



Chaffee County Commissioners Meeting
August 8, 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 8, 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, and Assistant County Attorney/Planning Director Miles Cottom.

Others present remotely were Planner Brandon Wolff, EMS Director Josh Hadley (Item F.5. only), 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

Pay Bills was added to the Consent 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, 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 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:

Alan Seeling, 29275 CR358a, Buena Vista.

Lisa Myres 14717 S. Stagecoach Lane, Buena Vista.

Bart Myres 14717 S. Stagecoach Lane, Buena Vista.

Tom McCracken, 16165 Burt Gulch, Buena Vista.

Jayne McCracken, 16165 Burt Gulch, Buena Vista.

Jinohn Wekesser, 16565 Mt. Princeton Rd., Buena Vista.

Lynne Drogosz, 7640 Meadowlark Dr., Salida.

Commissioners responded to public comment.

Attorney Tom addressed the public regarding public comment.

B. Minutes for Approval

1. Consider for Approval the Minutes of the August 1, 2023 Regular Meeting
Commissioner Wood stated that he was not present for the August 1, 2023 meeting.

Commissioner Felt moved to approve the minutes of the August 1, 2023 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously with Commissioners Felt and Baker voting FOR the motion and Commissioner Wood abstaining.

C. Contracts/Grant Consideration

1. Chaffee County Public Health Contracts - L Knowles
 - Renewal of Connect for Health Colorado contract \$72,400. Funding: Grant
 - Annual MOU with Colorado Prevention Center (dba CPC Community Health) for Colorado Heart Healthy Solutions Program \$46,063 for FY2024. Funding: Grant

Attorney Knowles addressed the Board to consider for approval the above-referenced Chaffee County Public Health Contracts.

Commissioner Felt moved to approve renewal of Connect for Health Colorado contract(s) and annual MOU with Colorado Prevention Center (dba CPC Community Health) for Colorado Heart

Healthy Solutions Program as presented. Commissioner Wood seconded the motion. The motion carried unanimously.

D. Consent Agenda

Chair Baker stated that Pay Bills was added to the Consent Agenda when approving the overall Agenda.

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

1. Approve the Liquor License Renewal for Browns Canyon Brewing- Clerk's Office
2. Acknowledge the Chaffee County Sheriff's Office End of Month Report for July 2023
3. Approve the Colorado Department of Military and Veterans Affairs County Veterans Service Officers Monthly Report and Certification of Pay for July 2023
4. Approve request to DOLA for supplemental funding for Valley View Learning Center project
5. Pay Bills

E. 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).

There was no public comment.

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

1. **Name of Project:** Smith Lot Line Elimination
Applicant: David & Susan Smith
Applicant Representative: Mike Henderson
Location: 22860 County Road 292B, Nathrop
Zone: Residential
Request: A lot line elimination that would result in two adjoining lots being combined into one singular lot. Parcel number 34525307139 is 0.99 acres and parcel number 342525308156 is 0.5 acres and the combined lot would be a total of 1.49 acres
Planner: Greg Laudenslager, (719) 530-5571, glaudenslager@chaffeecounty.org

2. **Name of Project:** McKinney Lot Line Elimination
Applicants: Dennis & Carrol McKinney
Applicant Representative: Mike Henderson
Location: 22869 County Road 292B, Nathrop
Zone: Residential
Request: A lot line elimination that would result in two adjoining lots being combined into one singular lot. Parcel number 342525304017 is 1.04 acres and parcel number 342525304012 is 0.69 acres and the combined lot would be a total of 1.73 acres.
Planner: Greg Laudenslager, (719) 530-5571, glaudenslager@chaffeecounty.org
3. **Name of Project:** Anderson Lot Line Elimination
Applicants: Marian Anderson, Linda & David Buchmueller, David & Jeannie Anderson
Applicant Representative: Mike Henderson
Location: 22304 County Road 292D, Nathrop
Zone: Residential
Request: A lot line elimination that would result in two adjoining lots being combined into one singular lot. One parcel is 0.65 acres, the second parcel is 0.89 acres and the combined lot would be a total of 1.54 acres.
Planner: Greg Laudenslager, (719) 530-5571, glaudenslager@chaffeecounty.org

F. Regular Agenda Items

Chair Baker gave an overview of the process and procedure for public hearings and asked if there were any questions. There were none.

1. Public Hearing: Consider for Approval a Special Event Liquor Permit for the BV Chamber of Commerce - Clerk's Office

Attorney Tom addressed the Board to consider for approval a Special Event Liquor Permit for the Buena Vista Chamber of Commerce.

No one spoke on behalf of the applicant.

The public comment portion of the hearing opened at 9:47 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Wood moved to approve a Special Event Liquor Permit for the Buena Vista Chamber of Commerce. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Public Hearing: Consider for Approval a Special Event Liquor Permit for Colorado Fourteeners Initiative for the Sawatch Ascent 50k on Sept 24 2023 - Clerk's Office

Attorney Tom addressed the Board to consider for approval a Special Event Liquor Permit for Colorado Fourteeners Initiative for the Sawatch Ascent 50k on Sept. 24, 2023.

No one spoke on behalf of the applicant.

The public comment portion of the hearing opened at 9:50 a.m. There were no comments, and the

public comment portion of the hearing was closed.

Commissioner Felt moved to approve the Special Event Liquor Permit for Colorado Fourteeners Initiative for the Sawatch Ascent 50k on Sept. 24, 2023. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Discuss and Direct the County Attorney's Office Regarding Code Violations at 22720 Highway 50 (Continued from July 11 meeting) - D Tom

Attorney Tom addressed the Board regarding Code Violations at 22720 Hwy. 50, Salida. Administrator Reimer spoke.

No formal action was taken.

4. Public Hearing: Consider Cliffhanger Liquor License Renewal Application- Clerk's Office

Attorney Knowles addressed the Board to consider the Cliffhanger Liquor License Renewal Application and responded to Commissioner's question.

Attorney Tom spoke followed by Administrator Reimer.

No one spoke on behalf of the applicant.

The public comment portion of the hearing opened at 9:56 a.m. There were no comments, and the public comment portion of the hearing was closed.

Attorney Tom responded to Commissioner's question followed by Commissioner Wood.

Commissioner Wood moved to approve the Cliffhanger Liquor License Renewal Application. Commissioner Felt seconded the motion. The motion carried unanimously.

5. Consider Approval of the AMR Application for Secure Transport Permit- J Hadley/ D Tom

Attorney Tom addressed the Board to consider approval of the AMR Application for Secure Transport Permit.

Director Hadley addressed the Board.

Attorney Tom spoke.

Discussion ensued.

Commissioner Wood moved to approve the AMR Application for Secure Transport Permit. Commissioner Felt seconded the motion. The motion carried unanimously.

6. Updates to County Personnel policy related to SB23-172, Protecting Opportunities and Workers' Rights Act (CRS 24-34-402 et seq), and to Paid Sick Leave under the Colorado Healthy Families and Workplaces Act (CRS 8-13.3-401 et seq)

Attorney Tom addressed the Board to consider updates to County Personnel policy related to SB23-172, Protecting Opportunities and Workers' Rights Act (CRS 24-34-402, *et seq.*), and to Paid Sick Leave under the Colorado Healthy Families and Workplaces Act (CRS 8-13.3-401, *et seq.*)

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

Commissioner Felt moved to acknowledge and adopt personnel policy language as established through Colorado's Protecting Opportunities and Workers' Rights Act and amended Healthy Families & Workplaces Act and direct staff to update and implement related internal personnel policies accordingly. Commissioner Wood seconded the motion. The motion carried unanimously.

7. Executive Session *"To hold a conference with the County's attorney for purposes of receiving legal advice on specific legal questions and strategy involving land use 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 Reimer, County Deputy Director of Administration Beth Helmke, and Finance Director Dan Short May Attend.

Chair Baker addressed the Board to enter into executive session pursuant to § 24-6-402(4)(b), C.R.S. to hold a conference with the County's attorney for the purpose of receiving legal advice on specific legal questions involving land use matters.

Commissioner Wood moved to go into executive session pursuant to § 24-6-402(4)(b), C.R.S. to hold a conference with the County's attorney for the purpose of receiving legal advice on specific legal questions involving land use matters. Commissioner Felt seconded the motion. The motion carried unanimously.

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 August 8, 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 the 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 involving land use matters pursuant to § 24-6-402(4)(b), C.R.S.

The following persons are in attendance for the first executive session: Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Assistant County Attorney Miles Cottom, 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 10:16 a.m.

The Commissioners moved from this executive session into the following executive session

(Regular Agenda Item F.8.) at 10:41 a.m.:

Executive session pursuant to § 24-6-402(4)(b), C.R.S. to hold a conference with the County's attorney for the purpose of receiving legal advice on specific legal questions and strategy involving a pending water case matter, pursuant to C.R.S. § 24-6-402(4)(b). In addition to those present for the first executive session, Outside Counsel David Shohet was present.

The Commissioners came out of executive session at 11:13 a.m. with no decisions being made.

Chair Baker stated that the executive sessions for purposes of discussing attorney-client privileged matters concluded at 11:13 a.m., and they returned to the open meeting which would be recorded. He stated that the participants in the executive sessions were Commissioners Baker, Felt, and Wood 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, and that Outside Counsel David Shohet participated in the second executive session only.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive sessions held on August 8, 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 August 8, 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 sessions believes that any substantial discussion of any matters not included in the motion(s) to enter the executive sessions occurred during the executive sessions, or that any improper action occurred during the executive sessions in violation of the Open Meetings Law, he asked that you state your concerns for the record. There were none.

8. Executive Session "To hold a conference with the County's attorney for purposes of receiving legal advice on specific legal questions and strategy involving a pending water case matter, pursuant to C.R.S. § 24-6-402(4)(b)." Outside Counsel David Shohet, County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, Planning Director/Assistant County Attorney Miles Cottom, County Administrator Don Reimer, County Deputy Director of Administration Beth Helmke, and Finance Director Dan Short May Attend.

See Agenda Item F. 7.

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 11:26 a.m.

Attest:

A handwritten signature in cursive script, reading "Lori Mitchell", written in dark ink on a light-colored background.

Lori Mitchell, County Clerk