissioner Granzella seconded the motion. The motion carried unanimously. The Board of Commissioners came out of executive session with no decisions being made.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on April 12, 2022 constituted privileged attorney-client communication.

Daniel Tom, 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 April 12, 2022 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 Executive Session, the regular meeting resumed at 1:47 p.m.

Deliberations continued. Attorney Cottom shared and read draft RESOLUTION 2022-34 APPROVING AN APPLICATION FOR A LAND USE CHANGE PERMIT SUBJECT TO A LIMITED IMPACT REVIEW FOR THE PROPERTY LOCATED AT 11302 CR 190 W (CAMPGROUND AND OUTFITTER FACILITY IN A RURAL ZONE) ON APPEAL OF PLANNING COMMISSION NOTICE OF DECISION DATED FEBRUARY 1, 2022 during which deliberations continued as Commissioners revised the draft resolution.

Attorneys Cottom and Tom responded to Commissioners' questions.

Stein responded to Commissioner's questions and comments.

Attorneys Tom and Cottom responded to Stein's and Commissioners' questions and comments.

Planner Barton and Attorney Cottom spoke in response to Commissioner Baker's comment.

Attorneys Tom and Cottom spoke.

Deliberations continued.

Commissioner Granzella moved to approve RESOLUTION 2022-34 APPROVING AN APPLICATION FOR A LAND USE CHANGE PERMIT SUBJECT TO A LIMITED IMPACT REVIEW FOR THE PROPERTY LOCATED AT 11302 CR 190 W (CAMPGROUND AND OUTFITTER FACILITY IN A RURAL ZONE) ON APPEAL OF PLANNING COMMISSION NOTICE OF DECISION DATED FEBRUARY 1, 2022 and adopt all the Findings and Conditions. Commissioner Baker seconded the motion. The motion carried unanimously.

6. ~11:00 a.m. - Consider the letter of support for the Town of Buena Vista's request for Congressionally Designated Spending support through Senator Hickenlooper's office for the BV Water Treatment Plant project

PAO Helmke addressed the Board to consider a letter of support for the Town of Buena Vista's request for Congressional Designated Spending Support (CDSS) through Senator Hickenlooper's office for the Buena Vista Water Treatment Plant project.

Commissioner Baker moved to approve the letter of support for the Town of Buena Vista's request for Congressional Designated Spending Support (CDSS) through Senator Hickenlooper's office for the Buena Vista Water Treatment Plant project. Commissioner Granzella seconded the motion. The motion carried unanimously.

E. Active Projects

F. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:38 p.m.

G. 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