



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF NOVEMBER 12, 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**).

REPORTS

A. ACDHS 3rd Quarter Report 2019

Each quarter the Department of Human Services provides a report including statistical and performance measure information for a number of our high-level programs. The attached report includes information from the third quarter (July, August and September 2019).

Presenter	Matthew A. Dodson, LCSW
Presenter's Title	Director, Archuleta County Department of Human Services

Documents:

[ACDHS 3RD QUARTER 2019.PDF](#)

ABATEMENT HEARING

A. Petition For Abatement Or Refund Of Taxes

Petition for abatement or Refund of Taxes for Citizens Bank of Pagosa Springs for account number R006499, parcel number 569913315011, the address being 703 San Juan St. The Assessor is recommending the denial of this petition and therefore a hearing is being held. A letter stating the denial and scheduling this hearing date was mailed to the Petitioner's agent on October 8, 2019. The Assessor is recommending denial due to the fact the majority of the comparables contained in the appraisal occurred after the data gathering period of July 1, 2014 through June 30, 2016 for the 2017 reappraisal. As a side note, the letter of Agency and

authorization is from TBK Bank to CTMI, LLC and while we all know that Citizens Bank of Pagosa Springs sold out to TBK Bank, there has been no document executed transferring the real property from Citizens to TBK.

Presenter Natalie Woodruff
Presenter's Title Assessor

Documents:

[ABATEMENT R006499.PDF](#)

B. Petition For Abatement Or Refund Of Taxes

Petition for abatement or Refund of Taxes for Citizens Bank of Pagosa Springs for account number R011416, parcel number 569921223003, the address being 27 Talisman Dr. The Assessor is recommending the denial of this petition and therefore a hearing is being held. A letter stating the denial and scheduling this hearing date was mailed to the Petitioner's agent on October 8, 2019. The Assessor is recommending denial due to the fact the majority of the comparables contained in the appraisal occurred after the data gathering period of July 1, 2014 through June 30, 2016 for the 2017 reappraisal. As a side note, the letter of Agency and authorization is from TBK Bank to CTMI, LLC and while we all know that Citizens Bank of Pagosa Springs sold out to TBK Bank, there has been no document executed transferring the real property from Citizens to TBK.

Presenter Natalie Woodruff
Presenter's Title Assessor

Documents:

[ABATEMENT R011416.PDF](#)

LAND USE REGULATION HEARING

A. Tabled 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)

This agenda item was tabled at the October 15, 2019 BoCC Regular meeting.

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: approximately 94 acres in S1/2NW1/4&pt. S1/2NE1/4 Sec21 T33N R5W west of Hwy 151, and approximately 87 acres in SE1/4SW1/4&pt. S1/2SE1/4 S16 T33N R5W NMPM west of the Piedra River (PLN19-413). The property at 12577 and 12577C State Highway 151, Arboles, CO is zoned Industrial (I) and Agricultural/Ranching (AR).

Presenter Brad Callender
Presenter's Title Development Director

Documents:

[01_PLN19-413_LOB LOLLY SAND-GRAVEL PIT RENEWAL PRESENTATION.PDF](#)
[02_PLN19-413_LOBLOLLY_SNG_PC-20191106_STAFFREPORT_REVISD.PDF](#)
[03_PLN19-413_APPLICANT REQUESTED REVISED CUP CONDITIONS.PDF](#)
[04_PLN19-413_AREAMAPS.PDF](#)
[05_PLN19-413_APPLICANT_MAPS_20190820.PDF](#)

06_PLN19-413_REVIEWS.PDF
07_PLN19-413_LOBLOLLY_RENEW-NARRATIVE_20190820.PDF
08_PLN19-413_LOBLOLLY_RENEW-DRMS_RECLAMATION_PERMIT_20190819.PDF
09_PLN19-413_2008-02SG ARBOLES SAND AND STONE-LOB LOLLY APPROVAL-
LET_20090527.PDF
10_PLN19-413_2008-02SG LOB LOLLY APP.PDF
11_PLN19-413_2008-02SG REVIEWS LOB LOLLY PIT.PDF
12_PLN19-413_LOB LOLLY CO DRMS APP 2008.PDF
13_PLN19-413_EMAIL FROM MARK MEIER-POST PC.PDF

LIQUOR BOARD

A. Consideration And Approval Of A Temporary Retail Fermented Malt Beverage Off-Premises Liquor Permit For Western Refining Retail, Inc. Dba Speedway #9497

This is a request for a ninety (90) day Temporary Retail Fermented Malt Beverage Off-Premises Liquor Permit for Western Refining Retail, Inc. dba Speedway located at 25 N. Pagosa Blvd., Pagosa Springs, Colorado. The Application is complete and the proper fees have been submitted. The Building Department has inspected the premises for changes and the Sheriff's Office has completed their background check. Fingerprints were submitted to the Colorado Bureau of Investigations for the purpose of conducting fingerprints-based criminal history records check. There is no financial impact to the County and staff recommendation is denial of the Temporary Permit for Western Refining Retail, Inc. dba Speedway #9497.

Presenter Flora Goheen
Presenter's Title Planning Technician

Documents:

[WESTERN REFINING SPEEDWAY_9794 TEMP APP.PDF](#)
[WESTERN REFINING TEMP STAFF REPORT.PDF](#)

B. Consideration And Approval Of A Retail Fermented Malt Beverage Off-Premises Liquor License For Western Refining Retail, Inc. Dba Speedway #9497

This is an application for a Retail Fermented Malt Beverage Off-Premises Liquor License for Western Refining Retail, Inc. dba Speedway #9497 located at 25 N. Pagosa Blvd., Pagosa Springs, Colorado. 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 financial impact to the County is the fees paid per the County Fee Schedule and staff recommends to deny the Retail Fermented Malt Beverage Off-Premises Liquor License for Speedway #9497.

<!--[endif]-->

Presenter Flora Goheen
Presenter's Title Planning Technician

Documents:

[WESTERN REFINING STAFF REPORT.PDF](#)
[WESTERN REFINING SPEEDWAY_9794 APP.PDF](#)
[WESTERN REFINING SPEEDWAY_9497 MAP.PNG](#)

CONSENT AGENDA

A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

Ratification of October 16, 2019 - November 5, 2019

B. REGULAR MEETING MINUTES

Regular Meeting Minutes 10/15/2019

Draft of the Regular Meeting Minutes from October 15, 2019 for approval.

Documents:

[10-15-19R.PDF](#)

C. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Pagosa In The Pines Block 5 Owned By David Allen Harper And Debra Ann Harper

This request is to consider a Resolution authorizing the consolidation of Lots 8 and 9 Pagosa in the Pines Block 5 to become Lot 8X owned by David Allen Harper and Debra Ann Harper. 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:

[HARPER OANDE REPORT.PDF](#)

[HAPER LC RESOLUTION 2019.PDF](#)

D. Consideration Of Resolution 2019- ____ To Consolidate 3 Lots Into 1 Aspen Springs Unit No. 2 Block 1 Owned By Luther Lee Godley And Martha Frances Cook

This request is to consider a Resolution authorizing the consolidation of Lots 6, 7 and 8 Aspen Springs Unit No. 2 Block 1 to become Lot 7X owned by Luther Lee Godley and Martha Frances Cook. 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:

[COOK-GODLEY OANDE REPORT.PDF](#)

[COOK-GODLEY LC RESOLUTION.PDF](#)

E. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Amended Aspen Springs Subdivision No. 1 Block 13 Owned By Daniel J. Wynne And Gina Wynne

This request is to consider a Resolution authorizing the consolidation of Lots 69 and 70 Amended Aspen Springs Subdivision No. 1 Block 13 to become Lot 69X owned by Daniel J. Wynne and Gina Wynne. 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:

[WYNNE MORT GUAR.PDF](#)
[WYNNE LC RESOLUTION.PDF](#)

F. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 TwinCreek Village Owned By Richard J. Rynearson And Irene L. Rynearson

This request is to consider a Resolution authorizing the consolidation of Lots 987 and 988 TwinCreek Village to become Lot 988X owned by Richard J. Rynearson and Irene L. Rynearson. 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:

[RYNEARSON MORT GUAR.PDF](#)
[RYNEARSON LC RESOLUTION.PDF](#)

G. Consideration Of Resolution 2019- ____ To Consolidate 5 Lots Into 1 Sunset Heights Filling NO. 1 Owned By Schick Limited Partnership

This request is to consider a Resolution authorizing the consolidation of Lots 1, 2, 3, 4 and 5 Sunset Heights Filling NO. 1 to become Lot 5X owned by Schick Limited Partnership. 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:

[SCHICK OANDE REPORT.PDF](#)
[SCHICK LC RESOLUTION.PDF](#)

H. Consideration Of Correction To Resolution 2019-72 Recorded August 20, 2019 At Reception No. 21904712

This request is for a Correction to Resolution 2019-72 recorded 8/20/2019 Reception No. 21904712, to correct Lots 10X to become 11X to the consolidation which was left out of the original resolution.

This consolidation has been reviewed and is recommended for approval by Development Services Planning Technician, Flora Goheen.

Documents:

[HOLLE CORRECTION LC RESOLUTION.PDF](#)

I. Consideration Of Correction To Resolution 2019-104 Recorded October 15, 2019 At Reception No. 21906205

This request is for a Correction to Resolution 2019-104 recorded 10/15/2019 Reception No. 21906205, to add Unit NO.2, Reception NO. and Date recorded to the consolidation which was left out of the original resolution.

This consolidation has been reviewed and is recommended for approval by Development Services Planning Technician, Flora Goheen.

Documents:

J. Consideration Of Correction To Resolution 2019-105 Recorded October 15, 2019 At Reception NO. 21906206

This request is for a Correction to Resolution 2019-105 recorded 10/15/2019 Reception No. 21906206, to correct Lot 531X to be corrected to **Lot 7X** to the consolidation which was incorrectly noted in the original resolution.

This consolidation has been reviewed and is recommended for approval by Development Services Planning Technician, Flora Goheen.

Documents:

[POTTER CORRECTION LC RESOLUTION.PDF](#)

K. Consideration Of Resolution 2019 - _____ Affirming Legal Lot Status For Kappelman, Jr.

Affirm the Certificate of Designation of Legal Lot Status of property owned by John W. Kappelman, Jr. (IDP19-247), an approximate 22.24-acre tract of land being a portion of Lots 3, 4 and 5, Section 2, Township 35N, Range 2 West, N.M.P.M., also known by street and number as 2621 County Road 411, Pagosa Springs, CO 81147. No fiscal impact is expected.

Documents:

[RESOLUTION AFFIRMING LEGAL LOT STATUS.PDF](#)
[IDP CERTIFICATE.PDF](#)

L. Consideration Of Resolution 2019 - _____ Affirming Legal Lot Status For Eric W. Deitemeyer And Rebecca S. Deitemeyer

Affirm the Certificate of Designation of Legal Lot Status of property owned by Eric W. Deitemeyer and Rebecca S. Deitemeyer (IDP19-248), an approximate 8.16 acre tract of land located in Section 28, Township 36 North, Range 1 West, N.M.P.M. No fiscal impact is expected.

Documents:

[RESOLUTION AFFIRMING LEGAL LOT STATUS.PDF](#)
[IDP CERTIFICATE DRAFT.PDF](#)

M. Consideration Of Resolution 2019 - _____ Affirming Legal Lot Status For Catherine M. Corum And James Corum

Affirm the Certificate of Designation of Legal Lot Status of property owned by Catherine M. Corum and James Corum (IDP19-251), an approximate 6 acre tract of land being a portion of Section 2, Township 36N, Range 1W, N.M.P.M., also known by street and number as X Berryhill Drive, Pagosa Springs, CO 81147. No fiscal impact is expected.

Documents:

[RESOLUTION AFFIRMING LEGAL LOT STATUS.PDF](#)
[IDP CERTIFICATE.PDF](#)

N. Consideration And Approval Of Ambulance Licenses For Los Pinos Fire Protection District

Approval of Los Pinos Fire Protection District's Ambulance Licenses.

Documents:

[2019 ARCHULETA AMBULANCE LICENSE RENEWAL_REDACTED.PDF](#)
[LOS PINOS AMBULANCE PERMITS \(5\).PDF](#)

O. Consideration And Approval Of Letter Of Acceptance Of Emergency Management Performance Grant

Emergency Management Performance Grant (EMPG) has awarded Archuleta County a grant in the amount of \$51,000.00. EMPG is the primary source of federal funding directed to state, local and tribal governments to support all-hazards emergency management programs through personnel, planning, training and exercises. Program objectives for each applicant jurisdiction include the capability to perform crisis and consequence management tasks.

Documents:

[EMPG AWARD LETTER.PDF](#)

P. Ratification Of The Signature Of The Chairman Of The Board Of Commissioners On The Underfunded Courthouse Facility Commission Grant Application

Archuleta County has applied to the Colorado Judicial Department Underfunded Courthouse Facility Commission for a \$2.5 million grant for the construction of a new courthouse facility near the jail currently being constructed in Harman Park. This application was signed by Commissioner Maez and submitted to the Commission on October 15, 2019.

Documents:

[UNDERFUNDED COURTHOUSE FACILITY COMMISSION GRANT APPLICATION FY2020.PDF](#)
[JAIL STRUCTURAL ASSESSMENT_2019-04-15_OPT.PDF](#)
[COURTHOUSE CONCEPT DESIGNS - COMPARISONS.PDF](#)
[COURTHOUSE COST ESTIMATE - 9-21-2019.PDF](#)
[COURTHOUSE CONCEPT DESIGNS - THREE OPTIONS.PDF](#)
[COURTHOUSE OPTION - RESOLUTION NO. 2019-100.PDF](#)

Q. Addendum To Intergovernmental Agreement Between La Plata County And Archuleta County

In August 2019, La Plata County and Archuleta County entered into an Intergovernmental Agreement (IGA) in which Archuleta County agreed to provide eligibility determination services and other case management services for SNAP and Medicaid cases for residents of La Plata County.

Attached is a request to addend the IGA extending the agreement for three months, until January 31st, 2020.

Presenter	Matthew A. Dodson, LCSW
Presenter's Title	Director, Archuleta County Department of Human Services

Documents:

[ARCHULETA-LA PLATA IGA ADDENDUM.PDF](#)

R. CDHS Certification Of Compliance County Merit System

Background: Effective January 1, 2001, legal requirements were placed upon all Colorado counties when the State-administered county merit system was repealed and transferred to the counties. County Commissioners are required by Volume II, 2.210 to submit annually to the Colorado Department of Human Services a certification that the criteria for a County Merit System are being maintained by the County. Failure to adhere to these merit system principles will place federal and state funding of human services programs at risk.

With the support of Human Resources, Human Services complies with the six principles of the statute. The County has job descriptions for all positions and Human Resources conducts periodic wage surveys. All staff receives training, some of which is mandated and provided by the state and other training is provided through on-the-job training. A periodic evaluation is conducted for each staff member and the county appeal process is followed for all disciplinary actions. All federal equal opportunity and nondiscrimination laws are followed.

The Archuleta Board of County Commissioners certifies that it is in compliance with the principles and criteria for the administration and operation of its County Merit system for the reporting year 2019, and has a personnel system in place for the next calendar year to assure continuing compliance.

Recommended Action: Authorize the “Certification of Compliance of the County Merit System Year 2020” with signature authority for the chair.

Documents:

[2020 CERTIFICATION LETTER AND FORM.PDF](#)

S. Consideration And Approval Of Authorizing The County Administrator To Execute An Eligible Governmental Entity Agreement With The Colorado Statewide Internet Portal Authority

The Colorado Statewide Internet Portal Authority ("SIPA") has coordinated with various contractors to provide an array of electronic information, products and services via an internet portal that SIPA maintains. This Eligible Governmental Entity Agreement gives the County Administrator for Archuleta County access to the portal. Board approval is required for the County Administrator to execute the Agreement.

Documents:

[AGREEMENT WITH SIPA.PDF](#)
[SIPA BROCHURE.PDF](#)

T. Consideration And Approval Of A Reallocation Of Funds To Community Development Corporation

In 2018, the Board of County Commissioners awarded \$5,000 to the Community Development Corporation ("CDC") for a data study in cooperation with the Tourism Board. The CDC has found they can use studies already done by the State and Region 9 and would like to reallocate the \$5,000 to the CDC's broadband efforts.

Documents:

[CDC REQUEST TO REALLOCATE FUNDS.PDF](#)

U. Consideration And Approval Of 2020 Budget For Alpha Rockridge Metro District

The Alpha Rockridge Metro District has submitted their proposed 2020 Budget for approval.

Documents:

[ALPHA ROCKRIDGE BUDGET.PDF](#)

V. Consideration And Approval Of Promissory Note With Cole Graham

Cole Graham is one of the 14 plaintiffs in a lawsuit against current and former County Commissioners and the former County Attorney (case number 2016CV4). Mr. Graham signed a mutual release and settlement agreement and agreed to pay the county the amount of \$1,326.11 (1/14th of the attorney's fees). The agreement was approved by the Board of County Commissioners on October 15, 2019. Mr. Graham has requested to make monthly \$50.00 payments until the amount is paid in full. This promissory note provides the terms and conditions of the monthly payments.

Documents:

[GRAHAM PROMISSORY NOTE.PDF](#)

W. Consideration And Approval Of The 2020 County Holiday Schedule

The Board of County Commissioners annually adopts the schedule of holidays that the County recognizes. The 2020 holidays included in this schedule are those holidays that the Board has previously approved, recognizing federal holidays as well as "Good Friday" and "County Heritage Day".

Documents:

[2020 HOLIDAY SCHEDULE.PDF](#)

NEW BUSINESS

Old Business

A. Public Hearing For Second Reading And Final Approval Of Ordinance No. 22-2019 Concerning Noise Levels In Unincorporated Archuleta County, Colorado

Attached for public hearing and final consideration is Ordinance 22-2019. This ordinance was approved on first reading at the October 1, 2019 Regular Meeting of the Board of County Commissioners. The ordinance was published in full in The Pagosa Sun on October 10, 2019 and there have been no changes to the ordinance except for the Certificate page from the first reading.

Presenter	Derek Woodman
Presenter's Title	Undersheriff

Documents:

[NOISE ORDINANCE FOR 2ND READING.PDF](#)

NEW BUSINESS

A. Consideration And Approval Of Exchanging A Section Of The East Stollsteimer Right-Of-Way

Mitchell Constant, of 227 East Stollsteimer Road is requesting to exchange a 25-foot by 25-foot section of the platted East Stollsteimer Road right of way. They proposed to exchange a portion of subject property's existing drain field constructed since 1985 within the right-of-way. No construction will take place and there will be no changes to the road or ROW whatsoever. This request complies with a letter from Aspen Springs Metro District in favor of the proposed request as per the Resolution dated 3/31/2006.

Presenter	Robert Perry
Presenter's Title	Public Works Director

Documents:

[20191030100400.PDF](#)

B. Consideration Of Resolution 2019-___ Regarding A Request For The Waiver Of An Annexation Impact Report By River Rock Estates LLC

River Rock Estates, LLC has petitioned the Town of Pagosa Springs for annexation of a 15.58 acre parcel of vacant land located on CR 119 (Light Plant Road). An Annexation Impact Report is required for parcels over ten acres. River Rock Estates LLC is requesting a waiver of the Impact Report since only 7.69 acres of the parcel is able to be developed. Approval of the waiver is required by both the Town Council and the Board of County Commissioners.

Presenter Todd Weaver
Presenter's Title County Attorney

Documents:

[RESOLUTION ON WAIVER OF ANNEXATION IMPACT REPORT.PDF](#)
[RRE ANNEXATION REQUEST FOR IMPACT REPORT WAIVER..PDF](#)

C. Consideration Of Resolution 2019-___ Authorizing The Use Of Eminent Domain To Gain Access Across Private Property For The Purpose Of Adding Emergency Communication Equipment To The LPEA Tower Located On BLM Land, And Authorizing Subh Action As Necessary To Accomplish Said Purposes

This resolution authorizes the County Attorney to initiate legal action to obtain a perpetual easement over private property using the County's power of eminent domain in order to access land-locked BLM land and an existing LPEA tower to install emergency communications equipment in conjunction with the Colorado Governor's Office of Information Technology Public Safety.

Presenter Todd A. Weaver
Presenter's Title County Attorney

Documents:

[RESOLUTION 2019-___ AUTHORIZING EMINENT DOMAIN_FINAL.PDF](#)
[SELVIG_PETITION_IN_CONDEMNATION EXHIBIT A.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.