



Chaffee County Commissioners Meeting
July 5, 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 July 5, 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 General Administration Bob Christiansen, Director of Finance Dan Short, County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer (PAO) Beth Helmke, Airport Manager Zech Papp (Item C.1 only), Administrative Assistant Brandy Coscarella, Planning Manager Jon Roorda, and Road & Bridge Superintendent Mark Stacy (Item E.7. only).

Others present remotely were Principal Planner Greg Laudenslager (present in person for Item E.7) and 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

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

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

Ralph Ogden, 12840 E. County Rd. 190, Salida, stated that he promised to tell the truth, gave public comment, and responded to Commissioners' questions.

Attorneys Tom and Cottom spoke.

B. Minutes for Approval

1. Approve the Minutes of the June 14, 2022 Regular Meeting of the Chaffee County Board of Commissioners

Commissioner Granzella moved to approve the minutes of the June 14, 2022 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

D. Consent Agenda

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

1. Approve Resolution 2022-46 Approving the Rips Ranch Subdivision Exemption for Public Benefit

E. Regular Agenda Items

1. **9:15am** - Enter Into Executive Session Under CRS 24-6-402(4)(B) For Purpose Of Receiving Legal Advice On Specific Legal Issues Regarding The Bale Ditch, Attorneys Tom And Cottom, Water Counsel Dave Shohet, Bob Christiansen, Dan Short And Beth Helmke Will Attend.

Chair Felt addressed the Board to consider entering into Executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice from Special Water Counsel David Shohet on specific legal issues regarding the Bale Ditch. Attorneys Tom and Cottom, Chaffee County special water counsel David Shohet, Directors Christiansen and Short and PAO Helmke will attend. Attorney Tom stated 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 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 9:16 a.m.

Commissioner Baker moved to come out of executive session. Commissioner Granzella seconded the motion. The motion carried unanimously. The Board of Commissioners came out of executive session at 9:53 a.m. 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 July 5, 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 July 5, 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

C. Contracts/Grant Consideration

1. Approve the Airport Contract - Installation of New Weather Reporting Equipment (AWOS) Project With Dibble Engineering

Manager Papp addressed the Board to consider the Contract for the installation at the Harriet Alexander Field - Salida Airport of the new Weather Reporting Equipment (AWOS) with Dibble Engineering.

Attorney Tom addressed the Board.

Attorney Tom and Manager Papp responded to Commissioners' questions.

Commissioner Granzella moved to approve the Airport Engineering Design and Construction Management Consulting Services Contract for the installation at the Harriet Alexander Field - Salida Airport of the new Weather Reporting Equipment (AWOS) with Dibble Engineering as presented. Commissioner Baker seconded the motion. The motion carried unanimously.

E. Regular Agenda Items

2. 9:30 a.m. - Update on the Renewal Special Event- Legal

Attorney Cottom and Administrative Assistant Coscarella provided an update to the Board regarding the Renewal Special Event.

Scott Stoughton, 786 Majestic Circle, Steamboat Springs, CO, stated that he promised to tell the truth and spoke.

No formal action was taken.

3. 9:40 a.m. - Name of Project: Bolin Heritage Water Subdivision Exemption

Applicant: Lucille M. Bolin Living Trust Dated March 14, 2007, Lucille Bolin Trustee; represented by Mike Henderson

Location: 9160 County Road 156, Salida

Zone: Residential

Request: To subdivide 16.14 acres into two (2) lots of 14.14 acres (Tract 1, Heritage Water tract) and 2.00 acres (Tract 2). The property has two existing wells, a domestic well (Permit #324846) and an in-house well (Permit #77318). Both lots to be served by on-site wastewater treatment systems.

Manager Roorda addressed the Board to consider the Bolin Heritage Water Subdivision Exemption; **Applicant:** Lucille M. Bolin Living Trust Dated March 14, 2007, Lucille Bolin Trustee, represented by Mike Henderson; **Location:** 9160 County Road 156, Salida.

Manager Roorda responded to Commissioners' questions.

Applicant representative Mitch Butterfield, 10190 County Rd. 190W, Salida, stated that he promised to tell the truth and addressed the Board.

Mike Henderson, 203 G St., Salida, addressed the Board and stated that he told the truth.

Chair Felt asked for public comments at 10:15 a.m.

Public comment was given by:

Jayne Davisson, 7135 County Rd. 156A, Salida, stated that she promised to tell the truth and spoke. Manager Roorda responded to Davisson and Commissioners' questions.

Public comments closed at 10:21 a.m.

Commissioner Baker moved to approve the Bolin Heritage Water Subdivision Exemption; **Applicant:** Lucille M. Bolin Living Trust Dated March 14, 2007, Lucille Bolin Trustee, represented by Mike Henderson; **Location:** 9160 County Road 156, Salida, and direct staff to prepare a resolution for Commissioners' consideration on July 19, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

4. **9:50 a.m. - Name of Project:** Maier Plat Amendment, Lot 22, Centerville Ranch Major Subdivision, Phase 1, Filing 1
Applicants: Eric & Brenda Maier
Location: 11256 Centerville Way, Nathrop
Zone: Rural
Request: To extend a portion of the building envelope 20' further north in order to locate the house farther back from the road, and to reduce visual impact.

Manager Roorda addressed the Board to consider the Maier Plat Amendment, Lot 22, Centerville Ranch Major Subdivision, Phase 1, Filing 1; **Applicants:** Eric & Brenda Maier; **Location:** 11256 Centerville Way, Nathrop.

Applicant Eric Maier, P.O. Box 1211, Poncha Springs, stated that he promised to tell the truth and addressed the Board.

Chair Felt asked for public comments at 10:27 a.m. There were none.

Commissioner Granzella moved to approve the Maier Plat Amendment, Lot 22, Centerville Ranch Major Subdivision, Phase 1, Filing 1; **Applicants:** Eric and Brenda Maier; **Location:** 11256 Centerville Way, Nathrop, and direct staff to prepare a resolution for July 19, 2022. Commissioner Baker seconded the motion. The motion carried unanimously.

5. **10:00 a.m. - Name of Project:** Bingham Plat Amendment, Lot 12, Block C, Sunshine Acres Subdivision
Applicants: Shannon Bingham, represented by Mike Henderson
Location: 16106 Rocky Mountain Road, Maysville
Zone: Rural Commercial / Recreational (RCR)
Request: To vacate the unused 10 foot wide utility easement that extends across a ravine on the property. The application includes an email from Xcel Energy that vacating the easement, along with testimony from the applicant, that CenturyLink and Atmos Energy do not have utilities located in the easement.

Manager Roorda addressed the Board to consider the Bingham Plat Amendment, Lot 12, Block C, Sunshine Acres Subdivision; **Applicants:** Shannon Bingham, represented by Mike Henderson; **Location:** 16106 Rocky Mountain Road, Maysville. Manager Roorda responded to Commissioner's questions.

Applicant Surveyor Mike Henderson, 203 G. St., Salida, stated that he promised to tell the truth and addressed the Board.

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

Chair Felt asked for public comments at 10:40 a.m.

Public comment was given by:

Margaret Dean, 8303 Rocky Mountain Dr., Salida, stated that she promised to tell the truth and spoke.

Manager Roorda and Surveyor Henderson responded to Dean's comment.

Public comments closed at 10:45 a.m.

Commissioner Granzella moved to approve the Bingham Plat Amendment, Lot 12, Block C, Sunshine Acres Subdivision; **Applicant:** Shannon Bingham, represented by Mike Henderson; **Location:** 16106 Rocky Mountain Road, Maysville, and direct staff to prepare a resolution for July 19, 2022, with the recommended amendment(s) including engineering requirements. Commissioner Baker seconded the motion. The motion carried unanimously.

6. **10:10 a.m. - Name of Project:** Ridley Heritage Water Subdivision Exemption

Applicants: Dennis & Nancy J. Skye Ridley

Location: 11407 County Road 190 N, Salida

Zone: Residential

Request: To subdivide 10.00 acres into two (2) tracts of 5.00 acres each. Tract 1 has the existing house and domestic well (Permit #163176-A). Tract 2 is vacant and will be served by an augmented well and On-site Wastewater Treatment System (OWTS). The site is accessed by crossing two other properties in a combination of county road and access easements: County Road 190 N is dedicated as a roadway easement in Book 506 at Page 142; and a roadway easement across the second property recorded in Book 369 at Page 106.

Manager Roorda addressed the Board to consider the Ridley Heritage Water Subdivision Exemption; **Applicants:** Dennis & Nancy J. Skye Ridley; **Location:** 11407 County Road 190 N, Salida.

Manager Roorda and Attorney Cottom responded to Commissioner's question.

Applicant Dennis Ridley, 11407 County Rd. 190N, Salida, stated that he promised to tell the truth and addressed the Board.

Applicant Surveyor Mike Henderson, 203 G St., Salida, stated that he promised to tell the truth, addressed the Board, and responded to Commissioner's question.

Chair Felt asked for public comments at 10:56 a.m. There were none.

Henderson and Dennis Ridley responded to Commissioner's questions.

Commissioner Baker moved to approve the Ridley Heritage Water Subdivision Exemption; **Applicants:** Dennis and Nancy J. Skye Ridley; **Location:** 11407 County Road 190 N, Salida, and direct staff to prepare a resolution to that effect for Commissioners' consideration for July 19, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a 5-minute break at 11:00 a.m.

The meeting resumed at 11:06 a.m.

7. **10:20 a.m. - Name of Project:** Shaw Ranch Major Subdivision – Final Plat ****Continued from May 10 2022 and June 14 2022****

Applicants: JTS Development, LLC

Location: 7380 County Road 221, Salida

Zone: Rural

Request: To subdivide approximately 74.3 acres into eight (8) lots ranging in size from 2.4 acres to 36.6 acres, in three phases. Wells and on-site wastewater treatment systems will serve the property. The property has a 100-year Floodplain associated with Green Creek along County Road 221, and the South Arkansas River along the northern boundary.

Planner Laudenslager addressed the Board to consider the Shaw Ranch Major Subdivision – Final Plat; **Applicant:** JTS Development, LLC; **Location:** 7380 County Road 221, Salida.

Planner Laudenslager and Attorney Cottom responded to Commissioners' questions.

Applicant representative Aaron Cook with Crabtree Group Inc., 325 D St., Salida, stated that he promised to tell the truth, addressed the Board, and responded to Commissioners' questions.

Planner Laudenslager and Attorney Tom also responded to Commissioners' questions.

The public comment portion of the hearing opened at 12:18 p.m.

Public comments were given by:

Charlene Sustrich, 7465 County Rd. 221, Salida, stated that she promised to tell the truth, spoke, and responded to Commissioners' questions.

Commissioner Baker moved to accept into the record photos presented by Charlene Sustrich. Commissioner Granzella seconded the motion. The motion carried unanimously.

Ken Sustrich representing the Sustrich family, 45625 County Rd. PP-46, Villa Grove, CO, stated that he promised to tell the truth and spoke.

Planner Laudenslager, Aaron Cook, and Ken Sustrich responded to Commissioners' questions.

The public comment portion of the hearing closed at 12:42 p.m.

Applicant John Shaw, 7380 County Rd. 221, Salida, stated that he promised to tell the truth, spoke, and responded to Commissioners' questions.

Superintendent Stacy addressed the Board and responded to Commissioners' questions.

Planner Laudenslager and Applicant John Shaw responded to Commissioners' questions.

Ken Sustrich spoke further.

Discussion ensued.

Commissioner Granzella moved to approve the Shaw Ranch Major Subdivision – Final Plat; **Applicant:** JTS Development, LLC; **Location:** 7380 County Road 221, Salida, as presented with the adjustment excepting Conditions of Approval nos. 17, 18, 20, and 21 with 17 and 20 being deleted, and direct staff to prepare a resolution for August 2, 2022. Planner Laudenslager spoke into

the record that at 12:47 p.m. Nathan Osborn texted Laudenslager that he couldn't get onto zoom. As of 1:15 p.m. he was on zoom. Commissioner Baker seconded the motion. The motion carried unanimously.

12. ~11:15 a.m. - Enter Into Executive Session Under CRS 24-6-402(4)(B) For Purpose Of Receiving Legal Advice On Land Use Code In Relation To Antero Science. Attorneys Tom And Cottom, Bob Christiansen, Dan Short And Beth Helmke Will Attend

Chair Felt announced that the Board would take a 5-minute break followed by Agenda Item E.12.

Prior to the break, Chair Felt addressed the Board to consider entering into Executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice on the Land Use Code in relation to Antero Science. Attorneys Tom and Cottom, Directors Christiansen and Short, and PAO Helmke will attend. Attorney Tom stated 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 Granzella moved to go into executive session. Commissioner Baker seconded the motion. The motion carried unanimously.

The meeting recessed at 1:16 p.m. for a 5-minute break.

The Board of Commissioners moved into executive session at 1:21 p.m.

The Board of Commissioners came out of executive session at 1:36 p.m. 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 July 5, 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 July 5, 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

13. ~11:30 a.m. - Consider Renewal of the Retail Marijuana OPC License for Antero Sciences, LLC-Roorda (continued from June 21, 2022)

Manager Roorda addressed the Board to consider renewal of the Retail Marijuana OPC License for Antero Sciences, LLC.

Attorney Tom addressed the Board and responded to Commissioner's questions.

Representative of Antero Sciences LLC, Connor Thompson, 7851 County Rd. 150, Salida, stated that he promised to tell the truth and addressed the Board.

Thompson, Manager Roorda, and Attorney Tom responded to Commissioners' questions. Discussion ensued during which Attorney Tom and Thompson responded to Commissioners' questions.

Commissioner Baker moved to approve renewal of the Retail Marijuana OPC License for Antero Sciences, LLC for a term of one year retroactive from May 5, 2022 expiring May 5, 2023, on condition that Antero Sciences, LLC provides proof of good standing from the State. Discussion ensued during which Thompson responded to Commissioners' questions. Commissioner Granzella seconded the motion. The motion carried unanimously.

8. ~10:40 a.m. - Authorize And Instruct The County Treasurer Of Chaffee County To Cancel The Following Delinquent, Uncollectible, Personal Property Taxes Off The Books, Said Taxes Being Delinquent One Year, To Wit:

TAX YEAR OR YEARS	TOTAL TAX
2015	\$ 668.22
2016	\$ 345.97
2017	\$ 547.90
2018	\$ 1,474.94
2019	\$ 5,427.82
2020	\$ 6,220.54
	\$ 14,685.39

Director Short addressed the Board to consider authorizing and instructing the Chaffee County Treasurer to cancel the above delinquent, uncollectible personal property taxes. Director Short responded to Commissioners' questions. Attorney Tom spoke.

Commissioner Granzella moved to authorize and instruct the Chaffee County Treasurer to cancel the following delinquent, uncollectible personal property taxes and remove them from the books, said taxes being delinquent one year:

TAX YEAR OR YEARS	TOTAL TAX
2015	\$ 668.22
2016	\$ 345.97
2017	\$ 547.90
2018	\$ 1,474.94
2019	\$ 5,427.82
2020	\$ 6,220.54
Totaling	\$ 14,685.39

Commissioner Baker seconded the motion. The motion carried unanimously.

9. ~10:50 a.m. - Approve the UAACOG Representatives to the UAADC Loan Committee as follows:
Primary: Dustin Nichols

Secondary: Jake Rishavy

Chair Felt addressed the Board to consider the following UAACOG Representatives to the UAADC Loan Committee: Primary: Dustin Nichols; Secondary: Jake Rishavy.

Commissioner Granzella moved to approve the following UAACOG Representatives to the UAADC Loan Committee: Primary: Dustin Nichols; Secondary: Jake Rishavy. Commissioner Baker seconded the motion. The motion carried unanimously.

10. ~10:55 a.m. - Consider the BLM Invitation to comment on the Resource Management Plan Amendment (RMPA) as a Cooperating Agency

Chair Felt addressed the Board to consider the BLM invitation to comment on the Resource Management Plan Amendment (RMPA) as a Cooperating Agency. PAO Helmke spoke.

Commissioner Baker moved to accept the BLM invitation to comment on the Resource Management Plan Amendment (RMPA) as a Cooperating Agency. Commissioner Granzella seconded the motion. The motion carried unanimously.

11. ~11:00 a.m. - Consider Accepting Federal Land Policy Management Act (FLPMA) Right of Way (ROW) and Temporary ROW for County Road 397 and FLPMA ROW Grant for CR's 108, 194, 304, 398-C, 272, 271, 261-G, and 386

Attorney Tom addressed the Board regarding acceptance of Federal Land Policy Management Act (FLPMA) Right of Way (ROW) and Temporary ROW for County Road 397 and FLPMA ROW Grant for County Roads 108, 194, 304, 398-C, 272, 271, 261-G, and 386.

Director Christiansen addressed the Board.

Attorney Tom spoke further and responded to Commissioners' questions.

Commissioner Baker moved to accept Federal Land Policy Management Act (FLPMA) Right of Way (ROW) and Temporary ROW for County Road 397. Commissioner Granzella seconded the motion. The motion carried unanimously.

14. ~11:45 a.m. - Enter Into Executive Session Under CRS 24-6-402(4)(A) For Purpose Of Receiving Legal Advice On Specific Legal Issues Regarding The Purchase, Lease, Transfer, Or Sale Of Real Property From Attorneys Tom And Cottom. Bob Christiansen, Dan Short And Beth Helmke Will Attend

Chair Felt addressed the Board to consider entering into Executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice from Attorneys Tom and Cottom on specific legal issues regarding the purchase, lease, transfer, or sale of real property. Attorneys Tom and Cottom, Directors Christiansen and Short, and PAO Helmke will attend.

Attorney Tom stated 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 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 2:27 p.m.
The Board of Commissioners came out of executive session at 2:40 p.m. 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 July 5, 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 July 5, 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

F. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 2:52 p.m.

Attest:



Lori Mitchell, County Clerk