



Chaffee County Commissioners Meeting
May 2, 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 May 2, 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 County Administrator Don Reimer, Deputy Director of Administration Beth Helmke, County Attorney Daniel Tom, Assistant County Attorney/Planning Director Miles Cottom, Planning & Code Compliance Technician Brandon Wolff, Assistant County Attorney Lynda Knowles (Item E.4. only), Weed Department Supervisor Kayla Malone (Item E.4. 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 asked for Public Comment on any of the Item C. 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.

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 put your contact information on the Public Comment sign-up sheet.

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:
Christine Longmire, 21282 Broadview Rd., Nathrop.

B. Minutes for Approval

1. Consider for Approval the Minutes of the April 18, 2023 Regular Meeting
Commissioner Felt moved to approve the minutes of the April 18, 2023 Commissioners' regular meeting. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Consent Agenda

Deputy Clerk NOTE: Item 4. below was *not* considered as part of the Consent Agenda. It inadvertently remained on the Consent Agenda, and will be considered at a Commissioners' meeting on a later date.

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

1. Pay the Bills
2. Approve the Funding Recommendation for the AWOS Relocation Project
3. Approve Signing the Amendment to the Agriculture Conservation Agreement for Woolmingtons, Circle 23 Ranch
4. Consider for Approval Road and Bridge Bids Received (Mark Stacy):
2023 Chip Seal- Cobitco OR Suncor
Project A County Road 140 Asphalt Overlay- Pavement Maintenance Services
Direct Legal to Draft Associated Contracts with Signing Approval to the Chairman
5. Approve the Renewal of the Antero Sciences Retail Optional Premises Cultivation Center That Produces Recreational Marijuana
6. Approve the Renewal of the Pure Greens Grow II, LLC Medical Marijuana Optional Premises Cultivation Facility.
7. Approve the Change of Ownership Resulting in Transfer of License for the Medical Marijuana Optional Premises Cultivation From GoRule Inc to VisionQuest 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 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 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.

Chair Baker asked if anyone from the public wished to testify on these item(s):

1. Multi-year Special Event Application for the Colorado High School Cycling Race Four- Chalk Creek Stampede, scheduled for October 6-8, 2023;
2. Multi-year Special Event Application for the High Lonesome 100, scheduled for July 21-22, 2023.

There was no public comment.

Attorney/Director Cottom addressed the Board regarding item 2.

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

1. Consider the Multi-year Special Event Application for the Colorado High School Cycling Race Four- Chalk Creek Stampede, scheduled for October 6-8, 2023 (Public Notice Published March 21 2023)
2. Consider the Multi-year Special Event Application for the High Lonesome 100, scheduled for July 21-22, 2023- to also Include a Liquor License and Onsite Camping (Public Notice Published March 21 2023)

E. Regular Agenda Items

1. Name of Matter: Appeal of Administrative Decision Denying Short Term Rental License Application, 8270 County Rd 160 Unit A, Salida, CO
Applicants: Timber Creek Ranch
Location: 8270 County Rd 160 Unit A, Salida, CO
Zone: Rural
Request: To appeal the denial of a short term rental license for the 2023 year.
Planner: Brandon Wolff, bwolff@chaffeecounty.org, (719) 530-5570

Planning & Code Compliance Technician Wolff addressed the Board regarding the appeal of an Administrative Decision denying the short term rental license application of Timber Creek Ranch for 8270 County Rd. 160 Unit A, Salida.

Attorney/Director Cottom responded to the Chair's question.

Chair Baker stated for the record the finding that adequate formal notice of this hearing was given.

Applicant Walt Harder, 8270 County Rd. 160, Salida, addressed the Board following Chair Baker

stating that there is a presumption that Harder would speak the truth.

The public comment portion of the hearing opened at 9:27 a.m. with those who commented agreeing to say only what they know to be true.

Public comments were given by:

Shae Whitney, 8495 County Rd. 160, Salida.

Bradley Becker, 8495 County Rd. 160, Salida.

The public comment portion of the hearing closed at 9:29 a.m.

Applicant Harder, Technician Wolff, and Attorney Tom responded to Commissioners' questions during which Applicant Harder spoke further.

Chair Baker reopened public comment at 9:51 a.m.

Whitney and Becker commented.

Public comment closed at 9:54 a.m.

Applicant Harder spoke further and responded to Commissioner's question.

Attorney Tom and Administrator Reimer responded to Commissioner's questions.

Commissioners deliberated during which Attorney/Director Cottom spoke.

Commissioner Wood moved to modify the decision of the Planning and Zoning Department and issue a Short-Term Rental License to 8270 County Rd 160, Unit A, Salida, for the maximum possible number of renters based on the OWTS capacity, which currently is at eight (8) persons, but may be increased with a differently sized, permitted OWTS. Commissioner Felt seconded the motion. The motion carried unanimously.

Attorney/Director Cottom stated that a resolution would be required and would be presented for consideration on May 16, 2023.

2. Executive Session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on legal questions and strategies involving employee's legal fees in an employee civil action; Attorney Tom, Assistant Attorney Knowles, Administrator Reimer, Finance Director Short, and Deputy Director of Administration Helmke may attend.

Chair Baker addressed the Board to enter 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 strategies involving employee's legal fees in an employee civil action.

Commissioner Wood 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 strategies involving employee's legal fees in an employee civil action. Commissioners Keith Baker, Greg Felt, P. T. Wood and County Attorney Tom will attend. County Administrator Reimer, Deputy Director of General Administration Helmke, and Director of Finance Short may also attend.

Commissioner Felt seconded the motion. The motion carried unanimously.

Director Helmke announced that the meeting would resume at 1:30 p.m. for the Blue Triton Brands

Annual Report.

Chair Baker stated that it is May 2, 2023 at 10:16 a.m., that he is Chair of the Board of Commissioners, that the Commissioners have voted to enter into executive session; that this executive session is being electronically recorded unless and until the attorney-client privilege is invoked by the County Attorney; that the following persons are in attendance for the executive session: Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, County Administrator Don Reimer, and Deputy Director of General Administration Beth Helmke; and that the purpose of the executive session is to receive legal advice on specific legal questions and strategies involving employee's legal fees in an employee civil action.

Chair Baker cautioned each participant that all discussion must be confined to the stated purpose of the executive session, that no formal action may occur in the executive session, and that everything that occurs in this executive session is confidential and may not be disclosed to any outside parties.

Attorney Tom stated that the two executive sessions on the Agenda constituted privileged attorney-client communications and that no further recording of the record was necessary.

The Commissioners moved into executive session at 10:16 a.m.

Without coming out of the executive session regarding Agenda Item E.2., at 10:28 a.m., the Commissioners segued into Agenda Item E.3. executive session for the purpose of receiving legal advice on specific legal questions and strategies involving a land use issue. Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, County Administrator Don Reimer, and Deputy Director of General Administration Beth Helmke were in attendance.

The Commissioners came out of executive session at 10:58 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 sessions held on May 2, 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 May 2, 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

The open meeting resumed. Chair Baker stated that the executive session for purposes of discussing the matters as stated concluded at 10:58 a.m. and that the participants in the executive session were Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, County Administrator Don Reimer, and Deputy Director of General Administration Beth Helmke.

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 recessed the meeting at 10:59 a.m. stating that the meeting would reconvene at 1:30 p.m. for the Blue Triton Brands Annual Report.

3. Executive Session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on legal questions and strategies involving a land use issue; Attorney Tom, Assistant Attorney Knowles, Administrator Reimer, Finance Director Short, County Engineer Gary Greiner, and Deputy Director of Administration Helmke may attend.

See Item E.2.

4. **1:30 p.m. - Public Hearing on the Blue Triton Brand Annual Report**
The meeting reconvened at 1:30 p.m.

Chair Baker addressed the Board to open the public hearing on the Blue Triton Brand (BTB) Annual Report. He stated that written comments were received yesterday before the deadline and today after the deadline, and a determination will be made later whether to accept into the record the comment received today.

Attorney Tom responded to Commissioners' questions.

Chair Baker gave an overview of today's process. He stated that a determination will be made whether to accept the written comment received early this afternoon. There will be additional public comment at this time followed by Staff comments, then Applicant to respond to public and Staff comments followed again by Staff comments. Deliberations will follow.

Chair Baker then asked for public comments stating 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, have up to 3 minutes to speak, and when called upon, to please speak your name and address for the record.

The public comment portion of the hearing opened at 1:37 p.m.

No one present in person gave public comment.

Public comments were given online by:

John McGowan, 13100 Coyote Valley Rd., Salida, stated that he promised to abide by everything truthful and spoke.

Jen Swacina, 230 W 5th St., Salida, stated that she promised to tell the truth, spoke, and responded to Commissioner's question.

Tom Bomer, 225 D St., Salida, stated that he promised to tell the truth and spoke.

The audio portion of public comment concluded.

Chair Baker asked for a motion to accept or not to accept the written public comment received just after noon on May 2, 2023, and stated that he provided a hard copy to Applicant.

Commissioner Felt moved to accept the written public comment of Daniel Smith received just after noon on May 2, 2023. Commissioner Wood seconded the motion. The motion carried unanimously. Chair Baker stated that this comment will be posted on the County website.

The public comment portion of the hearing closed at 1:51 p.m.

Attorney Tom addressed the Board.

County Weed Department Supervisor Malone addressed the Board and responded to Commissioners' questions.

Engineer Gary Thompson with W.W. Wheeler & Associates for Chaffee County had no additional comments and responded to Commissioner's question.

Administrator Reimer and Attorneys Knowles and Tom addressed the Board.

BTB Natural Resource Manager Larry Lawrence, 5772 Jurupa St., Ontario, CA, stated that he promised to tell the truth and spoke.

BTB counsel Caitlin Quander with Brownstein Hyatt Farber Schreck, 410 17th St., Denver, introduced herself.

Lawrence, Quander, Supervisor Malone, and Attorneys Knowles and Tom spoke.

Lawrence, Quander, and Attorney Knowles responded to questions.

Elizabeth Jones with S.S. Papadopoulos & Associates, consultants for BTB, 3100 Arapahoe Ave., Boulder, responded to questions.

Quander, Attorneys Tom and Knowles, Lawrence, Supervisor Malone, and Administrator Reimer responded to questions.

Commissioner Wood moved to continue this matter to June 6, 2023. Commissioner Felt seconded the motion. Discussion ensued during which Attorneys Tom and Knowles responded to Commissioner's questions. Commissioner Wood withdrew his motion. Commissioner Felt withdrew his second to the motion. Discussion continued.

Commissioner Felt moved that we find that Blue Triton Brands (BTB) is in substantial compliance for 2022, require an update from BTB and County Staff on the County Rd. 300 right-of-way situation and FLAP project on June 6, 2023, and with that update determine any action decisions at that time. Commissioner Wood seconded the motion.

Discussion ensued during which Attorney Tom and Quander spoke.

Chair Baker and Attorney Tom responded to Quander's question that public comment regarding substantial compliance is closed and any public comment on June 6, 2023 will be limited to the County Rd. 300 project.

The motion carried unanimously.

F. Active Projects

G. Adjourn

Commissioner Wood moved to adjourn the meeting. Commissioner Felt seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:29 p.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