

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting September 3, 2019 noting County Commissioners Ronnie Maez, Steve Wadley and Alvin Schaaf, County Administrator Scott Wall, County Attorney Todd Weaver and Deputy County Clerk and Recorder Tomi Bliss present.

Chairman Maez called the meeting to order at 1:30 p.m. with the Pledge of Allegiance and a moment of silence.

Disclosures and/or Conflicts of Interest

Chairman Maez asked for any disclosures or conflicts of interest between the Board and the agenda. There were none.

Approval or Adjustments to Agenda

Executive Session per 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. **Commissioner Schaaf moved to amend Item B under the Board of Adjustment Hearing to Item A under Land Use Hearing. Commissioner Wadley seconded the motion and it carried unanimously.**

Public Comments

Chairman Maez stated he was opening the floor for public comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person desiring to speak. No response from the Board would be given.

- Rob Keating, 4860 CR 335, expressed concerns regarding vacation rental properties.

Chairman Maez recessed the Regular Meeting and convened the Board of Adjustment Hearing at 1:35 p.m.

Board of Adjustment Hearing

Chairman Maez swore in John Shepard, Planning Manager, for testimony.

A. Public Hearing for San Juan River Takeout Lot Size Variance, 11000 County Road 500

John Shepard, Planning Manager, advised The Town of Pagosa Springs, represented by James Dickhoff, applied for the San Juan River (aka Trujillo Road) Lot Size Variance. Applicants are requesting a variance from the minimum 35-acre lot size in the Agricultural/Ranching (AR) zone.

Chairman Maez opened the floor for comments “In Favor of the Variance.”

Chairman Maez closed comments “In Favor of the Variance” and opened the floor for comments “Opposed to the Variance.”

Commissioner Wadley moved to approve the San Juan River Takeout Lot Size Variance with Findings A and B of the staff report, and instruct staff to draft a Resolution stating these Findings and Conditions of approval as presented. Commissioner Schaaf seconded the

motion and it carried unanimously.

Board of Adjustment – Consent Agenda

A. Resolution 2019-05BOA Approving Variance from the Archuleta County Land Use Regulations for Bykota REI, LLC on Parcel 2Z2 Ridgeview Subdivision.

John Shepard, Planning Manager, read the Board of Adjustment Consent Agenda for the record. **Commissioner Schaaf moved to approve the Board of Adjustment consent agenda as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

Chairman Maez adjourned the Board of Adjustment Hearing and convened the Land Use Hearing at 1:43 p.m.

Land Use Regulation Hearing

Chairman Maez swore in John Shepard, Planning Manager, for testimony.

A. Public Hearing for San Juan River Takeout Exemption Plat, 11000 County Road 500

John Shepard, Planning Manager, advised The Town of Pagosa Springs, represented by James Dickhoff, applied for the San Juan River (aka Trujillo Road) Exemption Plat. Applicants are requesting exemption from subdivision review to create the 1.198 acre lot.

Chairman Maez opened the floor for comments “In Favor of the Exemption Plat.”

Chairman Maez closed comments “In Favor of the Exemption Plat” and opened the floor for comments “Opposed to the Exemption Plat.”

Commissioner Wadley moved to approve the San Juan River Takeout Exemption Plat with Findings A and B and Conditions 1, 2 and 3 of the staff report as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

B. Resolution 2019-77 for Vacation of Pagosa Meadows Unit 2 Amendment No. 3 Replat

John Shepard, Planning Manager, advised The SAM Trust dated the 25th day of August 2014, represented by Stephen P. Van Horn, 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. The property is located at 561 Big Sky Pl.

Chairman Maez opened the floor for comments “In Favor of the Vacation.”

Chairman Maez closed comments “In Favor of the Vacation” and opened the floor for comments “Opposed to the Vacation.”

Commissioner Schaaf moved to approve Resolution 2019-77 for Vacation of Amendment No. 3, Pagosa Meadows Unit 2 replat, with Findings A and B and Condition #1 of the staff report as presented. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez adjourned the Land Use Regulation Hearing and convened the Liquor Board at 1:54 p.m.

Liquor Board

Chairman Maez swore in Flora Goheen, Planning Technician, for testimony.

A. Special Event Permit for Parelli Foundation, Inc.

Flora Goheen, Planning Technician, presented 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 the event. The proper fees were collected and the premises was posted the required ten (10) days prior to the hearing.

Chairman Maez opened the floor for comments “In Favor of the Permit.”

Chairman Maez closed comments “In Favor of the Permit” and opened the floor for comments “Opposed to the Permit.”

Commissioner Wadley moved to approve a Special Events Permit for the Parelli Foundation, Inc. for a fundraiser at the PLPOA Clubhouse on September 6, 2019 as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

Chairman Maez adjourned the Liquor Board and reconvened the Regular Meeting at 1:56 p.m.

Consent Agenda

A. Payroll, Payable Warrants with Purchase Cards August 21, 2019 – September 3, 2019

| | |
|---|------------|
| Payable Warrants for dates of August 21, 2019-September 3, 2019 | |
| General Fund Payable | 175,214.19 |
| Road and Bridge Fund Payable | 21,724.25 |
| Department of Human Services Fund Payable | 37,539.18 |
| 1A Fund | 115.00 |
| All Combined Dispatch Fund Payable | 16,039.93 |
| Conservation Trust | - |
| Justice System Capital Fund | - |
| Solid Waste Fund Payable | 7,203.92 |
| Airport Fund Payable | 2,718.48 |
| Fleet Fund Payable | 31,120.91 |
| Total | 291,675.86 |

| | |
|---|------------|
| Payroll Warrants for dates of August 21, 2019-September 3, 2019 | |
| General Fund Payroll | 200,772.49 |
| Road and Bridge Fund Payroll | 38,148.37 |
| Department of Human Services Fund Payroll | 36,511.89 |
| All Combined Dispatch Fund Payroll | 20,331.93 |
| Solid Waste Fund Payroll | 9,122.69 |
| Airport Fund Payroll | 4,320.15 |
| Fleet Fund Payroll | 9,227.36 |
| Total | 318,434.88 |

B. Regular Meeting Minutes

August 20, 2019

C. Resolution 2019-78 Lot Consolidation Lake Hatcher Park owned by Gregory A. Foss and Barbara

L. Foss

D. Resolution 2019-79 Affirming Legal Lot Status for Horn & Sabel

E. Resolution 2019-80 Affirming Legal Lot Status for Whittington

F. Resolution 2019-81 Affirming Legal Lot Status for Andrews Trust

G. Lease Agreement with BLM

H. Amendment to Memorandum of Understanding with the Colorado Office of Information Technology

I. Mutual Release and Settlement Agreement with Dennis Spencer

J. Proposals with GM Emulsion and C&J Gravel for chip seal for Lithified Technology Test Project

K. Strohecker Asphalt & Paving Proposal

L. Western Material & Design LLC Invoice

County Administrator Scott Wall read the Consent Agenda for the record. **Commissioner Schaaf moved to approve the consent agenda as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

Old Business

A. 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

Derek Woodman, Undersheriff, presented the Amended and Restated Ordinance No. 18-2017 for final consideration. The 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 were no changes to the ordinance except for the Certification page from the first reading. **Commissioner Wadley moved to adopt the Amended and Restated Ordinance No. 18-2017 for the regulation of open burning in the unincorporated areas of Archuleta County as presented. Commissioner Schaaf seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

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

Derek Woodman, Undersheriff, presented Ordinance No. 21-2019 which adopts by reference the 2018 edition of the Colorado Model Traffic Code with modifications made specific to Archuleta County. **Commissioner Schaaf moved to approve on the First Reading 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 and set the ordinance for Second Reading on October 1, 2019. Commissioner Wadley seconded the motion.** Chairman Maez asked for public comment.

- Mark Guenin, 356 Dutton Drive, expressed concerns with speed limits.
- Howard Strahlendorf, 300 Cascade Avenue, expressed concerns with penalties referencing codes which no longer exist.
- Jean Strahlendorf, 300 Cascade Avenue, expressed concerns with speed limits.

The motion carried unanimously.

Public Comments

Chairman Maez stated he was opening the floor for public comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person desiring to speak. No response from the Board would be given.

Commissioner Comments

With no further business coming before the Board, the meeting was adjourned at 2:12 p.m.

Approved this 17th day of September, 2019.

Tomi Bliss
Deputy County Clerk & Recorder

Ronnie Maez, Chairman