



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF OCTOBER 15, 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 Of AT&T Wireless Tower Variance On Lot 19 Replat Of
Village Service Commercial At 80 Bastille Drive**

AT&T Wireless, represented by Justin Causey, Md7 LLC, has applied for concurrent Variances from the 40 ft. max height in Table 4 of the Archuleta County Land Use Regulations, and from Section 27.1.6.3.G of the Archuleta County Road & Bridge Design Standards and Section 5.4.5 of the Land Use Regulations requiring paving (PLN19-420).

Presenter	Brad Callender
Presenter's Title	Development Director

Documents:

[01_19-419 ATT_WIRELESS_CUP_PC-20190925_STAFFREPORT.PDF](#)
[02_PLN19-419_420 AREAMAPS.PDF](#)
[03_PLN19-419_420 ATT_WIRELESS PROJECT NARRATIVE.PDF](#)
[04_PLN19-419_420 ATT_WIRELESS_TOWER-PLANS_20190822.PDF](#)

LAND USE REGULATION HEARING

**A. Public Hearing Of AT&T Wireless Tower Conditional Use Permit (CUP) On Lot
19 Replat Of Village Service Commercial At 80 Bastille Dr. (PLN19-419)**

AT&T Wireless, represented by Justin Causey, Md7 LLC, has applied for a Board Conditional Use Permit for the ATT Wireless Tower CUP, on Lot 19 Replat of Village Service Commercial

at 80 Bastille Dr., Pagosa Springs, CO (PLN19-419), property owner Pagosa Secure Storage LLC. The property is zoned Commercial (C). The proposal is for a 90' tall CMRS monopole, with concurrent requests for Variance from the maximum height of 40' in the Commercial zone and from paving on a paved street (PLN19-420).

Presenter Brad Callender
Presenter's Title Development Director

Documents:

[01_PLN19-419 ATT_WIRELESS_CUP_PC-20190925_STAFFREPORT.PDF](#)
[02_PLN19-419_420 AREAMAPS.PDF](#)
[03_REVIEW_ENG.PDF](#)
[04_PLN19-419_420 ATT_WIRELESS PROJECT NARRATIVE.PDF](#)
[05_PLN19-419_420 ATT_WIRELESS_TOWER-PLANS_20190822.PDF](#)

B. Public Hearing Of Lob Lolly Pit Renewal Major Sand & Gravel Permit On Pt. S16 & S21 T33N R5W, At 12577 State Highway 151, Arboles (PLN19-413)

Steve & Joyce Wright, Arboles Sand & Stone LLC, represented by Nathan Barton, PE, Wasteline, Inc., have applied for the Lob Lolly Pit Renewal Major Sand & Gravel Permit, to renew an existing permit approved in 2009, for two tracts: approx. 94 acres in S½NW¼ & pt. S½NE¼ Sec 21 T33N R5W west of HWY 151, and approx. 87 acres in SE¼SW¼ & pt. S½SE¼ S16 T33N R5W NMPM west of the Piedra River (PLN19-413). The property at 12577 & 12577C State Highway 151, Arboles, CO, is zoned Industrial (I) and Agricultural/Ranching (AR).

Presenter Brad Callender
Presenter's Title Development Director

Documents:

[01-19-413 LOBLOLLY_SNG_PC-20191007_STAFFREPORT_REVISED.PDF](#)
[02-PLN19-413 AREAMAPS.PDF](#)
[03-PLN19-413 APPLICANT_MAPS_20190820.PDF](#)
[04-PLN19-413 REVIEWS.PDF](#)
[05-PLN19-413 LOBLOLLY_RENEW-NARRATIVE_20190820.PDF](#)
[06-PLN19-413 LOBLOLLY_RENEW-DRMS_RECLAMATION_PERMIT_20190819.PDF](#)
[07-2008-02SG ARBOLES SAND AND STONE-LOB LOLLY APPROVAL-LET_20090527.PDF](#)
[08-2008-02SG LOB LOLLY APP.PDF](#)
[09-2008-02SG REVIEWS LOB LOLLY PIT.PDF](#)
[10-LOB LOLLY CO DRMS APP 2008.PDF](#)
[11-413 EMAIL FROM MARK MEIER POST PC.PDF](#)

LIQUOR BOARD

A. Consideration Of The Report Of Changes For Pagosa Liquor, Inc. Dba Pagosa Liquor

This is an application for a Report of Changes to request an off premises Retail Warehouse Storage permit.

Basis and Purpose. The statutory authority for this regulation is located at subsections 44-3-202(1)(b) and 44-3-202(2)(a)(I)(K), C.R.S. The purpose of this regulation is to establish parameters and clarify circumstances under which licensed retailers may keep or store alcohol beverages in permitted warehouses and limitations on the same if the retail licensee is a liquor licensed drugstore licensed under section 44-3-410, C.R.S.

A. No alcohol beverages shall be stored or kept in or upon any premises that is not duly licensed, however, the state licensing authority may issue a warehouse storage permit, to retail

licensees licensed pursuant to article 3 of title 44, C.R.S. for the storage only of permitted alcohol beverages in one but not more than three (3) locations, other than the licensed premises. The application for such permit shall specify the address of the proposed storage location and shall include documentation that the licensee is in possession of said premises by way of ownership, lease, or other arrangement.

2. For on-premises licensed retailers, alcohol beverages permitted for storage within a storage warehouse shall include fermented malt beverages and malt, vinous and spirituous liquors. However, fermented malt beverages or malt liquor stored in a permitted warehouse shall only be stored for a period not to exceed ten days after date of delivery, so as not to interfere with manufacturers' freshness standards.

B. Title to all alcohol beverages, stored or kept pursuant to a warehouse storage permit shall be vested in such permit holder.

C. Alcohol beverages may not be sold or delivered to consumers from the permitted warehouse premises, however, deliveries from wholesalers may be accepted at the permitted warehouse premises.

D. Any retail licensee obtaining a warehouse storage permit, shall provide a copy of said permit to the local licensing authority and shall display such permit in a prominent place within their licensed premises and within the permitted warehouse premises.

There is no financial impact to the County and I move to approve this Report of Changes for Pagosa Liquor.

Presenter	Flora Goheen
Presenter's Title	Planning Technician

Documents:

[REPORT OF CHANGES PAGOSA LIQUOR- STORAGE PERMIT.PDF](#)

B. Special Event For Pagosa Rotary Community Assistance Fund, Inc.

This is an application for a Special Events Permit for the Pagosa Rotary Community Assistance Fund, Inc., to sell malt, vinous, spirituous liquor located at 344 Hwy 84 for the their annual Barn Dance on October 19, 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 I move to approve this Special Events Permit.

Presenter	Flora Goheen
Presenter's Title	Planning Technician

Documents:

[P ROTARY COMM ASST FUND 10.19.19 RDACTED.PDF](#)

C. Special Event For The Pagosa Springs Arts Council

This is an application for a Special Events Permit for the Pagosa Springs Arts Council, to sell malt, vinous, spirituous liquor at the located at 197 Navajo Trail Dr. for the a fundraiser on November 7, 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 I move to approve this Special Events Permit.

Presenter	Flora Goheen
Presenter's Title	Planning Technician

Documents:

[PAGOSA SPRINGS ARTS COUNCIL SP 11.7.19 REDACTED.PDF](#)

D. Consideration And Approval Of A Hotel And Restaurant Liquor License Renewal For Pamela Wallis DBA Aspen Springs Bar And Grill

This a renewal of a Hotel and Restaurant Liquor License for Pamela Wallis DBA Aspen Springs Bar and Grill located at 43 Buttercup Dr. Pagosa Springs, Colorado. This renewal includes no changes. The application is complete and the proper fees have been submitted. The Sheriff's Office has completed their background check and the Building Department has inspected the premises for changes. The licensing fee and the late fee have been paid. The applicant has requested the late fees be waived.

This license expired on October 2, 2019. Pursuant to C.R.S. §44-302(2)(a), a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application.

C.R.S. §44-302(2)(d)(III) For licensees subject to issuance or approval by a local licensing authority, if the local licensing authority allows the licensee to apply for a re-issuance of the expired license, the licensee must submit to the local licensing authority: (A) An application for a reissued license; (B) Payment of a five-hundred-dollar late application fee; and

C.R.S. §44-302(2)(d)(IV) After the local licensing authority accepts the application, late application fee, and fine, the licensee may continue to operate and sell alcohol beverages until the state licensing authority and local licensing authority to have each taken final action on the licensee's application for license re-issuance.

C.R.S. §44-302(2)(d)(V) If the local licensing authority approves the re-issuance of the licensee's license, the local licensing authority shall forward the approved application to the state licensing authority for review. In addition to the late application fee and fine imposed by the local licensing authority, the state licensing authority shall impose a five-hundred-dollar late application fee and a fine of twenty-five dollars per day for each day the license has been expired beyond ninety days.

The financial impact to the County is the fees paid per the County Fee Schedule and I move to Approve The Hotel & restaurant License for Aspen Springs Bar & Grill and deny the waiver of late fees.

Presenter	Flora Goheen
Presenter's Title	Planning Technician

Documents:

[ASPEN SPRINGS BAR AND GRILL RENEWAL 19 REDACTED.PDF](#)

CONSENT AGENDA

A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

October 2, 2019 - October 15, 2019

B. REGULAR MEETING MINUTES

Regular Meeting Minutes 10/01/2019

Draft of the Regular Meeting Minutes from October 1, 2019 for approval.

Presenter Consent

Presenter's Title Consent

Documents:

[10-01-19R.PDF](#)

C. SPECIAL MEETING MINUTES

Special Meeting Minutes 10/8/2019

Draft of the Special Meeting Minutes from October 8, 2019 for approval.

Documents:

[10-08-19S.PDF](#)

D. Consideration Of Resolution 2019 - _____ To Consolidate 2 Lots Into 1 Holiday Acres Unit 2 Block 4 Owned By Mark Frederick Delaney And Janet Lynn Delaney

This request is to consider a Resolution authorizing the consolidation of Lots 10 and 11 Holiday Acres Unit 2 Block 4 to become Lot 10X owned by Mark Frederick Delaney and Janet Lynn Delaney. This consolidation has been reviewed and is recommended for approval by Developments Services Planning technician, Flora Goheen. The impact to the County budget includes fees paid per the County Fee Schedule, generally balanced by reduction in property taxes.

Responsible Staff: Flora Goheen

Documents:

[DELANEY LC RESOLUTION 2019.PDF](#)
[DELANEY O AND E.PDF](#)

E. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Log Park Amended Subdivision Owned By Potter Sales, Inc

This request is to consider a Resolution authorizing the consolidation of Lots 6 and 7 Log Park to become Lot 7X owned by Potter Sales, Inc.. This consolidation has been reviewed and is recommended for approval by Developments Services Planning Technician, Flora Goheen. The impact to the County budget includes fees paid per the County Fee Schedule, generally balanced by reduction in property taxes.

Documents:

[POTTER LC RESOLUTION.PDF](#)
[POTTER O AND E.PDF](#)

F. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Powder Horn Owned By Leslie Lee Faust And Sheryl Lynn Phillips

This request is to consider a Resolution authorizing the consolidation of Lots 19 and 20 Powder Horn to become Lot 20X owned by Leslie Lee Faust and Sheryl Lynn Phillips. This consolidation has been reviewed and is recommended for approval by Developments Services Planning technician, Flora Goheen. The impact to the County budget includes fees paid per the County Fee Schedule, generally balanced by reduction in property taxes.

Documents:

[FAUST.PHILLIPS LC RESO.PDF](#)
[FAUST.PHILLIPS MORTGAGE GUARANTEE.PDF](#)

G. Consideration Of Resolution 2019- ____ To Consolidate 3 Lots Into 1 Aspen Springs Unit 2 Block 17 Owned Eric J. Davidson And Stephanie G. Davidson

This request is to consider a Resolution authorizing the consolidation of Lots 1Z, 2Z and 3Z Aspen Springs Unit 2 Block 17 to become Lot 3ZX owned by Eric J. Davidson and Stephanie G. Davidson. This consolidation has been reviewed and is recommended for approval by Developments 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:

[DAVIDSON LC RESOLUTION.PDF](#)
[DAVIDSON MORTGAGE GUARANTEE.PDF](#)

H. Consideration And Approval Of Independent Contractor Agreement With Pagosa Area Trails Council

This Agreement provides the terms and conditions for the Pagosa Area Trails Council ("PATC") to clear fallen trees blocking trails within the Pagosa District of the San Juan National Forest through 2020. The PATC will be paid the total sum of \$3,000.00 from the Archuleta County Conservation Trust Fund.

Documents:

[INDEPENDENT CONTRACTOR AGREEMENT FOR CLEARING FALLEN TREES_FINAL.PDF](#)

I. Ratification Of The Signature Of The Chairman Of The Board Of Commissioners On The Agreements For Receipt Of Court Security Grant Funds

The State Court Administrator's Office has awarded Archuleta County two court security grants - one in the amount of \$12,995.00 to be spent on security equipment and the other for \$133,768.00 for wages for court security personnel. The Agreements accepting the awards have recently been signed by Commissioner Maez.

Documents:

[AGREEMENT FOR RECEIPT OF COURT SECURITY GRANT FUNDS.PDF](#)
[COURT SECURITY GRANT PERSONNEL.PDF](#)

J. Ratification Of The Signature Of The Chairman Of The Board Of Commissioners On The CCI 2019 Legislative Committee Member Appointment Letter

Colorado Counties, Inc.'s Legislative Committee must consist of one county commissioner from each county. Commissioner Ronnie Maez volunteered to take on this responsibility and executed the designation sheet on October 7, 2019.

Documents:

[CCI 2019 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT.PDF](#)

K. Consideration Of Assignment Of A Hangar Ground Lease For Hangar 500P

Assignment of a Hangar Ground Lease between dvvyup, llc (Assignor) and Stuart and Lynnette Latimer (Assignee). Staff recommends approval of this Assignment.

Responsible Staff: Chris Torres

Documents:

[ASSIGNMENT OF HANGAR GROUND LEASE 500P.PDF](#)

L. Consideration And Approval Of Mutual Release And Settlement Agreement With Cole Graham

Cole Graham 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 \$18,565.60 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. Graham 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:

[GRAHAM SETTLEMENT AGREEMENT.PDF](#)

NEW BUSINESS

A. Appointment Of Planning Commission Members To Three-Year Term

The Archuleta County Planning Commission has five members with rotating 3-year terms as specified in their bylaws. The Planning Commission advises the Board of County Commissioners on land use and is responsible for the *Archuleta County Community Plan*, with one or two evening meetings each month. Each member of the Commission shall be a county resident. Two open seats were advertised and applications were received and reviewed. BoCC may consider approving the applications for William (Luke) McCauley and Jon Carey.

Presenter	Scott Wall
Presenter's Title	County Administrator

Documents:

[PLANNING COMMISSION - MCCAULEY.PDF](#)
[PLANNING COMMISSION - CAREY.PDF](#)

B. Authorization To County Administrator To Release \$47,988 To The Colorado Housing Finance Authority As A Reservation Fee For The Low-Income Housing Tax Credit

The Archuleta County Housing Authority has applied to the Colorado Housing Finance Authority (CHFA) for a reservation of Low-Income Housing Tax Credits (LIHTC) for the construction of the Hot Springs Townhomes project on Hot Springs Blvd. A reservation fee of 4% of the annual federal tax credit amount reserved to the project is due prior to the issuance of the Preliminary Reservation letter. This authorizes the County Administrator, Scott Wall, to release \$47,988 of the \$1.2 million that has already been committed to the project.

Presenter	Todd Weaver
Presenter's Title	County Attorney

Documents:

C. Consideration And Approval To Withdraw From The CTSI County Health Pool And Retain Gallagher Benefit Services As The County's Broker Of Record For Employee Benefits

The Human Resources Department recommends withdrawal from the county health pool and to retain Gallagher Benefit Services as the County's Broker of Record for the employee health benefits. In 2015 through a Request for Proposals (RFP) for an Employee Benefit Program Service Provider, county staff selected Gallagher Benefit Services. However, no action was taken at that time to move forward on any employee benefit changes.

Presenter Robert Smith
Presenter's Title Human Resources Administrator

Documents:

[GALLAGHER.PDF](#)

D. Consideration And Approval Of Awarding The Employee Health Insurance Plan To New Providers As Presented By Gallagher Benefit Services

Gallagher Benefit Services has provided the County with options for its 2020 employee health plan benefit package.

Presenter Robert Smith
Presenter's Title Human Resources Administrator

Documents:

[EMPLOYEE BENEFITS.PDF](#)

E. Resolution 2019-___ Establishing A Six-Month Moratorium On Acceptance Of New Permit Applications For Short Term Rentals In Unincorporated Archuleta County

This Resolution provides for a six-month moratorium on accepting new short-term vacation rental permit applications to allow the County additional time to study the logistics of the short-term rental market and to develop appropriate rules and regulations for the limitation of number of permits allowed.

Presenter Todd A. Weaver
Presenter's Title County Attorney

Documents:

[RESOLUTION 2019-___ ESTABLISHING A 6 MONTH MORATORIUM ON SHORT TERM RENTAL PERMIT APPLICATIONS.PDF](#)

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

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.

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.