

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting November 12, 2019 noting County Commissioners Ronnie Maez and Steve Wadley, County Administrator Scott Wall, County Attorney Todd Weaver and Deputy County Clerk and Recorder Tomi Bliss present. Commissioner Alvin Schaaf was absent.

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 accept the agenda as presented. Commissioner Maez seconded the motion and it carried with both Commissioners Maez and Wadley voting “Aye”.**

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.

Reports

A. ACDHS 3rd Quarter Report for 2019

Matt Dodson, Archuleta County Department of Human Services Director, presented the 3rd Quarter report to the Board.

Chairman Maez recessed the Regular Meeting and convened for Abatement Hearings at 1:52 p.m.

Abatement Hearings

Chairman Maez swore in County Assessor Natalie Woodruff for testimony.

A. Citizens Bank of Pagosa Springs Parcel #5699-133-15-011

County Assessor, Natalie Woodruff, presented a petition for abatement or refund of taxes for Citizens Bank of Pagosa Springs for account number R006499, Parcel #5699-133-15-011, the address being 703 San Juan St. Assessor Woodruff recommended the denial of this request 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. In addition, the letter of agency and authorization is from TBK Bank to CTMI, LLC and while it is known that Citizens Bank of Pagosa Springs sold to TBK Bank, no documentation transferring the real property has been completed. The petitioners were not present for testimony.

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

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

Commissioner Wadley moved to deny the Petition for Abatements or Refund of Taxes for TBK Bank /CTMI as Agent, Parcel Number 5699-133-15-011, Account Number R006499, for years 2017 and 2018 as is the appropriate action at the time documentation reaches the Treasurer’s Office. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

B. Citizens Bank of Pagosa Springs Parcel #5699-212-23-003

County Assessor, Natalie Woodruff, presented a petition for abatement or refund of taxes for Citizens Bank of Pagosa Springs for account number R011416, Parcel #5699-212-23-003, the address being 27 Talisman Dr. Assessor Woodruff recommended the denial of this request 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. In addition, the letter of agency and authorization is from TBK Bank to CTMI, LLC and while it is known that Citizens Bank of Pagosa Springs sold to TBK Bank, no documentation transferring the real property has been completed. The petitioners were not present for testimony.

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

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

Commissioner Wadley moved to deny the Petition for Abatement or Refund of Taxes for TBK Bank/CTMI as Agent, Parcel Number 5699-212-23-003, Account Number R011416, for the years 2017 and 2018 as is the appropriate action at the time the documentation reaches the Treasurer’s Office. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

Chairman Maez closed the Abatement Hearing and convened the Land Use Regulation Hearing at 2:00 p.m.

Land Use Regulation Hearing

Chairman Maez swore in Development Director, Brad Callender for testimony.

Commissioner Wadley moved to untable the Lob Lolly Pit Renewal Major Sand & Gravel Permit and bring before the board today. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

A. Lob Lolly Pit Renewal Major Sand & Gravel Permit at 12577 State Highway 151, Arboles

Brad Callender, Development Director, advised Steve and Joyce Wright of Arboles Sand & Stone LLC, represented by Nathan Barton, PE, Wasteline, Inc., had applied for the Lob Lolly Pit Renewal Major Sand & Gravel Permit, to renew an existing permit approved in 2009. The property is

located at 12577 and 12577C State Highway 151, Arboles, CO and is zoned Industrial and Agricultural Ranching. This item was previously tabled at the October 15, 2019 regular meeting.

Chairman Maez opened the floor for comments “In Favor of the Major Sand & Gravel Permit Renewal.”

Chairman Maez closed comments “In Favor of the Major Sand & Gravel Permit Renewal” and opened the floor for comments “Opposed to the Major Sand & Gravel Permit Renewal.”

Commissioner Wadley moved to approve the Lob Lolly Pit Renewal Major Sand & Gravel Permit with Findings A, B and C, and Conditions 1 thru 5 of the Staff Report as presented. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

Chairman Maez closed the Land Use Regulation Hearing and convened the Liquor Board Hearing at 2:05 p.m.

Liquor Board

Chairman Maez swore in Brad Callender, Development Director, for testimony. Flora Goheen, planning technician was sworn in for testimony.

A. Temporary Retail Fermented Malt Beverage Off-Premises Liquor Permit for Western Refining Retail, Inc. dba Speedway #9497

Brad Callender, Development Director, presented 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. Staff is recommending denial of the request as per C.R.S. §44-3-301 and SB18-243 which prohibits the local and state licensing authority from issuing a new Fermented Malt Beverage Off-Premise retail license that is located within 500 feet of an existing retail liquor store. Brian Proffitt and Jack Shepp were present representing Speedway. Mr. Proffitt advised Speedway had not requested a temporary permit.

Commissioner Wadley moved to withdraw from the agenda the Temporary Retail Fermented Malt Beverage Off-Premises Liquor Permit for Western Refining Retail, Inc. dba Speedway #9497. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

B. Retail Fermented Malt Beverage Off-Premises Liquor License for Western Refining Retail, Inc. dba Speedway #9497

Brad Callender, Development Director, presented a request for a Retail Fermented Malt Beverage Off-Premises Liquor License 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. Staff is recommending denial of the request as per C.R.S. §44-3-301 and SB18-243 which prohibits the local and state licensing authority from issuing a new

Fermented Malt Beverage Off-Premise retail license that is located within 500 feet of an existing retail liquor store and within 500 feet of a school. Brian Proffitt and Jack Shepp were present representing Speedway. Mr. Proffitt advised Speedway had not requested a temporary permit and addressed the 500 feet within a school and provided documentation for the board (attached). Mr. Proffitt expressed his concern with not being notified about the location requirements with the existing retail liquor store and requested tabling the issue in order to properly address the issue.

Commissioner Wadley moved to table the Retail Fermented Malt Beverage Off-Premises Liquor License for Western Refining Retail, Inc. dba Speedway #9497 to December 10, 2019. Commissioner Maez seconded the motion. The motion carried with both Commissioners Maez and Wadley voting “Aye.”

Chairman Maez adjourned the Liquor Board Hearing and reconvened the Regular Meeting at 2:27 p.m.

Consent Agenda

A. Payroll Payable Warrants and Purchase Cards

Ratification of October 16, 2019 – November 5, 2019

Payroll Warrants for dates of October 16, 2019-November 5, 2019 (3 Payrolls)	
General Fund Payroll	370,753.07
Road and Bridge Fund Payroll	79,425.00
Department of Human Services Fund Payroll	35,975.29
All Combined Dispatch Fund Payroll	44,140.64
Solid Waste Fund Payroll	18,094.93
Airport Fund Payroll	8,908.28
Fleet Fund Payroll	18,544.87
Total	575,842.08
Payable Warrants for dates of October 16, 2019-November 5, 2019	
General Fund Payable	439,466.80
Road and Bridge Fund Payable	162,611.70
Department of Human Services Fund Payable	87,363.02
1A Fund	
All Combined Dispatch Fund Payable	24,107.40
Conservation Trust	-
Justice System Capital Fund	-
Solid Waste Fund Payable	17,466.89
Airport Fund Payable	5,854.93
Fleet Fund Payable	47,038.50
Total	783,909.24

Payable Wire Transfers for dates of October 16, 2019-November 5, 2019	
General Fund Payable	
Road and Bridge Fund Payable	
Department of Human Services Fund Payable	
1A Fund	
All Combined Dispatch Fund Payable	
Conservation Trust	-
Justice System Capital Fund	214,629.96
Solid Waste Fund Payable	
Airport Fund Payable	
Fleet Fund Payable	
Total	214,629.96

- B. Regular Meeting Minutes
October 15, 2019
- C. Resolution 2019-108 Lot Consolidation in Pagosa In The Pines Block 5 owned by David Allen Harper and Debra Ann Harper
- D. Resolution 2019-109 Lot Consolidation in Aspen Springs Unit No. 2 Block 1 owned by Luther Lee Godley and Martha Frances Cook
- E. Resolution 2019-110 Lot Consolidation in Amended Aspen Springs Subdivision No. 1 Block 13 owned by Daniel J. Wynne and Gina Wynne
- F. Resolution 2019-111 Lot Consolidation in Twin Creek Village owned by Richard J. Rynearson and Irene L. Rynearson
- G. Resolution 2019-112 Lot Consolidation in Sunset Heights Filling No. 1 owned by Schick Limited Partnership
- H. Resolution 2019-113 Correction to Resolution 2019-72 Recorded August 20, 2019, Reception No. 21904712
- I. Resolution 2019-114 Correction to Resolution 2019-104 Recorded October 15, 2019, Reception No. 21906205
- J. Resolution 2019-115 Correction to Resolution 2019-105 Recorded October 15, 2019, Reception No. 21906206
- K. Resolution 2019-116 Affirming Legal Lot Status for Kappelman, Jr.
- L. Resolution 2019-117 Affirming Legal Lot Status for Eric W. Deitemeyer and Rebecca S. Deitemeyer
- M. Resolution 2019-118 Affirming Legal Lot Status for Catherine M. Corum and James Corum
- N. Ambulance Licenses for Los Pinos Fire Protection District
- O. Letter of Acceptance of Emergency Management Performance Grant
- P. Ratification of the Signature of the Chairman of the Board of Commissioners on the Underfunded Courthouse Facility Commission Grant Application
- Q. Addendum to the Intergovernmental Agreement between LaPlata County and Archuleta County
- R. CDHS Certification of Compliance County Merit System
- S. Authorizing the County Administrator to Execute an Eligible Governmental Entity Agreement with the Colorado Statewide Internet Portal Authority
- T. Reallocation of Funds to the Community Development Corporation
- U. 2020 Budget for Alpha Rockridge Metro District
- V. Promissory Note with Cole Graham
- W. 2020 County Holiday Schedule

County Administrator Scott Wall read the Consent Agenda for the record. **Commissioner Wadley moved to approve the consent agenda as presented. Commissioner Maez seconded the motion**

and it carried with both Commissioners Maez and Wadley voting “Aye”.

Old Business

A. Public Hearing on Second and Final Reading of Ordinance No. 22-2019 Concerning Noise Levels in Unincorporated Archuleta County, Colorado

Undersheriff Derek Woodman, presented Ordinance 22-2019 for final consideration. The 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. Chairman Maez asked for public comment.

Peggy Andrews, 100 Squaw Valley Pl., requested clarification regarding periodic noise, specifically barking dogs.

Commissioner Wadley moved to adopt Ordinance 22-2019 concerning noise levels in unincorporated Archuleta County. Commissioner Maez seconded the motion and it carried with both Commissioners Maez and Wadley voting “Aye”.

New Business

A. Exchanging a Section of the East Stollsteimer Right-of-Way

Robert Perry, Public Works Director, advised Mitchell Constant of 227 East Stollsteimer Road requested 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 the subject property’s existing drain field constructed since 1985 with in the right-of-way. No construction will take place and there will be no changes to the road or right-of-way. The request complies with a letter from Aspen Springs Metro District in favor of the proposed request as per the Resolution dated 3/31/2006.

Commissioner Wadley moved to approve the request by Mitchell Constant to exchange a 25 foot by 25 foot section of the platted East Stollsteimer Road right-of-way as presented. Commissioner Maez seconded the motion. Chairman Maez asked for public comment.

Peggy Andrews, 100 Squaw Valley Pl., advised she represents the Constant family as their seller agent and questioned if a resolution would need to be executed. Chairman Maez advised a resolution would not be necessary.

The motion carried with both Commissioners Maez and Wadley voting “Aye”.

B. Resolution 2019-119 Waiver of an Annexation Impact Report by River Rock Estates LLC

County Attorney, Todd Weaver, advised River Rock Estates, LLC has petitioned the Town of Pagosa Springs for annexation of a 15.58 acre parcel of vacant land located on County Road 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 Commissioners.

Commissioner Wadley moved to adopt Resolution 2019-119 for a waiver of an Annexation

Impact Report by River Rock Estates LLC as presented. Commissioner Maez seconded the motion. Chairman Maez asked for public comment. The motion carried with both Commissioners Maez and Wadley voting “Aye”.

C. Resolution 2019-120 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 Sub Action as Necessary to Accomplish Said Purposes

County Attorney, Todd Weaver, presented a resolution which would authorize 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.

Mike LaRoux, Director of Emergency Operations, reiterated the importance of this access.

Commissioner Wadley moved to adopt Resolution 2019-120 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 such action as necessary to accomplish said purposes as presented. Commissioner Maez seconded the motion and it carried with both Commissioner Maez and Wadley voting “Aye”.

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.

Scott Wall, County Administrator, thanked Administrative Staff members Jamie Jones and Mary Helminski for their preparation and hard work.

Commissioner Comments

With no further business coming before the Board, the meeting was adjourned at 3:02 p.m.

Tomi Bliss
Deputy County Clerk & Recorder

Approved this 10th day of December, 2019.

Ronnie Maez, Chairman