



Chaffee County Commissioners Meeting
April 4, 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 April 4, 2023, at the Chaffee County Courthouse. Board members present were Chair Keith Baker, Commissioner Greg Felt, and Commissioner P. T. Wood.

Others present in person were Director of Finance Dan Short, Deputy Director of Administration Beth Helmke, County Attorney Daniel Tom (Item E. 7 through the conclusion of the meeting), Assistant County Attorney/Planning Director Miles Cottom, Development Engineer Gary Greiner (Item E.1. only), and Planner Christie Barton (Item E.7 only).

Present remotely was 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 the following:

- Chair Felt requested that Consent Agenda Item C. 2. be removed and placed on the Regular Agenda following Item E. 6.
- Regular Agenda Item E.3. regarding choosing a vendor for the historical analysis of the Midland Tunnel will be removed and considered at a later date.
- Regular Agenda Item E. 4. Consideration of Resolution 2023-32 has been postponed with a rehearing on the Renewal event scheduled for May 9, 2023. Chair Baker clarified that while written comments submitted before the March 21, 2023 hearing will be carried over, the Commissioners will re-hear testimony on May 9, 2023 as the verbal testimony given on March 21, 2023 will not be carried over.

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

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

Chair Baker asked for public comments on matters that are *not* on the agenda.

He stated that the Board cannot take public comment on an item that is likely to come before the Board for a public hearing or a quasi-judicial decision and asked that the public not comment on such matters.

He further stated that by giving public comment, you are agreeing to speak only what you know to be true, are going to follow normal rules of civility and conducting business in the public square, and have up to 3 minutes to speak. When called upon, please come to the mic and speak your name and address for the record. If you're online and wish to speak, please raise your hand.

Public Comment was given by:
Kate Garwood, 25725 Us Highway 285 S, Buena Vista.

B. Minutes for Approval

1. Consider for Approval the Minutes of the March 20, 2023 Special Meeting and the March 21, 2023 Regular Meeting

Commissioner Wood moved to approve the minutes of the March 20, 2023 Commissioners' special meeting and the March 21, 2023 Commissioners' regular meeting. Commissioner Felt seconded the motion. The motion carried unanimously.

C. Consent Agenda

Chair Baker asked for Public Comment on any of the Consent Agenda items. There was none.

Chair Baker stated that Consent Agenda Item 2. has been removed.

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

1. Approve Resolution 2023-39 appointing Kathryn Dunleavy to the Heritage Advisory Board
3. Approve the Standard Response Protocol (SRP) Memorandum of Understanding (MOU) with the I Love U Guys Foundation
4. Approve the Liquor License Renewal for Collegiate Peaks Golf Course
5. Approve the Report of Changes / Corporation, LLC and Partnership Liquor and Fermented Malt Beverage Licenses for Browns Canyon Brewing Company LLC

D. 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 Hearing Consent Agenda, the item will be removed and considered with the Regular Agenda. These items, if approved, will include signing authority to the Chair of the Board on the related Resolution(s).

Chair Baker stated that these items are those that would normally require a hearing, but no public testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Hearing Consent Agenda, the item will be removed and considered with the Regular Agenda. These items, if approved, will include signing authority to the Chair of the Board on the related Resolution(s).

Under specific item(s):

No Commissioners wanted to remove the Box Rezone item from the Hearing Consent Agenda.

There was no public comment on the Box Rezone item.

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

1. Name of Project: Box Rezone
Applicants: Marilyn Box for the Box Living Trust
Location: 33890 Vista Verde Circle, Buena Vista
Zone: Rural and Residential
Request: To change the portion of Lot 31 A, Mt. Harvard Valley Development Subdivision Filing 1, that is currently zoned Rural to Residential zoning. The property has been approved for a two lot minor subdivision, and the new lot will be included in the Mt. Harvard Valley Development HOA.
Planner: Christie Barton, 719-530-5572, cbarton@chaffeecounty.org

E. Regular Agenda Items

1. CONVENE AS Board of Health
CONTINUED FROM MARCH 14 2023 DUE TO APPLICANT NOT POSTING SIGN
Notice is hereby given that the Chaffee County Board of County Commissioners, acting as the Board of Health, will hold a Public Hearing to consider an application for a variance to the Chaffee County Water Supply Standards.
Applicant: Dale Billeaudeaux for Billeaudeaux, LLC
Location: 16035 Jay Bird Lane, Buena Vista
Zone: Rural
Request: To allow a water cistern for provision of potable water supply for a residence, instead of a well.
Staff Contact: Gary Greiner, ggreiner@chaffeecounty.org

The Board recessed as the Board of Commissioners at 9:15 a.m. and convened as the Board of Health at 9:15 a.m.

Development Engineer Greiner addressed the Board to consider an application for a variance to the Chaffee County Water Supply Standards for Applicant: Dale Billeaudeaux for Billeaudeaux, LLC at 16035 Jay Bird Lane, Buena Vista, to allow a water cistern for provision of potable water supply for a residence, instead of a well.

Engineer Greiner responded to Attorney/Director Cottom's and Commissioner's questions and confirmed that there was adequate posting for this Agenda item.

Attorney/Director Cottom spoke.

Dale Billeaudeau for Applicant addressed the Board.

The public comment portion of the hearing opened at 9:30 a.m.

Public comments were given by:

Sheila Roberts, 16055 Burt Gulch Rd., Buena Vista

Frank Roberts, 16055 Burt Gulch Rd., Buena Vista

Sheila Roberts and Frank Roberts responded to Commissioner's question.

Dale Billeaudeau stated that he bought the property in 2021.

Sheila Roberts responded to Commissioner's question.

Engineer Greiner addressed the Board. Engineer Greiner and Sheila Roberts responded to Commissioners' questions.

The public comment portion of the hearing closed at 9:47 a.m.

Engineer Greiner addressed the Board.

Dale Billeaudeau responded to Commissioner's question and commented further.

Commissioners deliberated during which Engineer Greiner, Attorney/Director Cottom, Frank and Sheila Roberts, and Dale Billeaudeau responded to Commissioners' questions.

Commissioner Wood moved to deny the application for a variance to the Chaffee County Water Supply Standards for Applicant: Dale Billeaudeau for Billeaudeau, LLC at 16035 Jay Bird Lane, Buena Vista, to allow a water cistern for provision of potable water supply for a residence in lieu of a drilled well, based on the fact that Applicant has not exhausted all reasonable methods for finding water. Commissioner Felt seconded the motion. The motion carried unanimously.

Attorney/Director Cottom stated that a Board of Health resolution is required regarding this matter, that he will have it for consideration at the April 11, 2023 meeting, and that Applicant is not prohibited from filing another application for a variance.

Engineer Greiner responded to Dale Billeadeaux's question.

The Board adjourned as the Board of Health at 10:20 a.m. and reconvened as the Board of Commissioners at 10:20 a.m.

2. Update on District Attorney Lease with Chaffee County - Cottom/Helmke

Director Helmke updated the Board regarding the District Attorney lease.
Attorney/Director Cottom addressed the Board as well.

No formal action was taken.

3. Consider Entering IGA with BLM and Choose a Vendor to do the Level 3 Historical Analysis- L Knowles/ D Tom

As previously noted, this item was removed from the Agenda.

4. Consider for Approval Resolution 2023-32 Conditionally Granting a Request for a Special Event Permit Submitted by Renewal and Providing for a Mult-Day Festival to be Held at a Location in Chaffee County known as the Meadows.

As previously noted, this item was removed from the Agenda.

5. Consider Colorado State Forest Service Wildfire Mitigation Incentives for Local Government Grant Program application with National Forest Foundation - Helmke

Director Helmke addressed the Board to consider the Colorado State Forest Service Wildfire Mitigation Incentives for Local Government Grant Program application with the National Forest Foundation. Director Helmke responded to Commissioner's question.

Commissioner Felt moved to approve the County to serve as fiscal agent for the Colorado State Forest Service's Wildfire Mitigation Incentives for Local Government Grant opportunity, in collaboration with the National Forest Foundation as implementation partner, and direct staff to draft and submit an application proposal accordingly. Commissioner Wood seconded the motion. The motion carried unanimously.

6. Consider Scope for Multimodal Transportation Master Plan Creation Solicitation (Transportation Advisory Board) - Helmke

Director Helmke addressed the Board to consider the Scope for the Multimodal Transportation Master Plan Creation Solicitation (Transportation Advisory Board).

Discussion ensued during which Director Helmke spoke.

Commissioner Wood moved to establish the proposed focus and general scope for a master Chaffee County Multimodal Transportation Plan, and direct staff to finalize the draft RFP for purposes of seeking funding support for the CCMTP development. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Approve Chaffee County Exhibit A to the A133 for North End Public Safety Complex- Knowles/Tom

Commissioner Felt addressed the Board regarding approval of Chaffee County Exhibit A to the A133 contract for the North End Public Safety Complex.

Commissioner Felt moved to approve the Chaffee County Exhibit A to the A133 contract for the North End Public Safety Complex. Commissioner Wood seconded the motion. The motion carried unanimously.

The meeting recessed at 10:41 a.m. until 1:30 p.m.

The meeting resumed at 1:35 p.m.

7. **1:30 p.m. - Blue Triton Brands Annual Report Presentation**

Chair Baker introduced this item including stating that a formal public hearing on this matter will be held at the May 2, 2023 Commissioners' meeting.

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

Planner Barton addressed the Board, followed by Attorney Tom.

Chaffee County outside water counsel David Shohet addressed the Board and responded to Commissioner's question.

Chaffee County outside water engineer Gary Thompson, P.E. with W.W. Wheeler & Associates addressed the Board.

Counsel for Blue Triton Brands, Inc. (BTB) Caitlin Quander, 410 17th St., Suite 2200, Denver, asked a procedural question to which Chair Baker responded.

BTB Natural Resource Manager Larry Lawrence, 5772 Jurupa St., Ontario, CA 91761, presented the BTB 2022 Annual Report to the Board, which included a Power Point Presentation, and responded to Commissioners' questions.

The public comment portion of the hearing opened at 2:39 p.m.

Chair Baker stated that by giving public comment, you are agreeing to speak only what you know to be true, are going to follow normal rules of civility and conducting business in the public square, and have up to 3 minutes to speak. When called upon, please speak your name and address for the record.

Public comments were given by:

Angie Thompson with Central Colorado Climate Coalition, 141 Blake St., Salida

John McGowan, 13100 Coyote Valley Rd., Salida

Tom Bomer, 225 D St., Salida

Chair Baker stated that written comments may be submitted up to May 1, 2023 at 8:00 a.m.

The public comment portion of the hearing closed at 2:52 p.m.

Quander responded to Commissioner's question.

Discussion ensued during which Director Helmke, Attorney Tom, and Lawrence responded to Commissioners' questions.

No formal action was taken.

F. Active Projects

E. Regular Agenda Items

8. Executive Session To Receive Legal Advice On Specific Legal Questions Regarding Land Use Issues, Pursuant To C.R.S. § 24-6-402(4)(b) County Attorneys Tom and Cottom, Deputy Director of Administration Helmke, And Finance Director Short May Also Attend

Chair Baker addressed the Board to enter into executive session for the purpose of receiving legal advice on specific legal questions regarding land use issues pursuant to C.R.S. § 24-6-402(4)(b). He stated that the Board does not anticipate making any decisions following executive session.

Commissioner Wood moved to go into executive session for the purpose of receiving legal advice on specific legal questions concerning land use issues pursuant to C.R.S. § 24-6-402(4)(b).

Commissioners Keith Baker, Greg Felt, P. T. Wood and County Attorney Daniel Tom will attend. Attorney/Director Cottom, Deputy Director of Administration Helmke and Director of Finance Short may also attend.

Chair Baker stated that it is April 4, 2023 at 3:17 p.m., that he is Chair of the Board of Chaffee County Commissioners, and asked for a second to the motion. Commissioner Felt seconded the motion. The motion carried unanimously.

Chair Baker stated that the Commissioners had voted to enter into executive session.

Attorney Tom stated that this executive session constitutes attorney-client privileged communication and that no further recording of this executive session would be necessary.

The following persons are in attendance for executive session: Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Director of Finance Dan Short, and Deputy Director of Administration Beth Helmke.

The Commissioners moved into executive session at 3:18 p.m.

The Commissioners came out of executive session at 3:26 p.m. with no decisions being made.

Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 3:26 p.m., and they returned to the open meeting which would be recorded. He stated that the participants in the executive session were Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Director of Finance Dan Short, and Deputy Director of Administration Beth Helmke.

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 4, 2023 constituted privileged attorney-client communication.

Daniel Tom

Daniel Tom, Chaffee County Attorney

I, Keith Baker, Chair 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 4, 2023 were confined to the topic described in the announcement of such session and authorized by the provisions of C.R.S. § 24-6-402(4)(b).



Keith Baker, Chair

Chair Baker stated that if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to enter the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, he asked that you state your concerns for the record. Hearing none, Chair Baker asked for a motion to adjourn.

G. Adjourn

Commissioner Felt moved to adjourn the meeting. Commissioner Wood seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:27 p.m.

Attest:



Lori Mitchell, County Clerk