



Chaffee County Commissioners Meeting
August 1, 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 August 1, 2023, at the Chaffee County Courthouse. Board members present were Chair Keith Baker and Commissioner Greg Felt. Commissioner P. T. Wood was not present; his absence as excused.

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 (item F.1. Executive Session only), Assistant County Attorney/Planning Director Miles Cottom, Assessor Rick Roberts, and Administrative Assistant Brandy Coscarella.

Others present remotely were Deputy County Clerks Kit Kuester and 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

Commissioner Felt moved to approve the Agenda. Commissioner Baker 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 if anyone has a public comment regarding the Board of Equalization to make that during this public comment period.

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 making voluntary 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 [podium][mic] and speak your name and address for the record.

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:

Joe Cooper, 9325 County Rd. 160, Salida.

Antonia Cooper, 9325 County Rd. 160, Salida. Cooper also responded to Commissioner's question.

Brady Becker, 8495 County Rd. 160, Salida.

Jerry Raski, 10158 Starlight Lane, Salida.

B. Minutes for Approval

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

C. Contracts/Grant Consideration

1. Consider Approval of the Lowest Bid for a Vac Truck for Road and Bridge- M Stacy

Director Short addressed the Board to consider approval of the lowest bid for a Vac Truck for Road and Bridge. Director Short responded to Commissioner's questions.

Commissioner Felt moved to approve the contract with Wagner Rents, which was the lowest bid, for the purchase of a Vac Truck for Road and Bridge. Commissioner Baker seconded the motion. The motion carried unanimously.

2. Consider Ratification of Submission of DOLA EIAF Grant application for Salida Airport Capital Improvements - B Helmke

Deputy Administrator Helmke addressed the Board to consider ratification of submission of DOLA EIAF Grant application for Salida Airport Capital Improvements.

Commissioner Felt moved to ratify the submission of the DOLA EIAF Grant application for Salida Airport Capital Improvements. Commissioner Baker seconded the motion. The motion carried

unanimously.

D. Consent Agenda

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

1. Consider Approval of the Riverside Grill Liquor License Renewal Packet- Chaffee County Clerk
2. Approve Resolution 2023-77 Approving the Timber Creek Major Subdivision Final Plat as Directed at the July 18 2023 Meeting
3. Approve Resolution 2023-76 Approving Townsite of Cleora Lot Line Eliminations, Townsite of Cleora Boundary Line Adjustments, and Townsite of Cleora Road Vacations as Directed at the July 18 2023 Meeting
4. Approve the Following as Recommended by the Airport Board:
Termination of the Ground Lease for Andrew Marks
New Lease for Salida Soaring Co. Replacing the Marks Lease
5. Approve Resolution 2023-80 Approving the Love Correction Plat Amendment

E. Convene as the Board of Equalization

Commissioner Felt moved to recess as the Board of Commissioners and convene as the Board of Equalization (BOE). Commissioner Baker seconded the motion. The motion carried unanimously.

Chair Baker gave an outline of the process for the BOE hearings, including timeframes for speakers. He asked if any petitioner had any objections to the procedures to be followed or if anyone had any concerns that Commissioners Felt and Baker would have a bias, prejudgment, or conflict of interest or similar concerns. There were none stated.

The Board recessed as the Board of Commissioners at 9:26 a.m. and convened as the BOE at 9:26 a.m.

Administrator Coscarella addressed the Board and responded to Attorney Tom's question.

Assessor Roberts addressed the Board and responded to Commissioner's and Attorney Tom's questions.

1. Consider Appeal for Property Valuation for Krom Trust R368132432001, due to Technical Difficulty with Notice of Determination

Chair Baker addressed the Board to consider the Appeal for Property Valuation for Krom Trust R368132432001.

The hearing opened at 9:41 a.m.

Chair Baker asked if anyone wished to speak for the Krom Trust on behalf of this appeal. No one spoke.

Assessor Roberts addressed the BOE and presented the Assessor's position.

There was no rebuttal.
The hearing closed at 9:47 a.m.

Discussion ensued.

Commissioner Felt moved to approve of the Assessor's recommended Property Valuation of \$638,676 for the Krom Trust, Schedule #R368132432001, and deny the appeal. Commissioner Baker seconded the motion. The motion carried unanimously.

2. Consider Appeal for Property Valuation for Olson Kathleen and Rutten Bart Schedule #R368133300009, due to Technical Difficulty with Notice of Determination

Chair Baker addressed the Board to consider the appeal for Property Valuation for Kathleen Olson and Bart Rutten, Schedule #R368133300009.

The hearing opened at 9:47 a.m.

Chair Baker asked if anyone on behalf of Kathleen Olson or Bart Rutten wished to speak. No one spoke.

Assessor Roberts addressed the BOE and presented the Assessor's position.

There was no rebuttal.

The hearing closed at 9:54 a.m.

Discussion ensued during which Assessor Roberts responded to Commissioner's questions.

Commissioner Felt moved to deny the appeal for Property Valuation for Kathleen Olson and Bart Rutten, Schedule #R368133300009. Commissioner Baker seconded the motion. The motion carried unanimously.

3. Consider Appeal for Property Valuation for Zohar Lili, R380706100246 Residential Condominium, due to Technical Difficulty with Notice of Determination

Chair Baker addressed the Board to consider the appeal for Property Valuation for Lili Zohar, Schedule #R380706100246 Residential Condominium.

The hearing opened at 9:54 a.m.

Appellant Lili Zohar, 30 Trailside Ct., Salida, addressed the Board.

Assessor Roberts addressed the Board.

Zohar presented rebuttal.

Assessor Roberts responded to Zohar's rebuttal.

The hearing closed at 10:08 a.m.

Discussion ensued during which Assessor Roberts responded to Commissioners' questions.

Commissioner Felt moved to approve a new valuation of \$598,572 with respect to the appeal for Property Valuation for Lili Zohar, Schedule #R380706100246. Zohar spoke. Commissioner Baker seconded the motion. The motion carried unanimously.

4. Consider Appeal for Property Valuation for Matthews Donna M & David J and Chovanec Debra R326736400609 , due to Technical Difficulty with Notice of Determination

Chair Baker addressed the Board to consider the appeal for Property Valuation for Donna M. & David J. Matthews and Debra Chovanec, Schedule #R326736400609.

The hearing opened at 10:08 a.m.

Chair Baker asked if anyone was present to speak on behalf of the Appellant. No one spoke. Assessor Roberts addressed the BOE.

The hearing closed at 10:11 a.m.

Commissioner Felt moved to deny this appeal for Property Valuation for Donna M. & David J. Matthews and Debra Chovanec, Schedule #R326736400609. Commissioner Baker seconded the motion. The motion carried unanimously.

The hearing portion of the BOE closed at 10:11 a.m. and a short break was taken.

5. Consider Referee's Recommendations From Property Tax Hearings

The BOE resumed at 10:13 a.m.

Chair Baker addressed the BOE to consider the Referees' recommendations from Property Tax Hearings.

Administrator Coscarella addressed the BOE.

Assessor Roberts had nothing to add.

Discussion ensued during which Assessor Roberts and Attorney Tom responded to Commissioner's comments.

Commissioner Felt moved to accept the Referees' recommendations from Property Tax Hearings. Commissioner Baker seconded the motion. The motion carried unanimously.

Assessor Roberts spoke.

Commissioner Felt moved to recess as the Board of Equalization (BOE) and reconvene as the Board of Commissioners. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board adjourned as the BOE at 10:19 a.m.

A short break was taken.

The Board reconvened as the Board of Commissioners at 10:25 a.m.

F. Regular Agenda Items

The meeting resumed at 10:25 a.m.

1. **Executive Session** - *"To hold a conference with the County's attorney to receive legal advice on specific legal questions about potential pending litigation, 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. Chair Baker addressed the Board regarding entering into executive session to hold a conference with the County's attorney to receive legal advice on specific legal questions about potential pending litigation pursuant to § 24-6-402(4)(b), C.R.S.

Commissioner Baker moved to go into executive session to hold a conference with the County's attorney to receive legal advice on specific legal questions about potential pending litigation pursuant to § 24-6-402(4)(b), C.R.S. Commissioners Keith Baker and Greg Felt and County Attorney Daniel Tom will attend. 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 may also attend.

Commissioner Felt seconded the motion.

Commissioner Felt stated that he will make a motion to pay bills following executive session. The motion carried unanimously.

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

Chair Baker stated that it is August 1, 2023 at 10:27 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 to hold a conference with the County's attorney to receive legal advice on specific legal questions about potential pending litigation pursuant to § 24-6-402(4)(b), C.R.S.

The following persons are in attendance for executive session: Commissioners Baker and Felt and County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, 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 10:27 a.m.

The Commissioners came out of executive session at 10:40 a.m. with no decisions being made.

Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 10:40 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 and Felt 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.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on August 1, 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 August 1, 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. None were stated.

2. Pay Bills

Commissioner Felt moved to pay bills. Commissioner Baker seconded the motion. The motion carried unanimously.

G. Active Projects

H. Adjourn

Commissioner Felt moved to adjourn the meeting. Commissioner Baker seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:58 a.m.

Attest:



Lori Mitchell, County Clerk