



Chaffee County Commissioners Meeting
July 11, 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 July 11, 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 (Regular Agenda item D.8. only), Assistant County Attorney/Planning Director Miles Cottom, Principal Planner Greg Laudenslager, Planning Manager Garry Baker, and Assessor Rick Roberts (Regular Agenda item D.6. only).

Others present remotely were Planner Brandon Wolff 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, and, therefore, Commissioners do not normally engage in a back-and-forth discussion or respond to questions during public comment.

He stated that:

- the Board of Commissioners (BOCC) cannot take public comment on an item that is scheduled or likely to be scheduled for a quasi-judicial hearing before the BOCC;
- the BOCC or a staff member may reply later, using contact information provided on the sign-up sheet;
- by giving public comment, you are agreeing to speak only what you know to be true and are

going to follow normal rules of civility in conducting public business;

- you'll have up to 3 minutes to speak, and when called upon, please come to the microphone and speak your name and address for the record.

Discussion ensued regarding if someone giving public comment does not tell the truth, during which Attorney Tom spoke.

He further stated to address all your comments to the County Commissioners. In other words, do not address applicants, previous speakers, or other members of the audience. People in the room will speak first.

If you're online and wish to speak, please use the raise hand function on zoom, the chat function, or unmute and speak loudly.

Public Comment was given by:

Jayne McCracken, 16165 Burt Gulch Rd., Buena Vista.

Lisa Myres, 14717 S. Stagecoach Lane, Buena Vista.

Blane Clark, 16100 Pine Grove Pkwy., Buena Vista.

Tom McCracken, 16165 Burt Gulch Rd., Buena Vista.

Chair Baker spoke followed by Commissioner Felt.

B. Minutes for Approval

1. Consider for Approval the Minutes of the July 5, 2023 Regular Meeting
Commissioner Wood moved to approve the minutes of the July 5, 2023 Commissioners' regular meeting as published. Commissioner Felt seconded the motion. The motion carried unanimously.

C. Consent Agenda

Chair Baker clarified regarding Consent Agenda item 4. that by approving the Consent Agenda, the Board is accepting the updated Collegiate Peaks Scenic & Historic Byway Corridor Management Plan and will direct staff to prepare a resolution for the Board's consideration of approval.

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

1. Approve County Investment Policy Update & Renewing/Entering into Agreement with Investment Advisement Manager - L Knowles
2. Approve:
Resolution 2023-Xx Replacing A Director Of The Chaffee County Facilities Corporation As Of January 8, 2019
Resolution 2023-Xx Replacing A Director Of The Chaffee County Facilities Corporation As Of May 1, 2023
-presented by Legal

3. Pay the Bills
4. Adopt Resolution Accepting updated Collegiate Peaks Scenic & Historic Byway Corridor Management Plan - Chaffee Heritage Advisory Board; B Helmke
5. Authorize And Instruct The County Treasurer Of Chaffee County To Cancel The Following Delinquent, Uncollectible, Personal Property Taxes Off The Books, Said Taxes Being Delinquent One Year, To Wit:

Tax Year or Years	Total Tax
2019	\$ 398.10
2020	\$1,277.37
2021	\$1,100.48
	\$2,775.95
6. Approve the Colorado Department of Military and Veterans Affairs County Veterans Service Officers Monthly Report and Certification of Pay for June 2023
7. Approve plan to submit for Statewide Internet Portal Authority Grant Application for BOCC Chambers AV equipment - B Helmke
8. Approve the Purchase of a Used 2021 Western Star Dump Truck per Purchasing Policy 3.3.1.2- M Stacy
9. Approve Resolution 2023-58 to Approve the Issuance of Ambulance Vehicle Permits for an Ambulance Operated by Chaffee County EMS

D. Regular Agenda Items

Chair Baker outlined the process for items on the Regular Agenda that include public hearings and stated that all of those items were adequately noticed to the public.

1. Chaffee Housing Authority Update- Ashley Kappel

Chaffee Housing Authority (CHA) Executive Director Ashley Kappel updated the Board regarding CHA.

No formal action was taken.

At 9:41 a.m., the Board recessed as the Board of Commissioners and convened as the Board of Health at 9:42 a.m.

2. Convene as Board of Health

Applicant: Christopher Plakorus & Laura Plakorus (Aldrete)
Location: 10685 County Road 240
Zone: Residential
Request: To allow the installation/replacement of an existing water cistern, as it is the only reliable

source of water at this property. The existing water cistern is cracked and leaking.

Official Greene addressed the Board to consider a request for Applicant Christopher Plakorus & Laura Plakorus (Aldrete) at 10685 County Road 240, to allow the installation/replacement of an existing water cistern.

Applicant did not choose to speak at this time.

Discussion ensued during which Attorney Tom spoke.
Official Greene commented.

Applicant Laura Plakorus (Aldrete) addressed the Board.

Commissioner Felt moved to approve as presented the variance application of Applicant Christopher Plakorus & Laura Plakorus (Aldrete) at 10685 County Road 240, to allow the installation/replacement of an existing water cistern, and direct staff to prepare a resolution with signing authority to the Chair. Commissioner Wood seconded the motion. The motion carried unanimously.

At 9:49 a.m., the Board adjourned as the Board of Health and reconvened as the Board of Commissioners at 9:50 a. m.

3. **Name of Project:** Elements Landing Subdivision Exemption

Applicant: Chavara Ranch LLC

Applicant Representative: Elements Mountain Compost LLC, Julie Mach

Location: 9000 County Road 140, Salida

Zone: Industrial & Rural

Request: A Subdivision Exemption for Public Benefit to create one new lot on property located at 9000 County Road 140, Salida. This newly created lot would be located at the northwest corner of the property on land that is zoned Industrial. Diverting waste from the Chaffee County Landfill is the public benefit that is being proposed with this application. This newly created lot would be served by a commercial On-site Wastewater Treatment System (OWTS) and a commercial well.

Planner: Greg Laudenslager, (719) 530-5571, glaudenslager@chaffeecounty.org

Planner Laudenslager addressed the Board to consider the Elements Landing Subdivision Exemption for Applicant Chavara Ranch LLC represented by Elements Mountain Compost LLC - Julie Mach, located at 9000 County Road 140, Salida.

Applicant representative Mach addressed the Board.

The public comment portion of the hearing opened at 9:57 a.m. There were no comments, and the public comment portion of the hearing was closed.

Applicant Mach responded to Commissioner's question.

Commissioners deliberated.

Commissioner Wood moved to approve with conditions the Elements Landing Subdivision Exemption for Applicant Chavara Ranch LLC represented by Elements Mountain Compost LLC, located at 9000 County Road 140, Salida, and direct staff to prepare a resolution to that effect with signing authority to the Chair. Commissioner Felt seconded the motion. The motion carried

unanimously.

4. **Name of Project:** Timber Creek Major Subdivision Final Plat
Applicant: TCR Subdivision LLC / Walt Harder
Applicant Representative: Crabtree Group / Tracy Vandaveer
Location: 8315 County Road 160, Salida
Zone: Rural
Request: Subdivision of 184.27 acres into 70 lots with 133.66 acres to be conserved as open space in perpetuity. Shared wells and individual on-site wastewater treatment systems would serve the proposed properties.
Planner: Greg Laudenslager, (719) 530-5571, glaudenslager@chaffeecounty.org

Planner Laudenslager addressed the Board to consider the Timber Creek Major Subdivision Final Plat for Applicant: TCR Subdivision LLC / Walt Harder, represented by Crabtree Group / Tracy Vandaveer, located at 8315 County Road 160, Salida.

Chair Baker stated again that public notice was adequate for this public hearing.

Chair Baker stated further that an additional public comment was received after the public packet was published.

Applicant confirmed that he received this additional public comment.

Planner Laudenslager stated that this public comment from Brady Becker was the only public comment received regarding Final Plat.

Commissioner Felt moved to accept into the record this additional public comment received in addition to what was in the public packet. Commissioner Wood seconded the motion. The motion carried unanimously.

Discussion ensued during which Planner Laudenslager, Attorney Tom, and Attorney/Director Cottom responded to Commissioners' questions.

Applicant Walt Harder, 8270 County Rd. 160, Salida, addressed the Board and responded to Commissioners' questions.

Attorney/Director Cottom and Planner Laudenslager also responded to Commissioners' questions and Applicant Harder during Applicant Harder's addressing the Board.

Attorney/ Director Cottom spoke.

Harder, Planner Laudenslager, Applicant representative Tracy Vandaveer, and Attorney/Director Cottom responded to Administrator Reimer's and Commissioners questions/concerns. Administrator Reimer spoke.

The public comment portion of the hearing opened at 11:48 a.m.
Public comments were given by:

Jack Wolfe, 8365 Longhorn Dr., Salida, spoke and responded to Commissioner's questions.

Wendy Wolfe, 8365 Longhorn Dr., Salida.

Brenda Sampson, 8701 County Rd. 160, Salida.

Cory "Salty" Riggs, 218 Scott St., Salida.

Eric Warner, 9707 County Rd. 163, Salida.

Emily Guldán, 8379 Yunikar Rd., Salida.

Amy Guldán, 8379 Yunikar Rd., Salida, spoke and responded to Commissioner's questions. Commissioner Felt and Attorney Tom responded to the question of Mike Guldán, 8379 Yunikar Rd., Salida.

Mike Guldán spoke.

Shae Whitney, 8495 County Rd. 160, Salida.

Brady Becker, 8495 County Rd. 160, Salida.

Scarlett Massine, 8455 County Rd. 160, Salida.

The public comment portion of the hearing closed at 12:29 p.m.

The meeting recessed at 12:30 p.m. for a short break until 12:40 p.m.

The meeting resumed at 12:40 p.m. SEE AGENDA ITEM D. 5.

This Agenda Item D.4. continued following Regular Agenda Item D.5.

Commissioner Wood spoke.

Applicant Harder addressed the Board.

Planner Laudenslager spoke.

Discussion ensued during which Attorney/Director Cottom and Attorney Tom spoke.

Applicant Harder addressed the Board and concurred with a continuance.

Attorney/Director Cottom spoke.

Chair Baker clarified that public comment at the July 18, 2023, meeting would be limited to any new information and/or conditions presented.

Commissioner Felt moved to continue to the July 18, 2023 meeting in Buena Vista, the Timber Creek Major Subdivision Final Plat for Applicant: TCR Subdivision LLC / Walt Harder, represented by Crabtree Group / Tracy Vandaveer, located at 8315 County Road 160, Salida. Commissioner Wood seconded the motion. The motion carried unanimously.

5. Discuss and Approve the County Attorney's Office to Prosecute Code Violations at 22720 Highway 50.

The meeting resumed at 12:40 p.m.

Attorney Tom addressed the Board with an update regarding code violations at Monarch Lodge, 22720 Highway 50, Salida.

Commissioner Baker moved to continue to the August 8, 2023 meeting, discussion of the County Attorney's Office prosecuting code violations at 22720 Highway 50, Salida. Commissioner Wood seconded the motion. The motion carried unanimously.

7. Consider Request for Acceptance of Major Subdivision Application During Temporary Moratorium in Consideration of Resolutions 2022-41 and 2022-74. Applicant Joe Cooper (continued from June 20, 2023) - M. Cottom

Attorney/Director Cottom addressed the Board to consider a request for acceptance of a Major Subdivision Application during Temporary Moratorium in consideration of Resolutions 2022-41

and 2022-74 for Applicant Joe Cooper.

Applicant Joe Cooper deferred to his counsel Geoff Anderson, who addressed the Board.

Attorney Tom and Attorney/Director Cottom spoke in response to Anderson's comment/question. Anderson spoke further.

Applicant Cooper addressed the Board and provided documents to the Board and Attorney/Director Cottom for the record. Attorney/Director Cottom read the documents aloud.

Applicant Cooper spoke and requested a continuance and provided a document to the Board for the record.

Commissioners, Attorney/Director Cottom, and Attorney Tom spoke.

Applicant Cooper provided the Board with additional documents for the record.

Commissioner Felt moved to continue to September 5, 2023, the request for a Major Subdivision Application during Temporary Moratorium in consideration of Resolutions 2022-41 and 2022-74 for Applicant Joe Cooper. Commissioner Wood seconded the motion. The motion carried with Commissioners Felt and Wood voting FOR the motion and Commissioner Baker voting AGAINST the motion.

8. Consider for Approval the Intergovernmental Agreement with Chaffee County, Town of Buena Vista and City of Salida Regarding SWAT Engagements and Resources - L Knowles

Attorney Knowles addressed the Board to consider for approval the Intergovernmental Agreement with Chaffee County, Town of Buena Vista, and City of Salida regarding SWAT engagements and resources.

Commissioner Wood moved to approve the Intergovernmental Agreement with Chaffee County, Town of Buena Vista, and City of Salida regarding SWAT engagements and resources. Commissioner Felt seconded the motion. The motion carried unanimously.

At 1:39 p.m., the Board recessed as the Board of Commissioners and convened as the Board of Equalization at 1:40 p.m.

6. Convene as Chaffee County Board of Equalization

- Accept Personal Property Declaration Report from Assessor's Office - R Roberts
- Consider for Approval the Letter to Senator Mark Baisley and Representative Julie McCluskie re: Urgent Request to Revert the Time Period for Taxpayer Appeals

Assessor Roberts addressed the Board to accept the Personal Property Declaration Report from the Assessor's Office and to consider support for his Assessor's letter to State Senator Mark Baisley and State Representative Julie McCluskie re: urgent request to revert the time period for taxpayer appeals.

Director of Finance Short spoke. Assessor Roberts responded to Director Short's comments/questions.

Assessor Roberts responded to Commissioner's question.

Commissioners all signed Assessor Roberts' letter to Senator Mark Baisley and Representative Julie McCluskie re: urgent request to revert the time period for taxpayer appeals.

Commissioner Felt moved to accept the Personal Property Declaration Report from the Assessor's Office. Commissioner Wood seconded the motion. The motion carried unanimously.

At 1:57 p.m., the Board adjourned as the Board of Equalization and reconvened as the Board of Commissioners.

9. E-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) on Colorado Department of Public Health and Environment Consent Order for Chaffee County Landfill; County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, County Administrator Don Riemer, County Deputy Director of Administration Beth Helmke, Finance Director Dan Short, Landfill Manager Shannon Wilcox, Outside Counsel Maki Iatirdis and Mark McCullum May Attend.

Chair Baker addressed the Board to enter into executive session pursuant to § 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions concerning the Colorado Department of Public Health and Environment (CDPHE) Consent Order for the Chaffee County Landfill.

Commissioner Felt moved to go into executive session pursuant to § 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions concerning the Colorado Department of Public Health and Environment (CDPHE) Consent Order for the Chaffee County Landfill. Commissioner Wood seconded the motion. The motion carried unanimously.

Commissioners Keith Baker, Greg Felt, and P. T. Wood and County Attorney Daniel Tom will attend. Assistant County Attorney Lynda Knowles, County Administrator Don Riemer, Deputy County Administrator Beth Helmke, Finance Director Dan Short, Landfill Manager Shannon Wilcox, and outside counsel Maki Iatirdis and Mark McCullum may also attend.

Attorney Tom stated that this executive session constituted privileged attorney-client communications and no further recording of the executive session is necessary.

Chair Baker stated that it is July 11, 2023 at 2:00 p.m., that he is the presiding officer 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 for the purpose of receiving legal advice on specific legal questions concerning the Colorado Department of Public Health and Environment (CDPHE) Consent Order for the Chaffee County Landfill pursuant to § 24-6-402(4)(b), C.R.S.

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

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 2:00 p.m.

The Commissioners came out of executive session at 2:10 p.m. with no decisions being made.

Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 2:10 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, County Administrator Don Reimer, Deputy County Administrator Beth Helmke, and Director of Finance Dan Short.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on July 11, 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 July 11, 2023 were confined to the topic described in the announcement of such session and authorized by the provisions of § 24-6-402(4)(b), C.R.S.



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 the next Agenda item is Regular Agenda item 10.

10. Consider Accepting CDPHE Consent Order for Chaffee County Landfill - D Tom

Chair Baker addressed the Board to consider accepting the CDPHE Consent Order for the Chaffee County Landfill and giving staff direction on how to proceed.

Commissioner Felt spoke.

Commissioner Felt moved to approve the edits proposed by the County to the CDPHE Consent Order for the Chaffee County Landfill and empower staff to do their best to get those edits accepted by CDPHE and to complete this process before the deadline and seek the best possible outcome for the County. Commissioner Wood seconded the motion. The motion carried unanimously.

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 2:12 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