

March 19, 2019

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting March 19, 2019 noting County Commissioners Ronnie Maez, Steve Wadley and Alvin Schaaf, County Administrator Scott Wall, Interim County Administrator Greg Schulte, County Attorney Todd Weaver and Deputy Clerk and Recorder Samantha Courtney 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 Wadley moved to approve the Agenda as written. Commissioner Schaaf 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.

- Bill Hudson of 446 Loma Street talked about studies done on population growth in the community. He stated he researched on how population studies are conducted and how jobs, economy and housing are reviewed and recommended that the commissioners review the balance of people in our community as they approach the topic of economic development.
- Steven Keno of 1020 Hurt Drive commended Chairman Maez's assistance researching the resolution concerning the red flag issue. Mr. Keno advised he did not feel the 2013 Resolution was adequate enough and needs to be reviewed.

Proclamation

A. Developmental Disability Awareness Month

Debra Ewing with Community Connections, Inc. presented a proclamation designating March as Developmental Disability Awareness Month. Archuleta County recognizes Developmental Disabilities Awareness Month, and urges all citizens to give full support of efforts to enable people with developmental disabilities to live full and productive lives of inclusion in our communities. Chairman Maez mentioned the proclamation states more than 7 million Americans live with an intellectual or developmental disability however, he wanted to acknowledge the number does not include family members or caregivers which are affected as well. **Commissioner Schaaf moved to proclaim March 2019 to be Developmental Disability Awareness Month in Archuleta**

County. Commissioner Wadley seconded the motion and it carried unanimously.

B. Vietnam War Veterans Day

Nancy Carter, Regent of the Sarah Platt Decker Chapter of the National Society Daughters of the American Revolution, presented a proclamation designating March 29, 2019 as Vietnam War Veterans Day. Archuleta County is home to more than an estimated 400 Vietnam Veterans and recognizes March 29, 2019 as Vietnam War Veterans Day and invites all citizens in both public ceremonies and in private thoughts and prayers to gratefully acknowledge our Vietnam Veterans. Commissioner Wadley spoke about the Veteran's Memorial Park currently in the process of being built and encouraged the public to make the \$500.00 donation and receive a brick to assist with the development of the park. Chairman Maez agreed stating that those of us that can afford the donation would be donating to a worthy cause. Commissioner Schaaf was in agreement saying that it's important to support our Veterans. **Commissioner Wadley moved to proclaim March 29, 2019 to be Vietnam War Veterans Day in Archuleta County. Commissioner Schaaf seconded the motion and it carried unanimously.**

Reports

A. Fourth Quarter 2018 Financial Report of Archuleta County

Larry Walton, Finance Director for Archuleta County, presented the Fourth Quarter 2018 Financial Report.

Chairman Maez recessed the Regular Meeting and convened for an Abatement Hearing at 2:12 p.m.

Abatement Hearing

Chairman Maez swore in County Assessor Natalie Woodruff for testimony.

A. Archuleta Housing for the Elderly Parcel #5699-242-19-013 in the amount of \$2,844.36

County Assessor Woodruff presented the Petition for Abatement or Refund of Taxes for Archuleta Housing for the Elderly. The property was granted exempt classification from the Division of Property Taxation (DPT) as of January 1, 2017, however the 2017 taxes were under \$2,500 which allowed the exemption to be processed. The 2018 taxes are over the \$2,500 limit as set by Resolution 2010-67 requiring administrative approval. Commissioner Wadley stated he needed to disclose he is the County Commissioner representative on the Archuleta Housing Authority Board and had no financial conflicts. **Commissioner Schaaf moved to approve the Petition for Abatement or Refund of Taxes for Archuleta Housing for the Elderly, Parcel #5699-242-19-013, Account #R011875, for the year 2018 in the amount of \$2,844.36 as is the appropriate action at the time the documentation reaches the Treasurer's Office. Commissioner Wadley seconded the motion and it carried unanimously.**

Chairman Maez closed the Abatement Hearing and convened a Land Use Regulation Hearing at 2:16 p.m.

Land Use Regulation Hearing

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

A. Beckman-Culver Zone Map Amendment

Planning Manager Shepard submitted a request on behalf of Ronald Beckman and Philip Culver to rezone approximately 11.5 acres northeast of County Road 146 (Turkey Springs Road), which was created by resolution 2000-55 and a small remainder is S3 T34N R3W, NMPM, from Agricultural/Ranching (AR) to Agricultural Estates (AE) to match adjacent property in Aspen Springs Subdivision No. 2. The Planning Commission voted (4-0) recommending approval of the amendment on February 27, 2019.

Chairman Maez opened the floor for public comments. He asked those speaking to hold their comments to 3 minutes.

Comments in “Favor of the Amendment”

Chairman Maez Closed comments in “Favor of the Amendment” and opened the floor for comments “Opposed to the Amendment”

Comments “Opposed to the Amendment”

Chairman Maez closed comments “Opposed to the Amendment” and asked for Commissioner Comments.

Commissioner Wadley moved to approve the Beckman-Culver Zone Map Amendment, with Finding A and Condition #1 as recommended by the Planning Commission. Commissioner Schaaf seconded the motion and it carried unanimously.

B. Aspen Springs Subdivision No. 2 Amendment 2019-01 Final Plat

Planning Manager Shepard submitted a plat for the Board’s consideration for applicants Ronald and Bernice Beckman, and Philip Culver on behalf of the Phillip F. Culver Revocable Trust. The applicants have applied for Final Plat review of the Aspen Springs Subdivision No. 2 Amendment 2019-01 re-plat, located in the SW1/4 of S2 & SE1/4 of S3 T34N R3W, NMPM. Included are Lots 1, 2, 3, 4, 5 and 25X of Block 17, Amended Aspen Springs Subdivision No. 2, tract created by Resolution 2000-55 and the remainder tract subject to Decree Quieting Title. The proposal also vacates unused utility easements. The Amended Plat is intended to correct boundary issues and would result in no increase in permitted residential density. The Planning Commission voted (4-0) recommending approval of the plat on February 27, 2019.

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

Comments “In Favor of the Plat”

Chairman Maez closed comments “In favor of the Plat” and opened the floor for comments “Against the Plat”.

Comments “Against the Plat”

Chairman Maez closed the comments “Against the Plat” and asked for Commissioner Comments.

Commissioner Schaaf moved to approve the Aspen Springs Subdivision No. 2 Amendment 2019-01 Final Plat, with Findings A and B and no conditions. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez swore in County Attorney Todd Weaver for testimony.

C. First Amendment to the Development Agreement with Fairway Land Trust

Attorney Weaver presented an amendment to the development agreement with Fairway Land Trust. An agreement was executed on September 1, 2009 this amendment resolves issues between the parties regarding the extension of the vesting period. Attorney Todd Weaver provided details regarding the present conditions and the dedication of this property available for Affordable/Attainable Housing.

Commissioner Wadley questioned the definition of Affordable Housing. Interim County Administrator Schulte advised the definition was mutually agreed upon by the parties in 2009.

Commissioner Wadley moved to approve the First Amendment to the Development Agreement with Fairway Land Trust as presented. Commissioner Schaaf seconded the motion. Chairman Maez asked for public comment. Bill Hudson, 446 Loma St., advised he had researched vested rights and stated three years was a good term and stressed his concerns with the length or the vesting period of 15 years. **The motion carried unanimously.**

Chairman Maez closed the Land Use Regulation Hearing and reconvened the Regular Meeting at 2:41 p.m.

Consent Agenda

A. Payroll for and Payable Warrants with Purchase Cards March 6, 2019 – March 19, 2019

Payable Warrants for dates of March 5, 2019-March 19, 2019	
General Fund Payable	62,924.62
Road and Bridge Fund Payable	3,608.99
Department of Human Services Fund Payable	15,940.72
1A Fund	115.00
All Combined Dispatch Fund Payable	7,883.91
Conservation Trust	-
Justice System Capital Fund	-
Solid Waste Fund Payable	1,599.09
Airport Fund Payable	11,791.16
Fleet Fund Payable	56,410.38
Total	<u>160,273.87</u>
Payroll Warrants for dates of March 5, 2019-March 19, 2019	
General Fund Payroll	177,389.64
Road and Bridge Fund Payroll	42,809.21
Department of Human Services Fund Payroll	35,076.56
All Combined Dispatch Fund Payroll	18,875.57
Solid Waste Fund Payroll	7,695.19
Airport Fund Payroll	4,147.31
Fleet Fund Payroll	10,511.98
Total	<u>296,505.46</u>

B. Regular Meeting Minutes

March 5, 2019

- C. Appointment of Joyce Gardner and Tonya Steadmon to the Fair Board for three year terms
- D. Appointment of John Egan to the Board of Housing Solutions for the Southwest
- E. Hotel and Restaurant Liquor License Renewal for Ho's ShangHai Corp dba Shang Hai Restaurant
- F. Resolution 2019-22 Lot Consolidation of four lots in Pagosa Highlands Estate owned by Mardell Irene Miller and Daniel Forrest Adams
- G. Resolution 2019-23 Affirming Legal Lot Status for Halverson
- H. Resolution 2019-24 Affirming Legal Lot Status for Heist
- I. Resolution 2019-25 Affirming Legal Lot Status for Holman
- J. Resolution 2019-26 Affirming Legal Lot Status for Terri Lyn Bell Beecher Revocable Trust
- K. Resolution 2019-27 Support of the McCabe Creek Culvert Improvement Project
- L. Resolution 2019-28 Correction to Scrivener's Error on Resolution 2018-28

Interim County Administrator Greg Schulte 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.**

New Business

A. 2019 Gravel Contract to C&J Gravel Products

Robert Perry, Public Works Director, presented the 2019 Gravel Supply contract with C&J Gravel Products. Staff evaluated the bids based upon cost and pit location in proximity to the roads. The cost would not exceed \$144,450.00. **Commissioner Wadley moved to award the contract for the 2019 gravel supply to C&J Gravel Products for an amount not to exceed \$144,450.00 as presented. Commissioner Schaaf seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

B. Joint Agreement between Archuleta County and the Town of Pagosa Springs Regarding Parks & Recreation

Interim County Administrator Schulte presented a Joint Agreement between Archuleta County and the Town of Pagosa Springs regarding the creation of a joint advisory body in cooperative effort to promote parks and recreation activities and facilities for all communities within Archuleta County. **Commissioner Schaaf moved to approve the Joint Agreement between Archuleta County and the Town of Pagosa Springs regarding Parks and Recreation as presented. Commissioner Wadley seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

C. Resolution 2019-29 Amending the County Personnel Policy and Procedures Handbook

Robert Smith, Human Resources Director, presented a resolution amending Section 214 of the Archuleta County Personnel Policy and Procedures Handbook regarding On-Call/Standby Pay to set one rate of pay for all departments. **Commissioner Wadley moved to approve Resolution 2019-29 Amending the County Personnel Policy and Procedures as presented. Commissioner Schaaf seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

Commissioner Wadley wanted to express his gratitude and thanks to Interim County Administrator Greg Schulte for his service. Chairman Maez and Commissioner Schaaf also expressed their gratitude.

Interim County Administrator Schulte suggested moving Public Comments before the Executive Session in the event someone would like to address the Board without having to wait for the meeting to reconvene.

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.

Chairman Maez stated the Board would be going into Executive Session and requested a motion.

Executive Session

Commissioner Schaaf moved to go into Executive Session pursuant to C.R.S. Section 24-6-402(4)(d) regarding the investigation of the 1033 assets and pursuant to C.R.S. 24-6-402(4)(b) regarding legal advice on possible Courthouse funding and pursuant to C.R.S. 24-6-402(4)(e) in connection with instructing negotiators for the leasing of property for the Sheriff's department. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez announced that Commissioners Maez, Wadley and Schaaf, County Administrator Scott Wall, Interim County Administrator Greg Schulte, County Attorney Todd Weaver, Finance Director Larry Walton, and Accountant LeeAnn Martin would be going into Executive Session. Chairman Maez advised no decisions would be made during the Executive Session.

Chairman Maez recessed the Regular Meeting and convened the Executive Session at 3:05 p.m.

Chairman Maez reconvened the Regular Meeting at 4:10 p.m.

Commissioner Comments

There were none.

With no further business coming before the Board, the meeting was adjourned at 4:10 p.m.

Samantha Courtney
Deputy County Clerk & Recorder

Approved this 2nd day of April, 2019.

Ronnie Maez, Chairman

DRAFT