



Chaffee County Commissioners Meeting
April 18, 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 18, 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 Finance Dan Short, Deputy Director of Administration Beth Helmke, County Attorney Daniel Tom, Assistant County Attorney/Planning Director Miles Cottom, County Engineer Gary Greiner, and Landfill Manager Shannon Wilcox.

Others present remotely were Planning & Code Compliance Technician Brandon Wolff, Administrative Assistant Brandy Coscarella, 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

Commissioner Wood moved to approve the Agenda. Commissioner Felt 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 comment stating that this is an opportunity for members of the public to express their views on topics that are *not* on the Agenda.

He stated that the Board does not 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 stated that if you want a response from staff or a member of the Board, to please provide your contact information.

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 standards of decorum and conducting public business, 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:

Christy Frank stepped to the podium for Public Comment and stated that she had put in an appeal.

Attorney Tom spoke in response to C. Frank.

Christy Frank, 12920 W County Road 270, Nathrop, spoke.

At Chair Baker's request, C. Frank said she would email her written statement to the Board.

Anne Tengler, 5000 County Rd. 108, Salida, spoke.

At Chair Baker's request, A. Tengler provided her email in the Zoom Chat.

B. Minutes for Approval

1. Consider for Approval the Minutes of the April 11, 2023 Regular Meeting
Commissioner Felt moved to approve the minutes of the April 11, 2023 Commissioners' Regular meeting. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Consent Agenda

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

1. Approve the Retail Liquor or Fermented Malt Beverage License Renewal Application for Station 24 Cafe
2. Approve Support Letters for Tim Canterbury UAWCD Board of Directors Reappointment Application
3. Acknowledge the Treasurer's Reports
4. Approve the Veterans Service Officers Monthly Report for March 2023
5. Pay the Bills

D. Regular Agenda Items

1. Consider for Approval the Spiral Run Drive Special Event Application - fee waiver. Run is Scheduled for April 23 2023 (published Public Hearing).

Attorney Tom addressed the Board to consider approval of a fee waiver for the Spiral Drive Run Special Event scheduled for April 23, 2023.

Chair Baker asked Applicant if he wanted to speak.

Andrew Walker, Board member of Chaffee County Running Club, 321 E. 2nd St., Salida,

introduced himself.

The public comment portion of the hearing opened at 9:22 a.m. There were no comments, and the public comment portion of the hearing was closed.

Attorney Cottom spoke followed by Assistant Coscarella.

Commissioner Wood moved to waive the fee for the Spiral Drive Run Special Event scheduled for April 23 2023. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Consider Directing Legal Staff To Finalize Documents For The Recreation Rangers Program With Partners To Include: (1) The Agreement Between Chaffee County And Colorado Parks And Wildlife, Arkansas Headwaters Recreation Area; (2) The Collection Agreement Between Chaffee County And The US Dept. Of Agriculture, US Forest Service Pike And San Isabel National Forests Cimarron And Comanche National Grasslands (PSICC) Salida And Leadville Ranger Districts, And Give Signing Authority To The Chair Following Legal Approval. Also, Consider Signing The Letter Of Agreement With The Bureau Of Land Management For The Recreation Rangers Program.

Attorney Tom addressed the Board to consider directing legal staff to finalize for the Recreation Rangers Program (1) the Agreement between Chaffee County and Colorado Parks and Wildlife, Arkansas Headwaters Recreation Area; (2) the Collection Agreement between Chaffee County and the US Dept. of Agriculture, US Forest Service Pike and San Isabel National Forests Cimarron and Comanche National Grasslands (PSICC) Salida and Leadville Ranger Districts; and (3) the Letter of Agreement with the Bureau of Land Management, and give signing authority to the Chair following legal approval.

Director Short spoke.

Attorney Tom responded to Commissioner's question.

Commissioner Felt spoke.

Commissioner Felt moved to direct legal staff to finalize for the Recreation Rangers Program (1) the Agreement between Chaffee County and Colorado Parks and Wildlife, Arkansas Headwaters Recreation Area; (2) the Collection Agreement between Chaffee County and the US Dept. of Agriculture, US Forest Service Pike and San Isabel National Forests Cimarron and Comanche National Grasslands (PSICC) Salida and Leadville Ranger Districts; and (3) the Letter of Agreement with the Bureau of Land Management, and give signing authority to the Chair following legal approval. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Consider The Construction Contract With Deep Root Timberworks, LLC, A Colorado Limited Liability Company, dba Deep Roots Craftsmen For The Rehabilitation, Renovation, And Preservation Of The Valley View School House Located At 9051 County Rd. 140, Salida, Following Final Approval By The Legal Department With Signing Authority To The Chair-Knowles

Attorney Tom addressed the Board to consider the Construction Contract with Deep Root Timberworks, LLC, a Colorado limited liability company, dba Deep Roots Craftsmen for the rehabilitation, renovation, and preservation of the Valley View School House located at 9051 County Rd. 140, Salida, following final approval by the Legal Department with signing authority to the Chair.

Engineer Greiner spoke and responded to Commissioners' questions.
Director Short responded to Commissioners' questions.

Commissioner Wood moved to approve the Construction Contract with Deep Root Timberworks, LLC, a Colorado limited liability company, dba Deep Roots Craftsmen for the rehabilitation, renovation, and preservation of the Valley View School House located at 9051 County Rd. 140, Salida, following final approval by the Legal Department with signing authority to the Chair. Commissioner Felt seconded the motion. The motion carried unanimously.

4. Consider Acceptance of the Cottonwood Pass Right-of-Way
Attorney Tom addressed the Board to consider acceptance of the Cottonwood Pass Right-of-Way.

Superintendent Stacy spoke.
Attorney Tom and Superintendent Stacy responded to Commissioner's questions.

Commissioner Felt moved to accept the Cottonwood Pass Right-of-Way. Commissioner Wood seconded the motion. The motion carried unanimously.

E. Active Projects

Chair Baker stated that regarding having asked for the Board's general consensus at the April 11, 2023 meeting about sending a letter of support to Sen. Bennet endorsing the Sangre de Cristo Electric Association's application for some CDS funding to do a test well at Maxwell Park, that it is done.

D. Regular Agenda Items

5. Executive Session under 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions and strategy involving land use code enforcement and potential land use litigation; County Attorney Daniel Tom, Assistant County Attorney/Planning Director Miles Cottom, Planning and Code Compliance Technician Brandon Wolff, Finance Director Short, And Deputy Director of Administration Beth Helmke May Also Attend.

Chair Baker addressed the Board to enter into the executive sessions, items D.5 and D.6 on the Agenda.

Commissioner Felt moved to go into executive session pursuant to C.R.S. § 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions and strategy involving land use code enforcement and potential land use litigation with Commissioners Keith Baker, Greg Felt, P. T. Wood and County Attorney Daniel Tom, Assistant County Attorney/Planning Director Miles Cottom, Planning and Code Compliance Technician Brandon Wolff, Finance Director Short, and Deputy Director of Administration Beth Helmke in attendance.

Commissioner Wood seconded the motion. The motion carried unanimously.

Baker stated that the Board may move from the first executive session (item D.5) into the next executive session (item D.6) on the Agenda, which is for the purpose of receiving legal advice on specific legal questions regarding the landfill pursuant to C.R.S. § 24-6-402(4)(b), and they would make the proper statements at the time.

Attorney Tom stated that these executive sessions constituted privileged attorney-client communications and that no recording of the executive sessions would be kept.

Chair Baker stated that it is April 18, 2023 at 9:55 a.m., that he is Chair of the Board of Commissioners, that the Commissioners have voted to enter into executive session, that these executive sessions will not be electronically recorded because the County Attorney has determined that attorney-client privilege has been invoked. The first executive session will be for the purpose of receiving legal advice on specific legal questions and strategy involving land use code enforcement and potential land use litigation pursuant to C.R.S. § 24-6-402(4)(b) followed by the next executive session on the Agenda which is for the purpose of receiving legal advice on specific legal questions regarding the landfill pursuant to C.R.S. § 24-6-402(4)(b).

The Commissioners moved into executive session at 9:55 a.m.

The Commissioners came out of executive session at 10:51 a.m. with no decisions being made.

Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 10:51 a.m., and they returned to the open meeting which would be recorded. He stated that the participants in the first executive session were Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Director of Finance Dan Short, Deputy Director of Administration Beth Helmke, and Planning and Code Compliance Technician Brandon Wolff and for the second executive session excluding Planning and Code Compliance Technician Brandon Wolff and including Landfill Manager Shannon Wilcox.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive sessions held on April 18, 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 sessions held on April 18, 2023 were confined to the topics described in the announcement of such sessions and authorized by the provisions of C.R.S. § 24-6-402(4)(b).

Keith Baker

Keith Baker, Chair

Chair Baker stated that if any person who participated in the executive sessions believes that any substantial discussion of any matters not included in the motion to enter the executive sessions occurred during the executive sessions, or that any improper action occurred during the executive sessions in violation of the Open Meetings Law, he asked that you state your concerns for the record.

Hearing none and there being no other business, Chair Baker asked for a motion to adjourn.

6. Executive Session to receive legal advice on specific legal questions on the landfill, pursuant to C.R.S. § 24-6-402(4)(b)

See Agenda Item D.5 above.

F. Adjourn

Commissioner Wood moved to adjourn the meeting. Commissioner Felt seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:52 a.m.

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