



## BOARD OF COUNTY COMMISSIONERS

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Breckenridge, CO 80424

### SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS

Tuesday, August 27, 2019, 1:30 p.m.

#### SUMMARY MINUTES

*For assistance or questions regarding special accommodations, accessibility, or available audio/visual equipment, please contact 970-453-3403 as soon as possible.*

#### I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, August 27, 2019 was called to order by Chair, Thomas C. Davidson, at 1:38 p.m. in the County Commissioners' Meeting Room, Summit County Courthouse, 208 Lincoln Avenue, Breckenridge, Colorado.

#### II. ROLL CALL

Board Members present and answered to the roll call were:

Thomas C. Davidson, Chair

Karn Stiegelmeier, Commissioner

Elisabeth Lawrence, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Bentley Henderson, Assistant County Manager; Sarah Vaine, Assistant County Manager; Julie Sutor, Director of Communications; Marty Ferris, Finance Director; Don Reimer, Planning Director; Robert Jacobs, Road & Bridge Director; Kathy Neel, Clerk & Recorder; Sara R. Lopez, Administrative Assistant; Eva Henson, Administrative Manager and Lori Dwyer, Deputy Clerk.

Additional Attendees: Nick Hoover, David Sedbrook, Tim Casey, Adam Thompson, Deb Edwards, Cary Cooper, Chris Butler, Mia Norden, Claudine Norden, Gini Bradley, Jennifer McAtamney, John Warner, Ken Nelson, Tony Pestello, Anthony Bulfin, Wayne Chambers, Karen Esposito, Jerry Eggleston, Dana Christiansen, Marcia Buderman, Debra McGarity, Shannon Bosgraaf, Andrea Schoonauer Gaylord, Steve Hein, Eli Snell, Beth Sharp, Pat Quigley, Cassandra Thompson, Lowell McCoy, Cori Hanson, Jay Stein, Sarah Ridolfi, Jacqueline Page, Mark Wimberly, Marcia Raushenbush, John Raushenbush, Joe Buonomo, Peggy Buonomo, Charlotte Weiler, Beth W. Isaacs, Mark Harris, Keith Reinert, Taryn Brooke, Scott Duffy, Julius Pawlowski, Michael Steger, J.J. Bosgraaf, Hiko Frite-Krockow, Cheryl Hain, Richard Weisner, Linda Wiesner, Norm Zettel, Esta Zettel, Harlan Allman, William Musolf, Karen Musolf, Stephen Carr, Gary D. Rienco, Larry Lewarton, Bill Peterson, Barbara Peterson, Lauren Richman, Jerry Miller, Carol Christiansen, David Arnesen, Edwin Pounds, Alastair Young, Vicky Young, Patrick Smallwood, Joelle Miller, Grant Thompson, Bonnie McCoy, Robert G. Hanssen, Krystyna Daniluk, Mark Goodspeed, Terry Goodspeed, Brad Kosanovich, Ryan Greff, Pat Dolan, Dorothy Dolan, Thom Beckett, Melissa Snell, Sharon Henkels, Lisa Bolotin, Michael Ridolfi, Steve Holcomb, Ellen

Temby, Julie Springer, Matt Dayton, Susan Lyon, Jim Schlegel, Sylvia Cox, Rachael Frye, Gayle Quigley, David Karoly, Kim Bentley, Sara Stallings, Mark Pappas, Amy Freeman, Susan Fairweather, Jackie Page and others (names were illegible on sign-in sheet).

### III. APPROVAL OF AGENDA

The agenda was approved, as presented.

### IV. CITIZEN COMMENT

### V. PROCLAMATIONS & ANNOUNCEMENTS

- A. Proclamation Declaring September 2019 as Suicide Prevention Month in Summit County, Colorado.

Sarah Vaine thanked the Commissioners for their support of mental health issues for Summit County's residents.

Jen McAtamney noted the importance of suicide prevention and statistics surrounding suicide. She also noted several resources that Building Hope provides.

Commissioner Stiegelmeier expressed gratitude for the efforts of community members to address this important issue.

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-63, Proclamation declaring September 2019 as "Suicide Prevention Month" in Summit County, Colorado.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

### VI. CONSENT AGENDA

- A. Approval of 8-13-19 Regular Meeting Minutes. **Approved as presented; and**
- B. Approval to exercise option agreement to acquire a portion of the TH Fuller Placer (Upper Blue). **Approved as presented; and**
- C. Liquor License Modification for The First Harvest Inc. dba INXPOT; Manager Registration; Tavern; Susan Chehak; located at 195 River Run Road #B9, Keystone, CO (Clerk). **Approved as presented; and**
- D. Liquor License Renewal for Cures n' Curiosities dba ROCKIN' R RANCH; Liquor Store; Don McCoy; located at 91 River Run Road, Keystone, CO (Clerk). **Approved as presented; and**
- E. Liquor License Modification for Keystone Food & Beverage Co. dba RIVER COURSE GRILL; Optional Premises; Mark Kimball; located at 155 River Course Drive, Keystone, CO (Clerk). **Approved as presented; and**
- F. Liquor License Modification for Keystone Food & Beverage Co. dba KEYSTONE LODGE & SPA; Manager Registration; Michael Bynum; Hotel & Restaurant with Optional Premises; located at 22010 U.S. Highway 6; Keystone, CO (Clerk). **Approved as presented; and**

- G. Liquor License Renewal for Chance Investments LLC dba CHANCE LIQUORS; Liquor Store; Cara York; locate at 6885 Summit County Road 30, Heeney, CO (Clerk). **Approved as presented; and**
- H. Liquor License Modification for Skye Holdings LLC dba GATEWAY GROCERY & LIQUOR; Premise Modification; Liquor Store; Kelly McMurray; located at 23110 U.S. Highway 6 #108, Keystone, CO (Clerk). **Approved as presented; and**
- I. Liquor License Renewal for Keystone Food & Beverage Co. dba DERCUM SQUARE ICE RINK; Optional Premises; Geoffrey Buchheister; located at 120 River Run Road, Keystone 80435 (Clerk). **Approved as presented; and**
- J. Request for Public Hearing and Designation of Neighborhood for a Reapplication of Expired Liquor License for The Pour House Dillon LLC dba THE POUR HOUSE DILLON LLC; Tavern; Linda Schmehl; located at 40 Cove Boulevard Units #B3 & B4, Dillon, CO (Clerk). **Approved as presented; and**

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve the Consent Agenda, items A-J.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

## **VII. NEW BUSINESS**

## **VIII. PUBLIC HEARING**

- A. A general amendment to the Summit County Land Use and Development Code to clarify policies and remove obsolete language. Code Sections 2700, 3301.07, 3505.02, 3505.13, 3505.17, 3505.18, 3505.21, 3506.02, 3514.04, 3514.06, 3603, 3604, 3808, 3808.04, 3809.02, 3809.03, 3809.04, 3810.02, 3815.03, 3815.04, 3821.07, 3821.08, 3821.09, Table 3-2, Table 3-3, 6600, 8101, 8154, 12002.05, 12200.05, 12204, 13204, 14103.03, Chapter 15 Definitions, and other amendments to accomplish the foregoing. (PLN19-040/ Summit County Government).

Don Reimer gave a brief overview of the process that occurred to bring the code amendments before the Board.

Commissioner Stiegelmeier noted that the Commissioners have discussed the code amendments with Mr. Reimer at length and are comfortable with the amendments as presented.

Commissioner Davidson opened and closed the hearing with no public comment.

Jeff Huntley noted that 3809.02 (f)(5) is intended specifically as a clarification of the existing code, even though the District Court upheld the County's interpretation of the provision, in order to make it abundantly clear to all.

**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to approve Resolution 2019-64, A general amendment to the Summit County Land Use and Development Code to clarify policies and remove obsolete language. Code Sections 2700, 3301.07, 3505.02, 3505.13, 3505.17, 3505.18, 3505.21, 3506.02, 3514.04, 3514.06, 3603, 3604, 3808, 3808.04, 3809.02, 3809.03, 3809.04, 3810.02, 3815.03, 3815.04, 3821.07, 3821.08, 3821.09, Table 3-2, Table 3-3, 6600, 8101, 8154, 12002.05, 12200.05, 12204,**

**13204, 14103.03, Chapter 15 Definitions, and other amendments to accomplish the foregoing. (PLN19-040/ Summit County Government).**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

- B.** Consideration of a Resolution Providing for the Submission of a Question to the Registered Qualified Electors of Summit County, Colorado, regarding whether a Local Minimum Wage Law should be Adopted in Summit County (Attorney/Finance/Manager).

Mr. Huntley gave a brief overview regarding the potential ballot question, and the authority given to the County effective January 2020. He also clarified the deadline to place this item on the ballot.

Commissioner Davidson opened the public hearing.

Eric Mamula urged the Commissioners to consider including the town councils and local employers in a discussion prior to moving forward.

Tony Pestello noted his opposition to government setting a minimum wage and belief that employers are unable to hire at minimum wage in Summit County. He noted that he is also a past member of the Chamber of Commerce and read a statement from the Chamber of Commerce.

Kenneth Nelson noted that he is opposed to the item.

Commissioner Davidson closed the public hearing.

Commissioner Stiegelmeier noted that she is aware that additional outreach is needed.

Commissioner Lawrence noted her opposition to placing the item on the ballot, which is not required in order to reach an agreement with the towns regarding a local minimum wage.

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to continue to the BOCC Special Meeting on September 3, 2019, Consideration of a Resolution Providing for the Submission of a Question to the Registered Qualified Electors of Summit County, Colorado, regarding whether a Local Minimum Wage Law should be Adopted in Summit County (Attorney/Finance/Manager).**

**MOTION PASSED 2 - 1 BY THE BOARD PRESENT**

- C.** Peak 7 Local Improvement District (LID).
- i.** Consideration of Resolution to Create Peak 7 LID (Engineering).
  - ii.** Consideration of a Resolution providing for the referral of a ballot measure to the registered electors who are property owners of property within or residents of the proposed Peak 7 Local Improvement District, authorizing the issuance of special assessment bonds for the purpose of financing road improvements within the proposed Peak 7 LID. (Engineering/Finance/Attorney).

Robert Jacobs gave an overview of the scope, district boundaries, plans and cost estimate of the project. Mr. Jacobs noted that since the County began collecting comments for the record, approximately ten individuals wrote to withdraw their support of the petition, which did not lower the number of supporters below the 50% threshold.

Commissioner Stiegelmeier asked for clarification on the background of statutes that control this process.

Mr. Jacobs noted that while the Commissioners must decide whether to pass the resolutions related to this Public Hearing, if they receive opposition representing more than one half of the assessments to be paid, by statute this item could not proceed.

Commissioner Davidson opened the hearing for public comment.

Shannon Bosgraaf, Ryan Greff, Beth Sharp, Megan Greff, Susan Fairweather, Jim Schlegel, Harlan Allman, Jackie Page, Steve Carr, Mark Wimberly, Lowell McCoy, Kim Bentley and Karen Esposito spoke in favor of the Local Improvement District. They cited benefits including, but not limited to, decreased dust, decreased vehicle maintenance, increased property values, use of a paved road for recreational purposes, and improved road maintenance.

Mark Harris, Melissa Snell, Mark Pappas, Lauren Richmond, Richard Wiesner, Joelle Miller, Julius Pawlowski, Keith Reinert, Carol Christiansen, Larry Lewarton, David Arnesen, Michael Ridolfi, Dana Christiansen, Jay Stien, Gayle Quigley, John Raushenbush, Sharon Henkels, Wayne Chambers, Patrick Smallwood, Beth Isaacs, Taryn Brooke and Joe Buonomo spoke in opposition of the Local Improvement District. They voiced concerns including, but not limited to, potential of increased speed on paved roads, increased traffic, the inability of voters not registered in the state of Colorado to vote on the matter, the cost of the project, and loss of neighborhood character.

The Commissioners asked Mr. Jacobs to clarify several questions. He stated that the County will maintain the roads regardless of the outcome. He noted that there are 335 lots within the district, 339 parcels, that the County's lot has no density associated with it, and therefore would not be assessed. Mr. Jacobs noted that there is a threshold of the number of cars utilizing a road for a developer to pave, but not for the county to pave.

Keely Ambrose clarified how state statute dictates the LID process. She also noted that voting on a LID is limited to electors of the state of Colorado who own property in the district or who rent in the district. Ms. Ambrose noted that the deadline to combine lots to avoid paying two assessments for an owner with two lots is after the vote, but prior to the final public hearing on the assessments, which would occur after the roadwork is completed. She also noted that the original petition is not binding.

Commissioner Davidson closed the hearing for public comment.

***A recess was taken at 4:34 p.m. in order for staff to tabulate all property owner opinions.***

***The meeting resumed at 5:13 p.m.***

Mr. Jacobs noted that, in total, 15 of the property owners on the original petition changed their position from support to opposition. This left 189 properties in support of the project, for a total of 55% owners in support.

Commissioner Stiegelmeier commended everyone involved for their participation in the project.

Commissioner Lawrence noted that she would like staff to work with the ski area in an attempt to mitigate some of the traffic-related issues in the Peak 7 neighborhood.

Commissioner Davidson noted that several laws in place within the state of Colorado limit how jurisdictions may collect taxes, and therefore limit the budget allocated to the Road & Bridge department.

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-65, Consideration of Resolution to Create Peak 7 LID (Engineering).**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

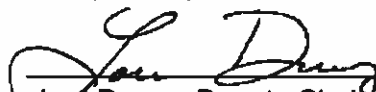
**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to approve Resolution 2019-66, Consideration of a Resolution providing for the referral of a ballot measure to the registered electors who are property owners of property within or residents of the proposed Peak 7 Local Improvement District, authorizing the issuance of special assessment bonds for the purpose of financing road improvements within the proposed Peak 7 LID. (Engineering/Finance/Attorney).**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**VI. ADJOURNMENT**

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

  
Leri Dwyer, Deputy Clerk



Approved by:

  
Thomas C. Davidson, Chair

NOTE: These minutes are a summary of the proceedings and motions of the August 27, 2019 Board of County Commissioners' Regular Meeting. The complete digital recording is available in the Office of the Clerk & Recorder, Summit County Courthouse, 2<sup>nd</sup> Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.