



Chaffee County Commissioners Meeting
May 16, 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 16, 2023, at the Buena Vista Community Center. Board members present were Acting Chair Greg Felt and Commissioner P. T. Wood. Chair Keith Baker was absent - excused. Therefore, any unanimous votes during this meeting reflect the votes of Commissioners Felt and Wood only.

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/Planning Director Miles Cottom, and Road & Bridge Superintendent Mark Stacy.

Others present remotely were Assistant County Attorney Lynda Knowles, Planner Brandon Wolff, Deputy Building Official Chad Chadwick, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Vice Chair Felt called the meeting to order at 9:01 a.m. and announced that Chair Baker is not present for this meeting.

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

Vice Chair Felt 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, unless it is a topic on the Agenda for which the commenter will not be present.

He stated that each person has up to 3 minutes to speak, and when called upon, please come to the podium and give your name and address for the record; if you're online and want to speak, please use the raise hand function or chat feature.

Public Comment was given by:

Dan Jones, 4141 County Rd. 210, Salida, (in person).

Public comment was closed.

B. Minutes for Approval

1. Consider for Approval the Minutes of the May 9, 2023 Regular Meeting
Commissioner Wood moved to approve the minutes of the May 9, 2023 Commissioners' regular meeting. Commissioner Felt 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 Resolution 2023-40 Modifying the Timber Creek Short Term Rental Denial, as Approved at the May 2 2023 Meeting
2. Approve the Liquor License Renewal for Mt. Princeton Resort
3. Approve the Project Partner Agreement with Conservation Legacy (Southwest Conservation Corps) for the May 29-June 30, 2023 Session in the amount of \$16,000

D. Regular Agenda Items

1. **Name of Matter:** Appeal of Administrative Decision Denying Short Term Rental License Application, 12920 W County Rd 270, Nathrop, CO
Applicants: Frank, Ryan & Christy
Location: 12920 W County Rd 270, Nathrop, 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

Attorney/Director Cottom addressed the Board regarding an appeal of an administrative decision denying a Short-Term Rental (STR) License for 12920 W County Rd. 270, Nathrop, CO, for Applicants Ryan and Christy Frank.

Attorney/Director Cottom asked Attorney Paul Kosnik representing Applicants if he agreed with the hearing to proceed today. Kosnik stated that he did.

Vice Chair Felt asked about a comment that appeared to have been received this morning. Attorney/Director Cottom stated that that comment was received Monday morning before the noon deadline on Monday.

Vice Chair Felt outlined the hearing process.

Planner Wolff presented the Staff Report.
Planner Wolff and Attorney/Director Cottom responded to Commissioner's questions.

Kosnik with the law firm of Eggleston Kosnik, 160 E. 12th St., Suite 7, Durango, addressed the Board.

Applicant Christy Frank, 12920 W County Rd. 270, Nathrop, provided a report from Antero Septic Co. to Vice Chair Felt and addressed the Board.

Applicants Ryan Frank and Christy Frank, Attorney Tom, and Attorney/Director Cottom responded to Commissioners' questions.

Kosnik addressed the Board.

Planner Wolff addressed the Board.

Attorney/Director Cottom responded to Commissioner's question.

The public comment portion of the hearing opened at 10:22 a.m.

Public comments were given by:

Jerry Shannahan, 28850 County Rd. 330, Buena Vista.

Renee Graner, 19530 US Hwy. 285, Nathrop.

Dan Jones, 4141 County Rd. 210, Salida.

Attorney/Director Cottom responded to Commissioner's question.

Anne Tengler, 5000 County Rd. 108, Salida.

Steve Quilico, 13955 County Rd. 273, Nathrop.

The public comment portion of the hearing closed at 10:42 a.m.

At the invitation of Vice Chair Felt, Kosnik addressed the Board.

Commissioners deliberated, during which Attorney Tom spoke.

Attorney/Director Cottom, Attorney Tom, Official Chadwick, Planner Wolff, and Administrator Reimer responded to Commissioners' questions.

The meeting recessed at 11:08 a.m. for a short break.

The meeting resumed at 11:17 a.m.

Commissioner deliberations continued during which Administrator Reimer, Official Chadwick, and Planner Wolff responded to Commissioner's questions.

Commissioner Wood moved that we ask for the OWTS, building, electrical, and plumbing permits and inspections, waive the fines, hold the STR license, and do inspections under the 1991 Uniform Building Code (UBC) for 12920 W County Rd. 270, Nathrop, CO, for Applicants Ryan and Christy Frank.

Attorney Tom stated that a resolution is needed because this is an appeal of a denial of an STR license and suggested making findings that the application was denied properly; then give the potential action that this is denied; hold that Applicants would be allowed to pay their STR license and give Applicants a time certain to meet all of these action steps; that based on the denial of the short-term rental license, they cannot advertise or put this up for rent until they meet these actions by a certain timeframe.

Attorney Tom stated further that the Commissioners may direct Staff to make these findings.

Vice Chair Felt stated that he would expand the window when permits are pulled to give 90 days, rather than 30 days.

Commissioner Wood concurred.

Commissioner Wood clarified that the motion would be to uphold the denial of a Short-Term Rental (STR) License for 12920 W County Rd. 270, Nathrop, CO, for Applicants Ryan and Christy Frank based on the Findings in the Staff Report; require the OWTS, building, electrical, and plumbing permits and inspections; waive any potential fines; hold Applicants' STR license; inspect under the 1991 UBC; give 90 days to apply for the permits; and Commissioners would be willing to revisit this timeframe if a licensed electrician cannot be found.

Attorney Tom spoke followed by Attorney/Director Cottom who clarified that he wants the opening to bring this matter back to the Commissioners if this goes into 2024 without the work being done. Commissioners concurred.

Commissioner Felt seconded the motion. The motion carried unanimously.

Attorney Tom stated that a resolution on this matter would be presented to Commissioners for consideration on June 6, 2023. Chair Felt clarified that the resolution would be presented to Applicants prior to its presentation to Commissioners.

Commissioner Wood clarified that the current fee schedule would be used.

2. Consider Cybersecurity application for grant funded from BIL via Dept Homeland Security, administered through CO DHSEM, to support development & implementation of a County Cybersecurity Plan - Gallegos/Helmke

Deputy Administrator Helmke addressed the Board regarding this item. She stated that what the IT Department needs is not in alignment with the parameters of the grant, and, therefore, this will not be pursued and has been pulled from the Agenda.

No formal action was taken.

3. Consider for Approval Road and Bridge Bid Award 2023 Chip Seal Project to Cobitco and Direct Legal to Draft Associated Contract with Signing Approval to the Chairman (Mark Stacy)

Superintendent Stacy addressed the Board regarding Road & Bridge bids received from Cobitco and Suncor for 2023 Chip Seal projects.

Attorney Tom responded to Superintendent Stacy's concerns and Commissioner's question.

Superintendent Stacy stated that he would go with Cobitco.

Commissioner Wood moved to approve the bid from Cobito received by Road & Bridge for the 2023 Chip Seal projects and direct Legal Staff to draft the associated contracts with signing authority to the Chair. Commissioner Felt seconded the motion. The motion carried unanimously.

4. Consider for Approval the Purchase of a Water Truck for the Landfill, with Signing Authority to the Chair Pending Legal Approval of Additional Paperwork from the Vendor, DTI Tucks - Knowles/ Wilcox

Manager Wilcox addressed the Board to consider for approval the purchase of a water truck for the Landfill.

Director Short responded to Commissioner's question.

Commissioner Wood moved to approve the purchase of a water truck from DTI Tucks for the Landfill pending Legal Staff approval of additional paperwork from the vendor DTI Tucks with signing authority to the Chair following Legal Staff approval. Commissioner Felt seconded the motion. The motion carried unanimously.

5. Consider for Approval the Contract with Lee and Burgess not to Exceed \$22,250 with Signing Authority to the Chair Following Final Legal Approval - Short/ Knowles

Director Short addressed the Board to consider for approval the Contract with Lee and Burgess not to exceed \$22,250 with signing authority to the Chair following final Legal Staff approval.

Commissioner Wood moved to approve the Contract with Lee and Burgess not to exceed \$22,250 with signing authority to the Chair following final Legal Staff approval. Commissioner Felt seconded the motion. The motion carried unanimously.

6. Consider for Approval the Contract with CDPHE for Public Health Related to FY24 Cancer, Cardiovascular, and Pulmonary Disease - Knowles/Carlstrom

Vice Chair Felt addressed the Board to consider for approval the Contract with CDPHE for Public Health related to FY24 Cancer, Cardiovascular, and Pulmonary Disease.

Commissioner Wood moved to approve the Contract with CDPHE for Public Health related to FY24 Cancer, Cardiovascular, and Pulmonary Disease. Commissioner Felt seconded the motion. The motion carried unanimously.

7. Consider for Approval the Resolution to Allocate the DHS Contribution in the amount of \$133,000 to Ark Valley Preschool

Deputy Administrator Helmke addressed the Board to consider the **Resolution to Allocate the Department of Human Services (DHS) Contribution in the amount of \$133,000 to Ark Valley Preschool**. Deputy Administrator Helmke responded to Commissioner's question.

Deputy Administrator Helmke introduced Katie Patti, President of the Board of Chaffee County Childcare, a Colorado nonprofit corporation, dba Ark Valley Preschool. Patti spoke.

Commissioner Wood moved to approve the **Resolution to Allocate the DHS Contribution in the amount of \$133,000 to Ark Valley Preschool**. Commissioner Felt seconded the motion. The motion carried unanimously.

Deputy Administrator Helmke clarified that this approval would include directing Staff to complete due diligence and a funding agreement to outline obligations and oversight of that partnership. Commissioners concurred.

Patti stated that they are looking to receive this funding by early summer 2023, if possible, to open in August 2023.

Vice Chair Felt stated that this was all implied in the motion.

E. Active Projects

F. Adjourn

Commissioner Wood moved to adjourn the meeting. Commissioner Felt seconded the motion. The motion carried unanimously. The meeting was adjourned at 11:50 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