



Chaffee County Commissioners Meeting
May 9, 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 9, 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 County Administrator Beth Helmke, Director of Finance Dan Short, County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles (Items E.7. and E.8. only), Assistant County Attorney/Planning Director Miles Cottom, Planner Christie Barton, and Sheriff John Spezze (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 9:01 a.m.

2. Approve Agenda

Chair Baker announced that Consent Agenda Item C.1. and Hearing Consent Agenda Item D.2 will be moved to the Regular Agenda.

Commissioner Wood moved to approve the Agenda as amended. 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.

There was no public comment.

B. Minutes for Approval

1. Consider for Approval the Minutes of the May 2, 2023 Regular Meeting

Commissioner Felt moved to approve the minutes of the May 2, 2023 Commissioners' regular meeting. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Consent Agenda

Commissioner Felt moved to approve the Consent Agenda as amended (with Item C.1. removed and placed as an item on E. Regular Agenda Items). Commissioner Wood seconded the motion. The motion carried unanimously.

2. Approve the April 2023 County Veterans Service Officers Monthly Report and Certification of Pay
3. Pay the Bills
4. Approve the VFW Liquor License Renewal Application
5. Acknowledge the Chaffee County Sheriff's Office End of Month Report
6. Approve Letter of Opposition Regarding the Uinta Railway
7. Approve the TechnologyWest Client Terms and Conditions Agreement in the amount of \$28,606.44 as presented.

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 on the related Resolution(s).

Note that Item 2. has been removed and placed on E. Regular Agenda as Item 2.

Under specific item(s):

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

1. Multi-year Special Event Application for the Trail Sisters Half Marathon scheduled for September 9, 2023.
3. Tobias Lot Line Elimination; Applicants: Curtis & Susan Tobias; Location: 15770 Fairway Drive, Buena Vista.
4. Elk Run Boundary Line Adjustment; Applicants: D & G Sparks FLP II, represented by Bruce Kramer; Location: 28920 Timber Ridge (Lot 30 Elk Run Estates), and vacant parcel #3269-141-00-148 as described in Warranty Deed Recep. #462462, Buena Vista.

There was no public comment.

Commissioner Wood moved to approve the Hearing Consent Agenda as amended (with Item D.2.

removed and placed as an item on E. Regular Agenda Items). Commissioner Felt seconded the motion. The motion carried unanimously.

1. Consider the Multi-year Special Event Application for the Trail Sisters Half Marathon, scheduled for September 9, 2023 (Public Notice Published April 7 2023)
3. **Name of Project:** Tobias Lot Line Elimination
Applicants: Curtis & Susan Tobias
Location: 15770 Fairway Drive, Buena Vista
Zone: Residential
Request: To eliminate the lot lines between Lots 16 and 17 within the Ivy League Subdivision.
Planner: Christie Barton 719-530-5572 cbarton@chaffeecounty.org
4. **Name of Project:** Elk Run Boundary Line Adjustment
Applicants: D & G Sparks FLP II, represented by Bruce Kramer
Location: 28920 Timber Ridge (Lot 30 Elk Run Estates), and vacant parcel #3269-141-00-148 as described in Warranty Deed 462462, Buena Vista
Zone: Rural
Request: To adjust property lines between two properties to match the existing fence line: Lot 30-R Elk Run Estates will increase from 5.15 acres to 5.34 acres, and Parcel 2-R (vacant parcel) will become 6.76 acres (this property has not been previously surveyed – the Assessor’s Map shows it as being 5.65 acres; it does decrease in size).
Planner: Christie Barton, 719-530-5572, cbarton@chaffeecounty.org

E. Regular Agenda Items

1. Approve Resolution 2023-41 Appointing Brad March to the Board of Review

Commissioner Felt addressed the Board regarding consideration of approval of **RESOLUTION 2023-41 APPOINTING BRAD MARCH TO THE BOARD OF REVIEW**. Commissioners Wood and Baker spoke.

Commissioner Felt moved to approve **RESOLUTION 2023-41 APPOINTING BRAD MARCH TO THE BOARD OF REVIEW**. Commissioner Wood seconded the motion. The motion carried unanimously.

2. Consider the Multi-year Special Event Application for the Methodist Mountain Ultra, originally scheduled for May 20, 2023 and changed to October 21, 2023 for the current year event (Public Notice Published April 7 2023)

Commissioner Felt addressed the Board regarding the Multi-year Special Event Application for the Methodist Mountain Ultra, originally scheduled for May 20, 2023 and changed to October 21, 2023 for the current year event.

Applicant Andrew Walker addressed the Board.

Commissioner Felt spoke followed by Attorney/Director Cottom.

Commissioner Felt moved to approve the Multi-year Special Event Application for the Methodist Mountain Ultra, originally scheduled for May 20, 2023 and changed to October 21, 2023 for the current year event, with the addition of an annual coordination check with Colorado Parks & Wildlife. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Consider the CTSI 5-year Loss Analysis and Pool Updates- Marilyn Wagner, CTSI

Marilyn Wagner with County Technical Services, Inc. (CTSI) addressed the Board providing the CTSI 5-year Loss Analysis and Pool Updates.

No formal action was taken.

4. Consider for Approval the Common Ground Funding Recommendations

Common Ground Administrator Ben Doon addressed the Board to consider for approval the Common Ground Funding Recommendations.

Commissioners spoke.

Chair Baker asked for public comments or questions, although this is not a public hearing. There was no public comment.

Chair Baker spoke.

Commissioner Felt moved to approve the Common Ground Funding Recommendations. Commissioner Wood seconded the motion. The motion carried unanimously.

The meeting recessed at 10:12 a.m. for a short break.

The meeting resumed at 10:17 a.m.

5. Name of Project: RGP Ranch Subdivision Exemption for Public Benefit
Applicants: Tracy Guccione & David Padoven and City of Salida 1/2 Interest & Chaffee County 1/2 Interest

Location: 10226 County Road 140, Salida

Zone: Rural

Request: To subdivide 190.22 acres into two (2) lots with the Public Benefit lot being 12.7 acres, created to protect the Runway Protection Zone at the west end of the airport runway. No infrastructure is required for this use.

Planner: Christie Barton/719-530-5572/cbarton@chaffeecounty.org

Chair Baker gave an overview of the process for items that include public hearings.

Planner Barton addressed the Board to consider the RGP Ranch Subdivision Exemption for Public Benefit; Applicants: Tracy Guccione & David Padoven and City of Salida 1/2 Interest & Chaffee County 1/2 Interest; Location: 10226 County Road 140, Salida.

Planner Barton stated that this matter was properly noticed.

Chair Baker asked for other staff comments. There were none.

The public comment portion of the hearing opened at 10:24 a.m. There were no comments, and the public comment portion of the hearing was closed.

Discussion ensued.

Commissioner Wood moved to approve the RGP Ranch Subdivision Exemption for Public Benefit; Applicants: Tracy Guccione & David Padoven and City of Salida 1/2 Interest & Chaffee County 1/2 Interest; Location: 10226 County Road 140, Salida. Commissioner Felt seconded the motion.

Attorney/Director Cottom stated that a resolution would be prepared and recommended that when the resolution is ready, it would be presented with signing authority to the Board. The Board agreed by consensus. The motion carried unanimously.

6. Consider a Special Event Permit for Renewal 2023 to be held September 21-23, 2023 at the Meadows Farm, 14822 County Road 350, Buena Vista. The event is proposed for 7500 spectators. There will be amplified sound and a liquor license. Consider for Approval Resolution 2023-32 Conditionally Granting a Request for a Special Event Permit Submitted by Renewal and Providing for a Multi-Day Festival to be Held at a Location in Chaffee County known as the Meadows

Chair Baker introduced this item stating that additional public comment will be taken at this meeting and prior public comment will be taken into consideration as well.

Attorney/Director Cottom addressed the Board to consider a Special Event Permit for Renewal 2023 to be held September 21-23, 2023 at the Meadows Farm, 14822 County Road 350, Buena Vista and **RESOLUTION 2023-32 CONDITIONALLY GRANTING A REQUEST FOR A SPECIAL EVENT PERMIT SUBMITTED BY RENEWAL AND PROVIDING FOR A MULTI-DAY FESTIVAL TO BE HELD AT A LOCATION IN CHAFFEE COUNTY COLORADO KNOWN AS THE "MEADOWS."**

Applicant Scotty Stoughton, 786 Majestic Circle, Steamboat, CO, addressed the Board.

Chair Baker asked for public comment, 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, 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.

The public comment portion of the hearing opened at 10:34 a.m. There were no comments, and the public comment portion of the hearing was closed.

Attorney/Director Cottom responded to Commissioner's question.

Applicant Stoughton had no further comment.

Commissioners deliberated during which Attorney/Director Cottom responded to Commissioners' questions confirming that this is a one-year permit and that by approving Resolution 2023-32, the event would be approved.

Commissioner Wood moved to approve **RESOLUTION 2023-32 CONDITIONALLY**

GRANTING A REQUEST FOR A SPECIAL EVENT PERMIT SUBMITTED BY RENEWAL AND PROVIDING FOR A MULTI-DAY FESTIVAL TO BE HELD AT A LOCATION IN CHAFFEE COUNTY COLORADO KNOWN AS THE “MEADOWS.”
Commissioner Felt seconded the motion. The motion carried unanimously.

7. Executive Session: *"To hold a conference with the County's attorney to receive legal advice on specific legal questions on litigation matters, pursuant to C.R.S. § 24-6-402(4)(b)."*
County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Planning Director/Assistant County Attorney Miles Cottom, County Administrator Don Riemer, County Deputy Director of Administration Beth Helmke, Finance Director Dan Short, and Sheriff John Spezze May Also 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 on litigation matters. County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, County Administrator Don Riemer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, and Sheriff John Spezze may also attend.

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 on litigation matters. Commissioners Keith Baker, Greg Felt, and P. T. Wood and County Attorney Daniel Tom will attend. Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, County Administrator Don Riemer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, and Sheriff John Spezze may also attend.

Commissioner Wood seconded the motion. The motion carried unanimously.

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.

Chair Baker stated that it is May 9, 2023 at 10:46 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 will not be electronically recorded because the County Attorney has determined that attorney-client privilege has been invoked. This executive session will be concerning legal advice on specific legal questions concerning litigation matters pursuant to C.R.S. § 24-6-402(4)(b).

The following persons are in attendance for executive session: Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, County Administrator Don Riemer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, and Sheriff John Spezze (Item E.7. only).

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.

The Commissioners moved into executive session at 10:48 a.m.

Without coming out of the executive session regarding Agenda Item E.7., at 11:12 a.m., the Commissioners segued into Agenda Item E.8. executive session for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. § 24-6-402(4)(b). Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, County Administrator Don Reimer, Deputy County Administrator Beth Helmke, and Director of Finance Dan Short were in attendance.

The Commissioners came out of executive session at 11:40 a.m. with no decisions being made.

The open meeting resumed. Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 11:40 a.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, Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, County Administrator Don Riemer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, and for Agenda Item E.7. only Sheriff John Spezze.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on May 9, 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 May 9, 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 stated that all of the proceedings in executive session were confidential and that all in attendance are obligated not to divulge any of those proceedings to anyone.

After the executive session, there was no other business, and Chair Baker asked for a motion to adjourn the meeting.

8. Executive Session:

"To hold a conference with the County's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b)."

County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Planning Director/Assistant County Attorney Miles Cottom, County Administrator Don Riemer, County

Deputy Director of Administration Beth Helmke, and Finance Director Dan Short May Also Attend

See Item E.7.

F. Active Projects

G. Adjourn

Commissioner Felt moved to adjourn the meeting. Commissioner Wood seconded the motion. The motion carried unanimously. The meeting was adjourned at 11:42 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