



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**MEETINGS ARE CONDUCTED IN PERSON AND WILL BE BROADCAST VIA
ZOOM.**

**PUBLIC COMMENT WILL BE ALLOWED THROUGH THE ZOOM PORTAL IF A
PUBLIC COMMENT REQUEST FORM IS SUBMITTED PRIOR TO THE
MEETING.**

**VIEW THE ZOOM MEETING AT [https://zoom.us/j/91609048375?](https://zoom.us/j/91609048375?pwd=dIFFV0J1cGVKa1NHWHFsa2taeGxtZz09)
pwd=dIFFV0J1cGVKa1NHWHFsa2taeGxtZz09 -
Meeting ID 916 0904 8375 - Passcode 4141885**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEPTEMBER 19, 2023 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

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 OR ONLINE

This is an opportunity during the session for the public to address the Commissioners. Please complete the Public Comment Request Form and submit to an Administrative Staff member **prior to the beginning of the meeting**. Please keep your comments to three (3) minutes. The Board is not required to discuss or reply to your comment.

Documents:

[PUBLIC COMMENT REQUEST FORM__REV08-23.DOCX](#)

LAND USE REGULATION HEARING

- A. **Public Hearing For Consideration Of Resolution 2023-____ Amending The Archuleta County Land Use Regulations**

This resolution will update the Regulations to reflect the effective date of the most recent FEMA Floodplain Insurance Rate Maps, as required by FEMA and CWCB. This amendment was reviewed by the Planning Commission at their August 23, 2023 Regular Meeting.

Presenter Pamela Flowers
Presenter's Title Development Director

Documents:

[SECTION 10 - FLOODPLAIN AS AMENDED.PDF](#)
[SECTION 10 - FLOODPLAIN CLEAN.PDF](#)
[RESOLUTION 2023-___ AMENDING THE COUNTY LAND USE REGULATIONS.DOCX](#)

LOCAL LICENSING AUTHORITY

A. Consideration And Approval Of A Retail Center License Renewal For J And J Enterprises Inc. DbA Pagosa Therapeutics

This is a renewal of a Retail Marijuana Center license for J and J Enterprises, Inc. dba Pagosa Therapeutics located at 235 Bastille Drive in Pagosa Springs, Colorado. This renewal includes no changes. The application is complete and the proper fees have been paid. The Sheriff's Office, Fire District and the County Building Department have completed their inspections and found no issues. The financial impact to the County is the fees paid per the County Fee Schedule and staff recommends approval of this marijuana license renewal.

Presenter Mary Helminski
Presenter's Title Paralegal/Executive Assistant

Documents:

[PAGOSA THERAPEUTICS RETAIL STORE RENEWAL.PDF](#)

B. Consideration And Approval Of A Retail Optional Premises Cultivation License Renewal For J And J Enterprises Inc. DbA Pagosa Therapeutics

This is a renewal of a Retail Optional Premises Cultivation license for J and J Enterprises, Inc. dba Pagosa Therapeutics located at 354 Bastille Drive in Pagosa Springs, Colorado. This renewal includes no changes. The application is complete and the proper fees have been paid. The Sheriff's Office, Fire District and the County Building Department have completed their inspections and found no issues. The financial impact to the County is the fees paid per the County Fee Schedule and staff recommends approval of this marijuana license renewal.

Presenter Mary Helminski
Presenter's Title Paralegal/Executive Assistant

Documents:

[PAGOSA THERAPEUTICS OPC RENEWAL.PDF](#)

LIQUOR BOARD

A. Consideration And Approval Of A Special Events Permit For Archuleta County Democratic Central Committee Chili Supper

This is an application for a Special Events Permit for Archuleta County Democratic Party Central Committee to sell Malt, Vinous and Spiritous Liquor at 344 US HWY 84 in Pagosa Springs, CO for the Chili Supper September 30th, 2023. The Sheriff has been notified of this event. The proper fees were collected. The premises was posted for the required ten (10) days prior to the event. Staff recommends approval of this Special Event Permit.

Presenter Gina Mc Cune
Presenter's Title Administrative Assistant

Documents:

[2023-09-30 SPECIAL EVENT - PAGOSA SPRINGS DEMOCRATIC PARTY.PDF](#)

B. Consideration And Approval Of A Special Events Permit For Pagosa Rotary Community Association Barn Dance

This is an application for a Special Events Permit for Pagosa Rotary Community Assistance to sell Malt, Vinous and Spiritous Liquor at 344 US HWY 84 in Pagosa Springs, CO for the Rotary Barn Dance October 7th, 2023. The Sheriff has been notified of this event. The proper fees were collected. The premises was posted for the required ten (10) days prior to the event. Staff recommends approval of this Special Event Permit.

Presenter Gina Mccune
Presenter's Title Administrative Assistant

Documents:

[2023-10-07 REDACTED SPECIAL EVENT - PAGOSA ROTARY COMMUNITY ASSISTANCE FUND, INC.PDF](#)

CONSENT AGENDA

A. PAYABLE WARRANTS AND PURCHASE CARDS

September 6, 2023 - September 19, 2023

B. REGULAR MEETING MINUTES

Regular Meeting Minutes 09/05/2023

Draft of the Regular Meeting Minutes from September 5, 2023 for approval.

Documents:

[09-05-2023R.PDF](#)

C. Ratification Of The Chairman's Signature On A Letter Of Support For La Plata Electric Association

This letter to the USDA Rural Utilities Service provides the Board of County Commissioners' support of La Plata Electric Association's proposed project to install a solar generation facility in Durango. The Chairman signed this letter on September 11, 2023.

Presenter
Presenter's Title

Documents:

D. Ratification Of The Chairman's Signature On A Commercial Load Data Sheet For La Plata Electric Association

This sheet and Statement of Authority was required by LPEA for their review work at the airport for Phase 3 power. The Chairman signed this sheet on September 12, 2023.

Presenter
Presenter's Title

Documents:

[LPEA COMMERCIAL LOAD DATA SHEET.PDF](#)

OLD BUSINESS

A. Consideration And Determination Of Moving Forward With Auction Of County-Owned Lots

There are 35+ vacant lots in the Trails Subdivision that are currently being auctioned through GovDeals.com. The auction began in July for four weeks and was then extended for another four weeks. Minimum reserve amounts for each parcel were determined by calculating the average sales price per acre over the past two years (approximately \$90,000 per acre) and adjusting if the parcels had electric connections on the parcel or nearby and whether the parcel was on a developed county road or not. The auction ended on September 12th and only one of the lots received a bid that met or exceeded the minimum reserve amount. This agenda item is for the Board of County Commissioners to decide whether to put the remaining parcels back to auction (with or without lowering the minimum reserve amounts) or to hold off until next year and try again or to do something else with the parcels (i.e., donate them).

Presenter Todd Weaver
Presenter's Title County Attorney

Documents:

[AUCTION AMOUNTS.PDF](#)

NEW BUSINESS

A. Consideration And Approval Of An Intergovernmental Agreement With Other Colorado Counties Regarding Conservation Of Fish Populations In The Rio Grande River Watershed

This IGA with the Boards of County Commissioners of Alamosa, Hinsdale, Mineral, Saguache, Rio Grande and Conejos Counties provides the parameters for the counties to participate in the conservation and enhancement of native fish populations in the Rio Grande River watershed, which includes the Rio Grande cutthroat trout, the Rio Grande chub, and the Rio Grande sucker. Archuleta County agrees to contribute \$1,000 annually to support this effort.

Presenter Todd Weaver
Presenter's Title County Attorney

Documents:

[IGA FOR COUNTY COALITION - CLEAN.PDF](#)
[IGA FOR COUNTY COALITION - REDLINE.PDF](#)
[CONSERVATION AGREEMENT FOR RG CHUB SUCKER \(FULLY EXECUTED\) SEPT 2018.PDF](#)
[CONSERVATION AGREEMENT RGCT. 2023 FINAL.PDF](#)

B. Consideration And Approval Of A Letter Of Support For Enterprise Zone Project Designation

This letter provides the Board of County Commissioners' support of an application by Aspen House & Aspen Services to extend its Enterprise Zone Project status.

Presenter Derek Woodman
Presenter's Title County Manager

Documents:

[COEDIT RE ENTERPRISE ZONE ASPEN HOUSE.PDF](#)

C. Consideration And Approval Of A Letter Of Support For Advance Colorado Capital Project Fund Grant Application

This letter provides the Board of County Commissioners' support of an application by Visionary Broadband for the Advance Colorado Capital Project Fund Grant Application.

Presenter Derek Woodman
Presenter's Title County Manager

Documents:

[LETTER OF SUPPORT FOR ADVANCE COLORADO CAPITAL PROJECT FUND .PDF](#)

D. Consideration And Approval Of A Real Estate License Agreement With Cordes & Company LLC

This agenda item is for the approval of a real estate license agreement with Cordes & Company LLC for the use of two offices and all common areas by the Archuleta County Public Health Department in the building located at 502 S. 8th Street, Pagosa Springs, CO 81147.

Presenter Todd Weaver
Presenter's Title County Attorney

Documents:

[LICENSE AGREEMENT W CORDES AND COMPANY.PDF](#)

E. Consideration And Approval Of Staying With Cigna As The County Employees' Medical Insurance Carrier

The county health insurance is up for its annual renewal. At their work session on September 12, 2023, the Board of County Commissioners heard a presentation from the county's representatives from Gallagher who recommended staying with Cigna for the 2024 plan year. It was also recommended to add a Client Specific Network with the Pagosa Springs Medical Center, which will provide all covered county employees and dependents an additional 10% discount when they use PSMC.

Presentor Mitzi Bowman
Presentor's Title Human Resources Director

Documents:

[HEALTH INSURANCE PRESENTATION 9-12-23.PDF](#)

F. Consideration Of Resolution 2023-____ Amending Fees For County Services And Information

Pursuant to C.R.S. 30-11-108, the Board of County Commissioners are charged with establishing fees charged for county services. This resolution updates certain fees. Suggested amendments or additions to the current fee schedule are highlighted in yellow to ensure transparency in how the county represents changing fees.

Presentor Derek Woodman
Presentor's Title County Manager

Documents:

[RESOLUTION 2023 - __ AMENDING COUNTY FEE SCHEDULE.PDF](#)
[COUNTY FEE SCHEDULE - CLEAN.PDF](#)
[COUNTY FEE SCHEDULE - HIGHLIGHTED WITH CHANGES.PDF](#)

G. Consideration And Approval Of An Agreement With Region 9 For Designation Of Agent For Dark Fiber Lease Agreements

This agenda item is for the approval of an agreement with Region 9 Economic Development District of Southwest Colorado, Inc. ("Region 9") to designate Region 9 as the agent for Archuleta County to manage the leasing, invoicing, and payment collection from internet service providers who lease SCAN dark fiber from the County.

Presentor Todd Weaver
Presentor's Title County Attorney

Documents:

[DARK FIBER - AGENT DESIGNATION AGREEMENT - REGION 9.PDF](#)

H. Consideration And Approval Of Dark Fiber Lease Agreement With Visionary Broadband

This agenda item is for the approval of a Dark Fiber Lease agreement with Visionary Broadband to lease SCAN dark fibers from the County with Region 9 managing the agreement.

Presentor Todd Weaver
Presentor's Title County Attorney

Documents:

[ISP DARK FIBER AGREEMENT VISIONARY.PDF](#)

I. Consideration And Approval Of Dark Fiber Lease Agreement With Zito Media

This agenda item is for the approval of a Dark Fiber Lease agreement with Zito Media to lease SCAN dark fibers from the County with Region 9 managing the agreement.

Presenter Todd Weaver
Presenter's Title County Attorney

Documents:

[ISP DARK FIBER AGREEMENT ZITO.PDF](#)

EXECUTIVE SESSION

A. Executive Session

Pursuant to C.R.S. § 24-6-402(4) and upon a motion so made and approved by at least a two-thirds vote, the Board may go into executive session for the purpose of receiving legal advice from the County Attorney on specific legal questions related to those certain contracts for road improvements and maintenance that were expanded beyond the scope approved by the Board by the former Public Works Director along with the County’s statutory budget requirements, as authorized by C.R.S. § 24-6-402(4) (b), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning the possibility of renegotiating the agreement with the fixed-based operator at the Archuleta County Airport, as authorized by C.R.S. § 24-6-402(4)(e).

OLD BUSINESS [POSSIBLE]

A. Consideration And Approval Of Change Orders And Transport Costs For Sunland Asphalt & Construction LLC

Certain change orders and contracts for road work and aggregate transport were approved by a former employee of the county when they should have been approved by the Board of County Commissioners. Sunland Asphalt & Construction has already completed the work. This agenda item is for the Board to formally approve the two change orders, which include asphalt and crack sealing on North Pagosa & Cloud Cap at an additional cost of \$49,417, road reconstruction of Valley View and Talisman Drive at an additional cost of \$332,427.69, and two contracts for transportation of aggregate from Durango to the staging area for a total cost of \$312,095.

Presenter Mike Torres
Presenter's Title Public Works Director

Documents:

[SUNLAND CHANGE ORDER 1 FOR TALISMAN AND VILLAGE.PDF](#)
[SUNLAND ORIGINAL CONTRACT FOR TALISMAN AND VILLAGE.PDF](#)
[SUNLAND CHANGE ORDER 2 FOR N PAGOSA AND CLOUD CAP.PDF](#)
[SUNLAND ORIGINAL CONTRACT FOR N PAGOSA AND CLOUD CAP.PDF](#)
[SUNLAND TRANSPORT BASE COURSE.PDF](#)
[SUNLAND CHANGE ORDER 2 TRANSPORT BASE COURSE.PDF](#)

B. Consideration And Approval Of Accounts Payable Tabled From September 5, 2023

At their September 5, 2023 regular meeting, the Board of County Commissioners tabled certain accounts payable until a later meeting. This agenda item is to approve those eight invoices.

Presenter Derek Woodman

Presenter's Title County Manager

Documents:

[9-5 TABLED ACCOUNTS PAYABLE.PDF](#)

NEW BUSINESS [POSSIBLE]

A. Consideration And Approval Of Providing Written Approval For The Sale Of The FBO Operator At The Archuleta County Airport

The current owner of the FBO Operator, Avjet Corporation, at the Archuleta County Airport, is selling the company through a stock sale to a new owner. Pursuant to Section 7.02 of the current FBO Agreement, the Board of County Commissioners must give its written approval of the sale before it can be completed. This agenda item is for the Board to provide such written approval.

Presenter Todd Weaver

Presenter's Title County Attorney

Documents:

[AVJET FBO CHANGE IN CONTROL WITH CONDITIONS.PDF](#)

[AVJET FBO CHANGE IN CONTROL WITHOUT CONDITIONS.PDF](#)

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.