Chaffee County Commissioners Meeting
January 17, 2023

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 January 17, 2023, at the Buena Vista Community Center. Board members present were Chair Keith Baker, Commissioner Greg Felt, and Commissioner P. T. Wood.

Others present in person were Director of General Administration Bob Christiansen, Director of Finance Dan Short, Deputy Director of Administration Beth Helmke, County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Development Engineer Gary Greiner, and Chaffee Housing Authority Director Becky Gray.

Others present remotely were Assistant County Attorney/Planning Director Miles Cottom, Principal Planner Greg Laudenslager, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chair Baker called the meeting to order at 9:00 a.m.

2. Approve Agenda

Chair Baker stated that Items 2, 3, and 4 that initially were on the Consent Agenda have been pulled off and now are on the Regular Agenda.

Chair Baker asked for Public Comment on any of the Item D. Consent Agenda or Item E. Hearing Consent Agenda items. There was none.

Commissioner Felt moved to approve the Agenda. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Review Public Meeting List

The Board reviewed the public meeting list.

Director Christiansen spoke as well.

Discussion-No Work Session on Monday February 13, 2023/ 8:00a.m. start with Board of Human Services and Board of Health and a written report only from Landfill Committee
Chair Felt announced this.

No formal action was taken.

4. Public Comment

Chair Baker asked for Public Comment. He stated that by speaking, the person giving public comment is agreeing to the extent possible to state only facts after providing one's name and address for the record.

Public Comments were given by:

Salty Riggs, 6820 County Rd. 104, Paradise Acres, Salida, spoke and responded to Commissioner's question.

B. Minutes for Approval

1. Consider for Approval the Minutes of the January 10, 2023 Regular Meeting

Commissioner Felt moved to approve the minutes of the January 10, 2023 Commissioners' regular meeting as presented. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Consider for Approval the Amendment to Airport Lease- Salida Lumber Yard LLC (Phillip Sterling)

Attorney Tom addressed the Board to consider for approval the Amendment to Airport Lease-Salida Lumber Yard LLC.

Commissioner Wood moved to approve the Amendment to Airport Lease with Salida Lumber Yard LLC. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Consider for Approval Wold Added Services Letter as Presented for the Safety Services Building in Buena Vista with Signing Authority to the Chair

Engineer Greiner addressed the Board to consider for approval the Wold Request for Change/Added Services Letter for the Safety Services Building in Buena Vista with signing authority to the Chair.
Engineer Greiner responded to Commissioner's question.
Director Christiansen spoke.

Commissioner Felt moved to approve the Wold Request for Change/Added Services Letter for the Safety Services Building in Buena Vista as presented with signing authority to the Chair. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Consider for Approval the Otak Inc Request for Change (RFC) #3 with Signing Authority to the Chair

Engineer Greiner addressed the Board to consider for approval the Otak Inc Request for Change (RFC) #3 with signing authority to the Chair.
Attorney Tom spoke.

Commissioner Wood moved to approve the Otak Inc Request for Change (RFC) #3 as presented with signing authority to the Chair. Commissioner Felt seconded the motion. The motion carried unanimously.

4. Consider for Approval the Poncha Pass Bid(s) with Signing Authority to the Chair- Josh Kuehn CO State Forest Service

   Josh Kuehn with the Colorado State Forest Service (CSFS) addressed the Board to consider for approval the Terra Forestry LLC bid with signing authority to the Chair.
   CSFS-Salida Field Office Supervisory Forester Adam Moore spoke regarding funding sources.
   Kuehn responded to Commissioners' questions.

   Commissioner Felt moved to approve the Terra Forestry LLC bid as presented with signing authority to the Chair. Commissioner Wood seconded the motion. The motion carried unanimously.

5. Consider Entering into State of Colorado IGA for Granite Bridge with signature authority for the Chair. Assistant County Attorney Lynda Knowles and County Engineer Gary Greiner

   Engineer Greiner addressed the Board to consider entering into the State of Colorado IGA for the Granite Bridge with signature authority to the Chair.
   Engineer Greiner responded to Commissioners' questions.
   Attorneys Knowles and Tom spoke.

   Commissioner Felt moved to approve entering into the State of Colorado IGA for the Granite Bridge as presented with signature authority to the Chair. Commissioner Wood seconded the motion. The motion carried unanimously.

D. Consent Agenda

Chair Baker stated that as he had asked for Public Comment regarding the Consent Agenda and there was none, he proceeded with consideration of approval of the Consent Agenda.

Commissioner Wood moved to approve the Consent Agenda. Commissioner Felt seconded the motion. The motion carried unanimously.

1. Approve Resolutions for Board and Committee Appointments

   - Heritage Board
   - METAB Board
   - Right to Ranch Panel
   - Airport Board
   - Fair Committee
   - Transportation Advisory Board
   - Common Ground Citizens Advisory Committee
   - Board of Adjustment
   - Board of Review

2. Acknowledge the Veterans Service Officers Monthly Report for December 2022

3. Acknowledge the Chaffee County Sheriff's Office (CCSO) Monthly Report for December 2022

4. Pay the Bills

5. Acknowledge the Treasurer's Monthly and Fourth Quarter 2022 Reports

E. Hearing- Consent Agenda- Agenda Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Agenda

Commissioner Felt moved to approve the Hearing Consent Agenda. Commissioner Wood seconded the motion. The motion carried unanimously.

1. Name of Project: Searles Lot Line Elimination
   Applicants: Steven Searles and Britt Searles
   Location: 22485 County Road 227; and Tax Parcel numbers 3687-273-12-083 & 3687-341-12-232; Garfield Townsites
   Zone: Residential, Commercial
   Request: To eliminate lot lines and vacated rights of way in the Townsite of Garfield for lots owned by the Searles in Blocks 9, 12 & 13 recorded in the legal descriptions in the Warranty Deeds at Reception Nos. 394357, 478800, 481771; and the Quit Claim Deed at Reception No. 481770. The property has an Easement Grant and Agreement at Reception No. 481774 that addresses the garage encroachment on the property.
   Planner: Christie Barton 719-530-5572 cbarton@chaffeecounty.org

2. **Name of Project:** Butler - Meseke Boundary Line Adjustment
   Applicants: Randal & Susan Butler, and Christopher & Channey Meseke
   Location: 10303 and 10373 Hutchinson Lane, Salida
   Zone: Residential
   Request: To adjust property lines between two properties: Lot 3 will increase from 2.75 acres to 2.91 acres, and Lot 2 will decrease from 2.76 acres to 2.60 acres.

3. Consider for Approval the Renewal of a Retail Optional Premises Cultivation License for PG Grow II (Pure Greens) located at 7800 CR 152 in Smeltertown - Roorda

F. Regular Agenda Items

Chair Baker asked for Public Comment regarding the Resolutions-Regular Agenda Items F.1, 2, and 3. There was none.

4. **9:10 a.m. -** Executive Session Under 24-6-402(4)(b) for Purposes of Receiving Legal Advice on Specific Legal Questions and Strategy Involving St. Elmo Ditch Water Rights; Outside Water Counsel David Shohet, County Attorney Daniel Tom, County Engineer Gary Greiner, County Administrator Bob Christiansen, Finance Director Dan Short, And Deputy Director of Administration Beth Helmke May Attend

   Chair Baker 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 and strategy involving St. Elmo Ditch water rights and the Weber Ditch Application to Change Surface Point of Diversion-Case No.

22CW3085 (Agenda Item F.5).
Commissioners Keith Baker, Greg Felt, and P. T. Wood, Outside Water Counsel David Shohet, and County Attorney Daniel Tom will attend. Assistant County Attorney Lynda Knowles, Development Engineer Gary Greiner (regarding St. Elmo Ditch water rights only), Road & Bridge Superintendent Mark Stacy (regarding Weber Ditch Application only), Director of County Administration Bob Christiansen, Director of Finance Dan Short, and Deputy Director of Administration Beth Helmke may also 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 Felt moved to go into executive session. Commissioner Wood seconded the motion. The motion carried unanimously. The Board of Commissioners moved into executive session at 9:38 a.m. The Board of Commissioners came out of executive session at 10:06 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 January 17, 2023 constituted privileged attorney-client communication.

Daniel Tom

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Daniel Tom, Chaffee County Attorney

I, Keith Baker, 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 January 17, 2023 were confined to the topic described in the announcement of such session and authorized by the provisions of CRS 24-6-402(4)(b).

Keith Baker

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Keith Baker, Chairman

5. Executive Session Under 24-6-402(4)(b) for Purposes of Receiving Legal Advice on Specific Legal Questions and Strategy Involving Weber Ditch Application to Change Surface Point of Diversion-Case #22CW3085; Outside Counsel David Shohet, County Attorney Daniel Tom, County Administrator Bob Christiansen, Finance Director Dan Short, And Deputy Director of Administration Beth Helmke May Attend

   See Agenda item F.4. which includes this item.

   The regular meeting resumed at 10:08 a.m.

1. Consider for Approval Resolution 2023-04 Approving the Shelman Heritage Water Subdivision Exemption (approved by the BOCC on Jan 3 2023)

Chair Baker addressed the Board to consider for approval **AMENDED RESOLUTION 2023-04 APPROVING THE SHELMAN HERITAGE WATER SUBDIVISION EXEMPTION.**

Commissioner Felt moved to approve **AMENDED RESOLUTION 2023-04 APPROVING THE SHELMAN HERITAGE WATER SUBDIVISION EXEMPTION**. Commissioner Wood seconded the motion. The motion carried unanimously.

2. Consider for Approval Resolution 2023-03 Approving the Adams Agricultural Subdivision Exemption #4 (approved by the BOCC on Jan 3 2023)

Chair Baker addressed the Board to consider for approval **RESOLUTION 2023-03 APPROVING THE ADAMS AGRICULTURAL SUBDIVISION EXEMPTION NO. 4.**

Commissioner Wood moved to approve **RESOLUTION 2023-03 APPROVING THE ADAMS AGRICULTURAL SUBDIVISION EXEMPTION NO. 4**. Commissioner Felt seconded the motion. The motion carried unanimously.

3. Consider for Approval Resolution 2023-05 Approving the Brinkmann Heritage Water Subdivision Exemption (approved by the BOCC on Jan 3 2023)

Chair Baker addressed the Board to consider for approval **AMENDED RESOLUTION 2023-05 APPROVING THE BRINKMANN (JACQUAT) HERITAGE WATER SUBDIVISION EXEMPTION**.

Commissioner Felt moved to approve **AMENDED RESOLUTION 2023-05 APPROVING THE BRINKMANN (JACQUAT) HERITAGE WATER SUBDIVISION EXEMPTION**. Commissioner Wood seconded the motion. The motion carried unanimously.

6. Consider for Approval the Chaffee Housing Authority Recommendation to Appoint Beth Helmke to the Chaffee County Alternate Seat on the CHA Board of Directors, Effective Jan 1, 2023

Chaffee Housing Authority (CHA) Executive Director Becky Gray addressed the Board to consider for approval the CHA recommendation to appoint Beth Helmke to the Chaffee County Alternate Seat on the CHA Board of Directors, effective January 1, 2023.

In response to Commissioner's question, Gray clarified that this position is *not* the position that is being advertised at this time.
Attorney Tom further responded to Commissioner's question.

Commissioner Felt moved to approve the CHA recommendation and appoint Beth Helmke to the Chaffee County Alternate Seat on the CHA Board of Directors, effective January 1, 2023. Commissioner Wood seconded the motion. Helmke spoke at the Chair's invitation. The motion carried unanimously.

7. Consider Request to Dedicate the Lodging Tax to the Chaffee Housing Authority

CHA Executive Director Gray addressed the Board to consider a request to dedicate the Lodging Tax to CHA and introduced CHA Board members Chair Craig Nielson, Development Committee Lead Joseph Teipel, Treasurer Eileen Rogers, Secretary Janie Hayes who is chairing the Community Engagement Committee, Alan Matlosz of Stifel's Colorado Public Finance, and Owners' Agent for Jane's Place Todd Goulding.

Gray and Attorney Tom responded to Commissioners' questions.

Nielson addressed the Board.
Gray addressed the Board.
Matlosz addressed the Board and responded to questions.
Gray and Directors Short and Helmke responded to Commissioners' and others' questions.

Discussion ensued during which Director Short, Nielson, Matlosz, Gray, Rogers, and Director Helmke spoke and responded to Commissioners' questions.

Commissioner Wood made a motion stating that the Board of County Commissioners supports the CHA and Jane's Place and are exploring our financial contributions. Commissioner Felt seconded the motion. The motion carried unanimously.

10. ~11:00 a.m. - Presentation with CCAT - Thomas Davidson to present re: member (approx. 30 minutes)

Chair Baker stated that this item would be tabled because of time limitations for today's meeting. However, Chair Baker invited questions from Commissioners to Thomas Davidson at this time.

Davidson responded to Commissioner's question and mentioned CCAT's involvement with land use and housing.

No formal action was taken.

8. Delegate the CCI Proxy Designation for CCI Steering Committees

Director Christiansen addressed the Board to delegate the CCI Proxy Designation for CCI Steering Committees.

Commissioner Felt moved to designate Monica Haskell as the CCI Proxy Designation for the CCI Human Services Steering Committee. Commissioner Wood seconded the motion. The motion carried unanimously.

9. Discussion: St. Elmo Water Rights on Abandonment List- Daniel Tom

Attorney Tom initiated discussion regarding St. Elmo Water Rights on the Abandonment List.

At the Chair's invitation and other Commissioners' concurrence, Melanie Roth of the St. Elmo Historical Group addressed the Board and responded to Commissioner's questions.

Attorney Tom spoke.

Discussion ensued during which Attorney Tom responded to Commissioner's question stating that a motion is required.

Commissioner Felt moved to direct County legal staff to work with outside water counsel David Shohet to enter into a Stipulation with the State regarding protecting the St. Elmo water right from abandonment at least temporarily while we take time to study the feasibility of both rebuilding the diversion structure and the viability of the infrastructure downstream from that diversion for effective firefighting. Commissioner Wood seconded the motion. The motion carried unanimously.

G. Active Projects

H. Adjourn

Commissioner Felt moved to adjourn the meeting. Commissioner Wood seconded the motion. The motion carried unanimously. The meeting was adjourned at 11:40 a.m.

Attest:

Lori Mitchell

Lori Mitchell, County Clerk