



Chaffee County Commissioners Meeting
July 2, 2024

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 2, 2024, at the Chaffee County Courthouse. Board members present were Chair P. T. Wood, Commissioner Keith Baker, and Commissioner Greg Felt.

Others present in person were County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, County Attorney Daniel Tom, Planning Director Miles Cottom, Planning Technicians Caitlynn Fortner and Nick Gomer, Deputy County Clerk Kit Kuester, and Undersheriff Andy Rohrich (Items I.1. and 2. only).

Others present remotely were Administrative Specialist Tara Miller and Planner Brandon Wolff.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chair Wood called the meeting to order at 9:00 a.m.

2. Approve Agenda

Following Commissioner Baker's question regarding Consent Agenda Item C.2., Commissioner Felt moved to approve the Agenda as presented. 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 Wood asked for public comment. He stated that you'll have up to 3 minutes to speak, and please give your name and address for the record.

Public Comment was given by:

Bethany Wekesser (Lost Creek Ranch Subdivision), address not provided; name and address for owner of 16565 Mt. Princeton Rd., Buena Vista: Jinohn R. Wekesser (also on zoom; did not give public comment) per assessor website.

Chair Wood restated that the Board has received no notice of any test drilling for geothermal.

B. Minutes for Approval

1. Consider for Approval the Minutes of the June 18, 2024 Regular Meeting

Commissioner Felt stated regarding Consent Agenda item 2., that Commissioner Wood had said that Visionquest LLC wanted to align its County license renewal with its State license renewal, which is April 17, not June 17.

Commissioner Felt moved to approve the minutes of the June 18, 2024 Commissioners' regular meeting with the above correction. Commissioner Baker seconded the motion. The motion carried unanimously.

C. Consent Agenda

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

1. Pay the Bills
2. Approve the Veteran's Service Officer's Report for Semi-Annual Payment Reimbursement for July-December 2023
3. Approve stipulation in Water Court Case 23CW3032, Colorado Parks and Wildlife - Daniel Tom
4. Consider approval of release of Lot Sales Restriction for Bos Minor Subdivision - Caitlynn Fortner
5. Ratify Letter of Support for Colorado Parks & Wildlife Salida Area Office Renewal

D. 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 Wood asked if there were any questions or comments regarding the Consent Agenda.

It was confirmed that Item D. 4. was continued to August 6, 2024 at Applicant's request.

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

1. Hearing to Consider the Colorado Fourteeners Initiative - Sawatch Ascent Special Event Liquor Permit Application
Event Date: September 29, 2024
Event Location: Large field located near Frontier Ranch off of County Road 321, Buena Vista, CO

2. Hearing to Consider the Colorado Fourteeners Initiative - High Lonesome 100 Special Event Liquor Permit Application
Event Date: July 20, 2024
Event Location: Large field located near Frontier Ranch off of County Road 321, Buena Vista, CO
3. Hearing to Consider the Buena Vista Chamber of Commerce Special Event Liquor Permit Application
Event Date: July 18, 2024
Event Location: The Adventure Company, 12847 Hwy 24/285, Buena Vista
4. ***TO BE CONTINUED TO AUGUST 6, 2024 AT APPLICANT'S REQUEST***
Consider a Special Event Permit Application
Name of Event: Single Speed USA
Applicant: Bryan King
Location of Event: Methodist and Arkansas Hills Trail Systems, Chavara Ranch on C.R. 140
Date of Event: October 11-13, 2024
Maximum # of Attendees: 350
Planners: Nick Gomer/ 719-530-5572/ ngomer@chaffeecounty.org

E. Contracts/Grant Consideration

1. Settlement Agreement & Release regarding Kroger Opioid Class Action; Funds to be Administered by State of Colorado, Amounts TBD - Lynda Knowles

Attorney Tom addressed the Board to consider the Settlement Agreement & Release regarding Kroger Opioid Class Action and responded to Commissioner's question.

Commissioner Baker moved to approve the Settlement Agreement & Release regarding the Kroger Opioid Class Action, funds to be administered by the State of Colorado with amounts TBD. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Approve Selection of Contract Engineering Services & Award of Contract to selected vendor - Miles Cottom

Director Cottom addressed the Board to consider approval of the selection of a contractor for County engineering services on an as-needed basis and award a contract to the selected vendor.

Commissioner Felt moved to approve SCHMUESER GORDON MEYER, INC., dba SGM (SGM) as the County's contract engineer, and approve and direct Staff to finalize the contract with SGM as included in the Request for Qualifications. It was further moved to select 3 Rocks Engineering and Surveying to provide engineering services in the event that SGM is conflicted out of certain applications. Commissioner Baker seconded the motion. The motion carried unanimously.

F. Regular Agenda Items

1. Public Hearing to Consider a Request to Transfer a Colorado Liquor Retail License from Amber Waves Adventures LLC, DBA American Adventure Expeditions to All Forward Adventures LLC, DBA American Adventure Expeditions, at 12844 Hwy 24/285, Buena Vista

Chair Wood opened the public hearing to consider a request to transfer a Colorado Liquor Retail License from Amber Waves Adventures LLC, DBA American Adventure Expeditions to All Forward Adventures LLC, DBA American Adventure Expeditions, at 12844 Hwy 24/285, Buena Vista.

Deputy Clerk Kuester addressed the Board regarding this request.

Applicant had no comment.

The public comment portion of the hearing opened at 9:16 a.m. There were no comments, and the public comment portion of the hearing was closed.

Discussion ensued during which Commissioner Felt pointed out and Deputy Clerk Kuester acknowledged that applicant Casey Harper did not answer the important questions 8-12 on the application.

Harper addressed the Board stating that he had forgotten about the issue as he believes it was 31 years ago. He described what happened: "I drove some friends to a gas station. They went into the gas station. Apparently, one of the girls had taken her sister's ID and purchased alcohol with it. I never set foot in the store. I was just in the car. They came back out. I was like I don't want that inside the car. Put it in the trunk. They put it in the trunk, and that's when police showed up, and I'm the one who got in trouble for it because I had just turned 18 and so they said I was contributing to well, to the best of my recollection, I don't think anything went past that because they're like, well, we know you didn't go in the store and buy it for them, that it was them using a fake ID, and I had just turned 18, so I wasn't even allowed to purchase the alcohol myself, and that's as far as that went, and I honestly had forgotten about it. I apologize if I didn't check the boxes, but it wasn't anything done intentionally."

Commissioner Felt indicated that was really his question - why didn't you check any boxes?

Harper indicated that when he sat down with Kuester, there was a lot. He wanted to be sure everything was done correctly, and he thought it had been. Looking back, he said it was embarrassing, that he's embarrassed that it came up again. "It was teenagers being dumb, and we learned a valuable lesson." He said again that he believed it was 31 years ago.

Commissioner Felt then asked Harper the following questions 8-12 from the application:

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.)

Harper's response: No.

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.)

Harper's response: No.

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Harper's response: Yes, I guess based on that. Nothing else.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)

Harper's response: No.

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Harper's response: No.

In response to Commissioner Felt's question whether this is within the Board's discretion, Attorney Tom indicated that yes, it is in the Board's discretion, as this is a transfer of a license, that the Board has the ability to look at moral character.

Commissioner Felt moved to approve the request to transfer a Colorado Liquor Retail License from Amber Waves Adventures LLC, DBA American Adventure Expeditions to All Forward Adventures LLC, DBA American Adventure Expeditions, at 12844 Hwy 24/285, Buena Vista. Commissioner Baker seconded the motion. The motion carried unanimously.

2. Consider Increasing the Maximum Hourly Fee for the Research and Retrieval of Public Documents in Response to Colorado Open Records Act (CORA) from \$30.00 to \$40.00, Pursuant to CRS 24-27-205(6) - Daniel Tom

Attorney Tom addressed the Board to consider increasing the maximum hourly fee for the research and retrieval of public documents in response to Colorado Open Records Act (CORA) from \$30.00 to \$40.00, pursuant to CRS § 24-27-205(6).

Discussion ensued.

Commissioner Baker moved to approve increasing the maximum hourly fee for the research and retrieval of public documents in response to Colorado Open Records Act (CORA) from \$30.00 to \$40.00. Commissioner Felt seconded the motion. The motion carried unanimously.

At 9:30 a.m., the Board of Commissioners recessed as the Board of Commissioners.

G. Convene as the Board of Health

At 9:30 a.m., the Board convened as the Board of Health.

1. Approve Board of Health Resolution 2024-01 Approving BV Outdoors LLC Variance to Install Water Cistern

Chair Wood addressed the Board to consider approval of **BOARD OF HEALTH RESOLUTION NO. 2024-01 APPROVAL OF APPLICATION FOR A VARIANCE TO THE WATER SUPPLY STANDARDS AT 27700 CR 303.**

Commissioner Felt suggested changing under **RESOLUTION** at 2.b. ". . . flooding on campground on-site water treatment systems and downstream water impacts." to ". . . flooding on campground on-site water treatment systems and water quality impacts downstream."

Commissioners concurred.

Commissioner Felt moved to approve **BOARD OF HEALTH RESOLUTION NO. 2024-01 APPROVAL OF APPLICATION FOR A VARIANCE TO THE WATER SUPPLY STANDARDS AT 27700 CR 303** as slightly amended. Commissioner Baker seconded the motion. The motion carried unanimously.

At 9:33 a.m., the Board of Health adjourned, and the Board reconvened as the Board of Commissioners.

H. Active Projects

I. Executive Session

1. **Executive session** under C.R.S §24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions involving court's ruling on 23CA0965, *Freed v. Bonfire Entertainment LLC*; County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Finance Director Dan Short, Planning Director Miles Cottom, Deputy County Attorney Lynda Knowles, and County Attorney Daniel Tom, Sheriff John Spezze and Undersheriff Andy Rohrich may attend.

Chair Wood 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 involving the court's ruling on 23CA0965, *Freed v. Bonfire Entertainment LLC*.

Commissioner Baker 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 involving the court's ruling on 23CA0965, *Freed v. Bonfire Entertainment LLC*. He stated that Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom will attend and County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, Planning Director Miles Cottom, Sheriff John Spezze, and Undersheriff Andy Rohrich may attend.

Commissioner Felt seconded the motion.

Commissioner Baker amended his motion to add Item I.2., the second executive session, stating that he was amending his motion to include moving 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 regarding

special event applications.

He stated that Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom will attend and County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, Planning Director Miles Cottom, Sheriff John Spezze, and Undersheriff Andy Rohrich may attend.

Commissioner Felt seconded the amended motion.
The amended motion carried unanimously.

Attorney Tom stated that these executive sessions would constitute privileged attorney-client communications and no further recording of the executive sessions would be necessary.

The Board recessed for a short break at 9:38 a.m.
The meeting resumed at 9:47 a.m.

The Commissioners moved into Item I.1. executive session at 9:47 a.m.

The following persons were in attendance for the executive sessions: Commissioners Baker, Felt, and Wood and County Attorney Daniel Tom, County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, Planning Director Miles Cottom, and Undersheriff Andy Rohrich.

The Commissioners came out of Item I.1. executive session at 10:11 a.m. with no decisions being made.

Immediately following Item I.1. executive session at 10:12 a.m., the above-named persons moved into Item I.2. executive session for the purpose of receiving legal advice on specific legal questions regarding special event applications.

The Commissioners came out of Item I.2. executive session at 10:36 a.m. with no decisions being made.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive sessions held on July 2, 2024 constituted privileged attorney-client communication.

Daniel Tom

Daniel Tom, Chaffee County Attorney

I, P. T. Wood, 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 July 2, 2024 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.



P. T. Wood, Chair

2. **Executive session** under C.R.S §24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions regarding special event applications; County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Finance Director Dan Short, Planning Director Miles Cottom, Deputy County Attorney Lynda Knowles, and County Attorney Daniel Tom, Sheriff John Spezze and Undersheriff Andy Rohrich may attend.

See Item I.1. above.

J. Adjourn

There being no objections, the meeting was adjourned at 10:37 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