



**ARCHULETA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS OF SEPTEMBER 3, 2019 AT 1:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**DISCLOSURES AND/OR CONFLICT OF INTEREST**

**APPROVAL OR ADJUSTMENTS TO AGENDA**

\* Executive Session - Specific Agenda Topic

**PUBLIC COMMENTS FROM THE FLOOR\***

This is an opportunity during the session for the public to address the Commissioner. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (the Board is not required to discuss your comment or make a decision regarding your comment, under this section).

**BOARD OF ADJUSTMENT HEARING**

**A. BoA Public Hearing For San Juan River Takeout Lot Size Variance, S3 T33N R2W NMPM, 11000 County Rd 500**

The Town of Pagosa Springs, represented by James Dickhoff, has applied for the San Juan River (aka Trujillo Rd) Lot Size Variance, to divide part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  (GLO Lot 29) in S3 T33N R2W NMPM, from a parcel addressed as 11000 County Rd 500, Pagosa Springs, CO (PLN19-374), owner of record One In The Spirit LLLP. Applicants are requesting variance from the minimum 35-acre lot size in the Agricultural/Ranching (AR) zone in Section 3.1.4 of the Archuleta County Land Use Regulations.

Applicants are also requesting exemption from subdivision review to create the 1.198 acre lot (with more than 35 acres remaining), to be heard by the Board of County Commissioners (PLN19-373).

Presenter                      John Shepard, AICP

Presenter's Title              Planning Manager

Documents:

[PLN19-374 SJR\\_TAKEOUT\\_EXEMPTION\\_VAR-BOA\\_20190903\\_STAFFREPORT.PDF](#)

[A1-PLN19-374 AREAMAPS.PDF](#)

[A2-REVIEWS.PDF](#)

[A3-PLN19-373\\_374 SJR\\_TAKEOUT-NARRATIVE\\_20190725.PDF](#)

[A4-PLN19-373\\_374 SJR\\_TAKEOUT-EXEMPTION\\_PLAT\\_20190816.PDF](#)

**B. Public Hearing Of San Juan River Takeout Exemption Plat, S3 T33N R2W NMPM, 11000 County Rd 500**

The Town of Pagosa Springs, represented by James Dickhoff, has applied for the San Juan River (aka Trujillo Rd) Exemption Plat, to divide part of the SW¼ SE¼ (GLO Lot 29) in S3 T33N R2W NMPM, from a parcel addressed as 11000 County Rd 500, Pagosa Springs, CO (PLN19-373), owner of record One In The Spirit LLLP. The Board of Adjustment must first approve the request for Variance prior to consideration of this item.

Presenter                    John Shepard, AICP  
Presenter's Title        Planning Manager

Documents:

[PLN19-373 SJR\\_TAKEOUT\\_EXEMPTION\\_PLAT\\_BOCC-20190903\\_STAFFREPORT.PDF](#)  
[A1-PLN19-373 AREAMAPS.PDF](#)  
[A2-REVIEWS.PDF](#)  
[A3-PLN19-373\\_374 SJR\\_TAKEOUT-NARRATIVE\\_20190725.PDF](#)  
[A4-PLN19-373\\_374 SJR\\_TAKEOUT-EXEMPTION\\_PLAT\\_20190816.PDF](#)

## **BOARD OF ADJUSTMENT - CONSENT**

### **A. BoA Consideration Of Resolution 2019-05BOA Approving Variance From The Archuleta County Land Use Regulations For Bykota REI, LLC, On Parcel 2Z2 Ridgeview Sub**

Request to consider and approve a Resolution of the Board of Adjustment stating Findings and Conditions of Approval of the Bykota REI Request For Integrity Industrial Building Parking Variance, Parcel 2Z2 Ridgeview Sub Amendment 2017-01, 543 Navajo Trail (PLN19-344). Variance was approved August 20, 2019.

Documents:

[BOA\\_RESOLUTION\\_2019-05BOA\\_INTEGRITY\\_INDUSTRIAL\\_VAR.PDF](#)

## **LAND USE REGULATION HEARING**

### **A. Public Hearing And Consideration Of Resolution 2019-\_\_\_\_ For Vacation Of Pagosa Meadows Unit 2 Amendment No. 3 Replat**

The SAM Trust dated the 25th day of August 2014, represented by Stephen P. Van Horn, has applied to vacate Amendment No. 3, Pagosa Meadows Unit 2, replat recorded April 26, 1994, which will effectively un-consolidate parcels to be known as Lots 28A and 38XA (PLN19-332). The property at 561 Big Sky Pl., Pagosa Springs, is zoned Planned Unit Development (PUD). The Planning Commission had this item on their agenda for August 28, 2019.

Presenter                    John Shepard, AICP  
Presenter's Title        Planning Manager

Documents:

[PLN19-332 PM2\\_AMEND3\\_VACATE\\_BOCC-20190903\\_STAFFREPORT.PDF](#)  
[A1-PLN19-332 AREAMAPS.PDF](#)  
[A2-REVIEWS.PDF](#)  
[A3-PLN19-332 PM2\\_AMEND3\\_VACATE-NARRATIVE\\_20190718.PDF](#)  
[A4-BOCC\\_RESOLUTION\\_2019-\\_\\_\\_ PM2\\_AMEND3\\_VACATE.PDF](#)

## **LIQUOR BOARD**

### **A. Consideration Of A Special Events Permit For Parelli Foundation, Inc.**

This is an application for a Special Events Permit for the Parelli Foundation, Inc., to sell malt, vinous, spirituous liquor at the PLPOA Clubhouse located at 230 Port Ave. for a fundraiser on September 6, 2019. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing. The financial impact to the County is the fees paid per the County Fee schedule and Staff moves to approve this Special Events Permit.

Presenter                      Flora Goheen  
Presenter's Title              Planning Technician

Documents:

[PARELLI FOUNDATION SPECIAL EVENT 9.6.19.PDF](#)

## **CONSENT AGENDA**

### **A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS**

**August 21, 2019 - September 3, 2019**

### **B. REGULAR MEETING MINUTES**

**Regular Meeting Minutes 8/20/2019**

Draft of the Regular Meeting Minutes from August 20, 2019 for approval.

Documents:

[08-20-19R.PDF](#)

### **C. Resolution 2019- \_\_\_\_ To Consolidate 2 Lots Into 1 Lake Hatcher Park Owned By Gregory A. Foss And Barbara L. Foss**

This request is to consider a Resolution authorizing the consolidation of Lots 214 and 215X Lake Hatcher Park to become Lot 215XX owned by Gregory A. Foss and Barbara L. Foss. This consolidation has been reviewed and is recommended for approval by Development Services Planning Technician, Sherrie Vick. The impact to the County budget includes fees paid per the County Fee Schedule, generally balanced by reduction in property taxes.

Documents:

[FOSS LC RESOLUTION 2019.DOC](#)  
[FOSS TITLE WORK.PDF](#)  
[FOSS RESOLUTION 2000-59.PDF](#)

### **D. Consideration Of Resolution 2019- \_\_\_\_ Affirming Legal Lot Status For Horn & Sabel**

Affirm Planning Manager's Certificate of Designation of Legal Lot Status of property owned by Miriam Horn and Charles Sabel, an approx. 13.69-acre tract of land being a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 20 & SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 21 T35N R2E, NMPM, at 14101 County Rd 326 (IDP19-394). No net fiscal impact expected.

Documents:

[RESOLUTION AFFIRMING LEGAL LOT STATUS IDP19-394.PDF](#)

**E. Consideration Of Resolution 2019-\_\_\_ Affirming Legal Lot Status For Whittington**

Affirm Planning Manager's Certificate of Designation of Legal Lot Status of property owned by Tricia Whittington (IDP19-397), an approx. 3.55-acre tract of land being a portion of the NE¼ Section 5 T35N R1W, NMPM, at 3821A E. US HWY 160. No net fiscal impact expected.

Documents:

[RESOLUTION AFFIRMING LEGAL LOT STATUS IDP19-397.PDF](#)  
[IDP19-397 CERTIFICATE.PDF](#)

**F. Consideration Of Resolution 2019-\_\_\_ Affirming Legal Lot Status For Andrews Trust**

Affirm Planning Manager's Certificate of Designation of Legal Lot Status of property owned by Margaret G. Andrews Revocable Living Trust, an approx. 10.78-acre tract of land being a portion of the NW¼NW¼ of Section 9 and the N½NE¼ of Section 8, T34N R1W, NMPM, at 100 Squaw Valley Pl (IDP19-279). No net fiscal impact expected.

Documents:

[RESOLUTION\\_AFFIRMING\\_LEGAL\\_LOT\\_STATUS IDP19-279.PDF](#)  
[IDP19-279 CERTIFICATE.PDF](#)

**G. Consideration And Approval Of Lease Agreement With BLM**

This request to enter into a lease with the BLM comes in response to the State providing funding and equipment to enhance the Public Safety Communications Network in Archuleta County. The existing LPEA tower located on the landlocked section of BLM property provides the perfect infrastructure and location to fill a network "black spot" in the southeast corner of the county. The network coverage will exponentially enhance the service to all local agencies, namely Archuleta County Sheriff's Office, Pagosa Fire Protection District, Upper San Juan Health Services District (EMS), Search & Rescue, CDOT and Colorado State Patrol. Staff highly recommends approval of this Lease Agreement.

Responsible Staff: Mike LeRoux, Director of Emergency Operations

Documents:

[BLM LEASE.PDF](#)  
[BLM LEASE EXHIBIT A.PDF](#)  
[BLM LEASE EXHIBIT B.PDF](#)  
[BLM LEASE EXHIBIT C.PDF](#)

**H. Consideration And Approval Of Amendment To Memorandum Of Understanding With Colorado Office Of Information Technology**

This Amendment to the original 2013 MOU for the Sandoval tower site defines the antenna changes that need to be made on the tower in order to achieve connectivity to the Chromo site in the Digital Trunked Radio (DTR) network. Staff highly recommends approval of this Amendment.

Responsible Staff: Mike LeRoux, Director of Emergency Operations.

Documents:

[AMENDMENT 1 TO MOU WITH COLORADO OFFICE OF INFORMATION TECHNOLOGY.PDF](#)  
[MOU WITH COLORADO OFFICE OF INFORMATION TECHNOLOGY - 2013.PDF](#)

**I. Consideration And Approval Of Mutual Release And Settlement Agreement With Dennis Spencer**

Dennis Spencer is a Plaintiff, along with 14 other individuals, who filed a lawsuit against current and former County Commissioners and the former County Attorney (case number 2016CV4). The District Court awarded attorney's fees to the County in the amount of \$18,565.50 jointly and severally against all the Plaintiffs except one. This Mutual Release and Settlement Agreement sets forth terms to settle and resolve all the issues from this case. Mr. Spencer has signed the agreement and agrees to pay to the County the amount of \$1,326.11 (1/14 of the attorney's fees) and will not participate further in this or any related lawsuit against the County.

Documents:

[MUTUAL RELEASE AND SETTLEMENT AGREEMENT - SPENCER.PDF](#)

#### **J. Consideration And Approval Of Proposals With GM Emulsion And C&J Gravel For Chip Seal For Lithified Technology Test Project**

Finding a company to do the chip seal for this fast track Lithified Project was all but mission impossible. The people at Lithified Technology found a company, GM Emulsion, that has worked with them several times and they have rearranged their schedule to accommodate us. This will be a sole source because they are the only company willing to do this project on our time schedule. The cost to place the double layer chip seal for the Lithified Project will be \$98,500, aggregate not included.

Because we had problems getting bids on Vista Blvd. earlier this year, that project was declined. Since we now have a company that will chip seal the Lithified Project, we are going to get them to chip seal Vista Blvd. We are having our new county asphalt crew do the patching and the crack seal on Vista Blvd. and then the chip seal company, GM Emulsion, will be placing a single layer chip seal at the cost of \$75,360 aggregate not included.

The aggregate for the chip seal will be provided by C&J Gravel in Durango and we will be able to get it because they are crushing for CDOT for their chip seal activity. The cost will be \$19.00 per ton with \$13.12 per ton for delivery. The total will cost about \$21,360. The Vista job will be about \$7,120 and the Lithified will cost about \$14,240.

We are asking for approval to spend the money for GM Emulsion for Chip Seal, and for the Aggregate from C&J Gravel. Please see attachments.

Documents:

[20190827152217.PDF](#)

#### **K. Consideration And Approval Of Strohecker Asphalt & Paving Proposal**

Setting up the Lithified Technology project in a short time frame required using sole sources for the material, equipment and services required. When selecting where to rent the road reclaimer (grinder), it was discovered that we had a unit locally owned by Strohecker Asphalt & Paving, a contractor that the County has used on several previous construction jobs. Strohecker also has a roller with a sheep's foot adaptor for using to compact the road material. Staff selected Strohecker for the rental of these items. This not only provided a local source for the equipment, but helped to develop local experience with the Lithified system for future projects.

The estimated cost will be \$51,628.00 for the reclaimer unit and the operator, plus the roller. Two passes of grinding and compacting will be done - the first to get the proper width and crown on the road and check for possible soft spots; the second to grind in the Lithified material and wet and compact the Lithified base into place.

Documents:

[STROHECKER ASPHALT PROPOSAL.PDF](#)

## L. Consideration And Approval Of Western Material & Design LLC Invoice

The special spreader unit required for placing the Lithified Technology product will cost \$6,910.00 to bring it in for this project. This is part of the reason that they don't like to do less than a mile of road. Certain costs are the same whether doing one mile, or five miles of road, so economy of scale fits here.

The estimated total cost to do a mile of Lithified Technology was said to be about \$250,000 per mil, which may be true if the project was 5 miles long. However, staff is estimating \$300,000 per mile because Archuleta County is isolated and hard to get to, so things usually cost more here, and we were only doing a single mile of road.

With all the estimates in, the cost to do this one mile of road paving work will be about \$297,500, not including the engineering cost of \$42,000 which we chose to use for this particular test project because of it's location and many adjacent features. Also not included will be the cost of the County Road & Bridge personnel and equipment used to grade, water and compact the road.

Documents:

[WESTERN MATERIAL INVOICE.PDF](#)

## NEW BUSINESS

Old Business

### A. Public Hearing On Second And Final Reading Of Amended And Restated Ordinance No. 18-2017 For The Regulation Of Open Burning In The Unincorporated Areas Of Archuleta County

Attached for Public Hearing and final consideration is Amended and Restated Ordinance No. 18-2017. This amended and restated ordinance was approved on first reading at the August 6, 2019 Regular Meeting of the Archuleta County Board of County Commissioners. The ordinance was published in full in the Pagosa Sun on August 15, 2019 and there have been no changes to the ordinance except for the Certification page from the first reading.

Presenter	Derek Woodman
Presenter's Title	Undersheriff

Documents:

[ORDINANCE 18-2017 2ND READING.PDF](#)

## NEW BUSINESS

### A. Introduction And First Reading Of Ordinance No. 21-2019 For Adopting By Reference The 2018 Edition Of The Colorado "Model Traffic Code", Repealing Ordinances In Conflict Therewith, And Providing Penalties For Violation Thereof

Provided for the consideration of the Board of County Commissioners is Ordinance No. 21-2019 which adopts by reference the 2018 edition of the Colorado Model Traffic Code with modifications made specific to Archuleta County. The Model Traffic Code, marked with the modifications, is attached.

Presenter	Derek Woodman
Presenter's Title	Undersheriff

Documents:

### **EXECUTIVE SESSION**

Pursuant to C.R.S. 24-6-402(4): The Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting to enter into executive session.

### **PUBLIC COMMENTS FROM THE FLOOR**

This is an opportunity during the session for the public to address the Commissioners on a subject not covered on the agenda. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

### **COMMISSIONER COMMENTS**

### **ADJOURNMENT OF THE REGULAR BOCC MEETING**

All meetings to be held in the Archuleta County Administration Offices  
398 Lewis Street, unless otherwise stated.  
All Regular and Special BoCC Meetings are recorded.