Chaffee County Commissioners Meeting
August 15, 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 15, 2023, at the Buena Vista Community Center. 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, and County Attorney Daniel Tom.

Others present remotely were Assistant County Attorney Lynda Knowles, Assistant County Attorney/Planning Director Miles Cottom, Assessor Rick Roberts, Sr. Planner Christie Barton, Planner Brandon Wolff, Planning Manager Garry Baker, and 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 9:00 a.m.

2. Approve Agenda
   Administrator Reimer pointed out the Executive Session, which was added to the Regular 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 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 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:
Brian O'Connell, 30245 County Rd. 352B, Buena Vista
Blane Clark, 16100 Pine Grove Pkwy., Buena Vista
Jayne McCracken, 16165 Burt Gulch Rd., Buena Vista
Lisa Myres, 14717 S. Stagecoach Ln., Buena Vista
Earl Richmond, 106 River Run Dr., Buena Vista
Sig Jaastad, 19605 County Rd. 343, Buena Vista
Genevieve Knowlton, 21220 Antero Way, Buena Vista
Jerry Raski, 10158 Starlight Lane, Salida

With respect to comments regarding geothermal, Commissioners Wood and Baker spoke regarding an upcoming meeting of the Colorado Energy & Carbon Management Commission. Attorney Tom spoke as well.

B. Minutes for Approval

1. Consider for Approval the Minutes of the August 8, 2023 Regular Meeting

Commissioner Felt moved to approve the minutes of the August 8, 2023 Commissioners' regular meeting. Commissioner Wood seconded the motion. The motion carried unanimously.

G. Regular Agenda Items

1. Consider Matching Funds for "Quin Lewis Project"- Fairgrounds

Commissioner Felt addressed the Board regarding the request for matching funds for the "Quin Lewis Project."

Quin Lewis addressed the Board, including a Power Point Presentation.

Discussion ensued.

Commissioner Felt moved to allocate an additional $11,913.10 to make an even $20,000 for the "Quin Lewis Project" at the Fairgrounds and that we also direct the Fair Committee to make sure to work in concert with an advisory group of 4-H kids presumably led by Quin. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Consider Approval of a Grant Modification Extending Grant Term and Increasing Grant in the Amount of $30K from the National Association of County and City Health to CCDPH Regarding Collaboration with Pharmacies and STI Care - Knowles

   Attorney Knowles addressed the Board to consider approval of a Grant Modification Extending Grant Term and Increasing Grant in the amount of $30,000 from the National Association of County and City Health to Chaffee County Department of Public Health (CCDPH) regarding collaboration with pharmacies and STI care.

   Attorney Tom spoke.

   Commissioner Wood moved to approve a Grant Modification Extending Grant Term and Increasing Grant in the amount of $30,000 from the National Association of County and City Health to CCDPH regarding collaboration with pharmacies and STI care. Commissioner Baker seconded the motion. The motion carried unanimously with Commissioners Wood and Baker voting FOR the motion. Commissioner Felt was not present for the vote.

2. Consider Approval of:

   1. Marketing software agreement between Marigold Inc and CCVB in the amount of $26,916.00
   2. Marketing software agreement between Miles Marketing and CCVB in the amount of $85,486.00

   Attorney Tom addressed the Board to consider approval of the above-referenced contracts.

   Commissioner Felt moved to approve the marketing software agreement between Marigold, Inc. and CCVB in the amount of $26,916.00 and the marketing software agreement between Miles Marketing and CCVB in the amount of $85,486.00. Commissioner Wood seconded the motion. The motion carried unanimously.

3. Consider Approval of Recommendation for Award for Fairgrounds Design Services RFP Bid Response - Greiner/Helmke

   Deputy Administrator Helmke addressed the Board to consider approval of the recommendation for the award for Fairgrounds Design Services RFP Bid Response to Compass Architecture.

   Administrator Reimer spoke.

   Commissioner Felt moved to award the contract for the Chaffee County Fairgrounds North Building Remodel and Addition Design project to Compass Architecture for a proposed cost of $263,000.00 per their bid in response to the County's RFP, and direct staff to finalize contracting for their fulfillment of this work. Commissioner Wood seconded the motion. The motion carried unanimously.

4. Broadband Invitation to Negotiate (Advance-CPF Grants with Colorado Broadband Office) - Helmke/Knowles

   Deputy Administrator Helmke addressed the Board regarding the Broadband Invitation to Negotiate (Advance-CPF Grants with Colorado Broadband Office).

   Doug Flentge, Project Manager with NEO Connect, the Technical Advisory for the Broadband grant seeking efforts, addressed the Board.

   Deputy Administrator Helmke spoke and responded to Commissioner's question.

   Commissioner Wood moved to offer the County's endorsement to Mavrix Broadband per their response to Chaffee County's Invitation to Negotiate, with focus on Area 1 scope and serving as ISP applicant and Mavrix providing all required cash match, in seeking Colorado Broadband Office Advance-Capital Projects Fund grant support; direct staff to work with Mavrix to take related actions to achieve this objective; and to investigate the intentions of other respondents to submit for Advance-CPF grant and determine associated desire for a Community Letter of Support, etc., with any related items to be brought back to the Commissioners for ratification, as needed. Commissioner Felt seconded the motion. The motion carried unanimously.

5. Consider Approval of a Grant Application Submission to Department of Transportation under Rural & Tribal Assistance Pilot Program - Helmke

   Deputy Administrator Helmke addressed the Board to consider approval of a Grant Application submission to the Department of Transportation under the Rural & Tribal Assistance Pilot Program.

   Commissioner Wood moved to proceed with the Department of Transportation under the Rural & Tribal Assistance Pilot Program grant opportunity and direct staff to finalize the grant application for submission for the Salida Airport Fuel Farm replacement project design engineering work. Commissioner Felt seconded the motion. The motion carried unanimously.

D. Consent Agenda

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

1. Consider Approval of Contract to Native Sun for CR397 Bridge Project - Knowles/Reimer

2. Acknowledge the Treasurer's Report

3. Pay the 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).

Chair Baker asked if anyone from the public wished to testify on any of the items on the Consent Agenda.
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: Townes Lot Line Elimination
   Applicants: Jack and Pam Townes
   Location: 14002 & 14104 Pinon Mesa Lane, Buena Vista, CO 81211
   Zone: Rural
   Request: This is a replat of Lots 3B & 3C, and 4B & 4C of the Pinon Mesa Rural Open Space Incentive (ROSI). Lots 3B, 3C, and 4C will be combined into one open space lot (Lot 4C-R, 16.60 acres). Lot 4B (2.7 acres) will remain in its original configuration as the building lot containing the residence and infrastructure. This is being done concurrently with the Andrews Lot Line Elimination application, which eliminates a lot line between Lots 1B & 1C, and 2C of the Pinon Mesa ROSI. Lot 2B remains as the building lot containing the residence and infrastructure.
   Planner: Christie Barton/719-530-5572/cbarton@chaffeecounty.org

2. Name of Project: Andrews Lot Line Elimination
   Applicants: Mark & Mary Andrews
   Location: 14206 & 14308 Pinon Mesa Ln., Buena Vista, CO 81211
   Zone: Rural Request: This is a replat of Lots 1B & 1C, and 2B & 2C of the Pinon Mesa Rural Open Space Incentive (ROSI). Lots 1B, 1C, and 2C will be combined into one open space lot (Lot 2C-R, 12.20 acres). Lot 2B will remain in its original configuration as the building lot containing the residence and infrastructure (2.3 acres). This is being done concurrently with the Townes Lot Line Elimination application, which eliminates a lot line between Lots 3B and 3C and 4C of the Pinon Mesa Rural Open Space Incentive (ROSI). Lot 4B will remain the building lot containing the residence and infrastructure.
   Planner: Christie Barton/719-530-5572/cbarton@chaffeecounty.org

F. Convene as the Board of Equalization

At 10:15 a.m., the Board recessed as the Board of Commissioners and convened as the Board of Equalization.

1. Consider Appeal for Property Valuation for Sheesley Robert & Marilyn R327117100137, due to Delayed Delivery of Certified Mail

   Assessor Roberts addressed the Board to consider the appeal for Property Valuation for Sheesley Robert & Marilyn #R327117100137.

   Discussion ensued.

No one spoke on behalf of the Appellant.

Commissioner Felt moved to uphold the Assessor's valuation and deny the appeal. Commissioner Wood seconded the motion. The motion carried unanimously.

2. **RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**
At 10:22 a.m. the Board adjourned as the Board of Equalization and reconvened as the Board of Commissioners.

G. Regular Agenda Items

2. Consider Resolution to Set the Language for Northern Chaffee County Library District Ballot Issue for November 2023

Buena Vista Public Library Executive Director Cecilia LaFrance addressed the Board to consider a Resolution to set the language for the Northern Chaffee County Library District Ballot Issue for November 2023.

Commissioner Baker clarified that Commissioners are voting on this as the Board of Commissioners (not as representatives of the Northern Library District Board) to place it on the ballot.

Attorney Tom clarified further as to what Commissioners are voting for here, i.e., to submit this to the County Clerk for the next election. Attorney Tom responded to Commissioner's question.

Discussion ensued.

Commissioner Baker moved to approve the draft Resolution to set the language for the Northern Chaffee County Library District Ballot Issue for November 2023 as published in the Agenda Packet. Commissioner Felt seconded the motion. The motion carried unanimously.

3. Consider Approval of an MOU with the City of Salida Regarding Maintenance Responsibility for the Touber Building

Administrator Reimer addressed the Board to consider approval of a Memorandum of Understanding (MOU) with the City of Salida regarding maintenance responsibility for the Touber Building.

Attorney Tom spoke.

Discussion ensued.

Commissioner Wood moved to approve the Memorandum of Understanding with the City of Salida regarding maintenance responsibility for the Touber Building as presented and authorize the Chair to sign. Commissioner Felt seconded the motion. The motion carried unanimously.

4. *Consider Entering Executive Session: "To consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a)."*
County Attorney Daniel Tom, Assistant County Attorney Lynda Knowles, County Administrator

Don Reimer, County Deputy Director of Administration Beth Helmke, and Finance Director Dan Short May Also Attend.

Chair Baker addressed the Board to enter into executive session to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a).

Commissioner Felt moved to go into executive session as stated on the Agenda. Commissioner Wood seconded the motion.

Chair Baker stated that it has been moved and seconded for the Board to enter into executive session to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a). Commissioners Keith Baker, Greg Felt, and P. T. Wood and County Attorney Daniel Tom will attend. Assistant County Attorney Lynda Knowles, County Administrator Don Reimer, Deputy County Administrator Beth Helmke, and Director of Finance Dan Short may also attend.

The motion carried unanimously.

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

Chair Baker stated that it is August 15, 2023 at 10:33 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 consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4(a).

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 10:33 a.m.
The Commissioners came out of executive session at 10:48 a.m. with no decisions being made.

Chair Baker stated that the executive session for purposes of discussing attorney-client privileged matters concluded at 10:48 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, 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 14, 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 14, 2023 were confined to the topic described in the announcement of such session and authorized by the provisions of § 24-6-402(4)(a), C.R.S.

Keith Baker

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. No concerns were stated.

H. Active Projects

1. Potential BOCC Field Trip to St Elmo - ditch infrastructure/headgate assessment

I. Adjourn

Commissioner Felt moved to adjourn the meeting. Commissioner Wood seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:48 a.m.

Attest:

Lori Mitchell

Lori Mitchell, County Clerk