

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting October 15, 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. Chairman Maez advised the Land Use Regulation Hearing would take place before the Board of Adjustment Hearing. **Commissioner Wadley moved to amend the agenda by moving the Land Use Regulation Hearing before the Board of Adjustment Hearing. 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.

Chairman Maez recessed the Regular Meeting and convened the Land Use Regulation Hearing at 1:32 p.m.

Land Use Regulation

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

A. AT&T Wireless Tower Conditional Use Permit (CUP) on Lot 19 Replat of Village Service Commercial at 80 Bastille Drive

Brad Callender, Development Director, advised AT&T Wireless, represented by Justin Causey, Md7 LLC, had applied for a Board Conditional Use Permit for the AT&T Wireless Tower CUP, on Lot 19 Replat of Village Service Commercial at 80 Bastille Dr., Pagosa Springs, CO, property owner is Pagosa Secure Storage LLC. The property is zoned commercial. The proposal is for a 90' tall CMRS monopole, with concurrent requests for variance from the maximum height of 40' in the commercial zone and from paving on a paved street.

Jessica Pompa, AT&T Representative, was present for comments if needed.

Chairman Maez opened the floor for comments "In Favor of the Conditional Use Permit." No comments were made.

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

Lori Unger, 30 Redwood Drive, questioned the location for the tower.

Commissioner Schaaf moved to approve the AT&T Wireless Tower Board CUP with Findings A, B and C, and Conditions 1, 2 and 3 of the Staff Report as presented. Commissioner Wadley seconded the motion and it carried unanimously.

B. 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.

Nathan Barton, Engineer from Cortez, representing the applicant was present for comments. Mr. Barton also requested clarification on the conditions discussed.

Chairman Maez opened the floor for comments “In Favor of the Renewal.” No comments were made.

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

Mark Meier, resides south of the Gravel Pit, spoke against the Major Sand & Gravel Permit Renewal.

Commissioner Wadley moved to table the topic until the next Regular Meeting to be held on November 12, 2019. Commissioner Schaaf seconded the motion and it carried unanimously.

Chairman Maez adjourned the Land Use Regulation Hearings and convened the Board of Adjustment Hearing at 2:09 p.m.

Board of Adjustments

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

A. AT&T Wireless Tower Variance Request on Lot 19 Replat of Village Service Commercial at 80 Bastille Drive

Brad Callender, Development Director, advised AT&T Wireless, represented by Justin Causey, Md7 LLC, had applied for concurrent variances from the 40 ft. max height and paving requirements.

Jessica Pompa, AT&T Representative, was present for comments.

Chairman Maez opened the floor for comments “In Favor of the Variance.” No comments were made.

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

Lori Unger, 30 Redwood Dr., questioned the public’s usability versus only being used by first responders.

Commissioner Schaaf moved to approve the AT&T Wireless Tower Variance from paving requirements in the Road and Bridge Design Standards and the Archuleta County Land Use Regulations, and instruct staff to draft a resolution stating these findings as presented and moved to approve the AT&T Wireless Tower Variance from maximum height requirements in the Archuleta County Land Use Regulations, and instruct staff to draft a resolution stating these findings and conditions of approval as presented. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez adjourned the Board of Adjustment Hearing at 2:22 p.m. and convened the Liquor Board Hearing at 2:22 p.m.

Liquor Board

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

A. Report of Changes for Pagosa Liquor, Inc. dba Pagosa Liquor

Brad Callender, Development Director, presented an application for a Report of Changes to request an off premises Retail Warehouse Storage permit for Pagosa Liquor, Inc. dba Pagosa Liquor.

Chairman Maez opened the floor for comments “In Favor of the Permit.” No comments were made.

Chairman Maez closed comments “In Favor of the Permit” and opened the floor for comments “Opposed to the Permit.” No comments were made.

Commissioner Wadley moved to approve the Report of Changes for Pagosa Liquor, Inc. dba Pagosa Liquor as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

B. Special Event Permit for Pagosa Rotary Community Assistance Fund, Inc.

Brad Callender, Development Director, presented an application for a Special Events Permit for the Pagosa Rotary Community Assistance Fund, Inc., to sell malt, vinous, spirituous liquor located at 344 Hwy 84 for their annual Barn Dance on October 19, 2019. The Sheriff has been notified of the event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today’s hearing.

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

Kim Moore, spoke in favor of the permit.

Chairman Maez closed comments “In Favor of the Permit” and opened the floor for comments “Opposed to the Permit.” No comments were made.

Commissioner Schaaf moved to approve the Special Events Permit for the Pagosa Rotary Community Assistance Fund, Inc. for a fundraiser on October 19, 2019 as presented. Commissioner Wadley seconded the motion and it carried unanimously.

C. Special Event Permit for The Pagosa Springs Arts Council

Brad Callender, Development Director, presented an application for a Special Events Permit for The Pagosa Springs Arts Council, to sell malt, vinous, spirituous liquor located at 197 Navajo Trail Drive for a fundraiser on November 7, 2019. The Sheriff has been notified of the event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Chairman Maez opened the floor for comments "In Favor of the Permit." No comments were made.

Chairman Maez closed comments "In Favor of the Permit" and opened the floor for comments "Opposed to the Permit." No comments were made.

Commissioner Wadley moved to approve a Special Events Permit for The Pagosa Springs Arts Council for a fundraiser on November 7, 2019 as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

D. Hotel and Restaurant Liquor License Renewal for Pamela Wallis dba Aspen Springs Bar and Grill

Brad Callender, Development Director, presented an application for a renewal of a Hotel and Restaurant Liquor License for Pamela Wallis dba Aspen Springs Bar and Grill located at 43 Buttercup Dr. Pagosa Springs, Colorado. The renewal included no changes. The application was 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 licensing fee and the late fee have been paid. The applicant requested the late fees be waived the license expired on October 2, 2019.

Chairman Maez opened the floor for comments "In Favor of the License Renewal." No comments were made.

Chairman Maez closed comments "In Favor of the License Renewal" and opened the floor for comments "Opposed to the License Renewal." No comments were made.

Commissioner Schaaf moved to approve the Hotel and Restaurant Liquor License Renewal for Pamela Wallis dba Aspen Springs Bar and Grill as presented and moved to deny the request to waive the late fees imposed on the Hotel and Restaurant Liquor License Renewal for Pamela Wallis dba Aspen Springs Bar and Grill as presented. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez adjourned the Liquor Board Hearing and reconvened the Regular Meeting at 2:29 p.m.

Consent Agenda

A. Payroll, Payable Warrants with Purchase Cards October 2, 2019 – October 15, 2019

Payable Warrants for dates of October 2, 2019- October 15, 2019

General Fund Payable	178,544.32
Road and Bridge Fund Payable	516,277.87
Department of Human Services Fund Pa	77,686.75
1A Fund	115.00
All Combined Dispatch Fund Payable	19,848.06
Conservation Trust	-
Justice System Capital Fund	20,048.43
Solid Waste Fund Payable	5,500.93
Airport Fund Payable	8,249.93
Fleet Fund Payable	26,223.82
Total	852,495.11

Payroll Warrants for dates of October 2, 2019- October 15, 2019

General Fund Payroll	199,505.30
Road and Bridge Fund Payroll	38,907.09
Department of Human Services Fund Pa	36,667.54
All Combined Dispatch Fund Payroll	20,808.90
Solid Waste Fund Payroll	8,897.54
Airport Fund Payroll	4,454.13
Fleet Fund Payroll	9,245.83
Total	318,486.33

B. Regular Meeting Minutes

October 1, 2019

C. Special Meeting Minutes

October 8, 2019

- D. Resolution 2019-104 Lot Consolidation in Holiday Acres Unit 2 Block 4 owned by Mark Frederick Delaney and Janet Lynn Delaney
- E. Resolution 2019-105 Lot Consolidation in Log Park Amended Subdivision owned by Potter Sales, Inc.
- F. Resolution 2019-106 Lot Consolidation in Powder Horn owned by Leslie Lee Faust and Sheryl Lynn Phillips
- G. Resolution 2019-107 Lot Consolidation in Aspen Springs Unit 2 Block 17 owned by Eric J. Davidson and Stephanie G. Davidson
- H. Independent Contractor Agreement with Pagosa Area Trails Council
- I. Ratification of the signature of the Chairman on the agreements for receipt of Court Security Grant Funds
- J. Ratification of the signature of the Chairman on the CCI 2019 Legislative Committee Member Appointment Letter
- K. Assignment of a Hangar Ground Lease for Hangar 500P
- L. Mutual Release and Settlement Agreement with Cole Graham

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

New Business

A. Appointment of Planning Commission Members to Three-Year Term

Scott Wall, County Administrator, advised two open seats were advertised for the Planning Commission. Applications were received and reviewed with applicants William (Luke) McCauley and Jon Carey being referred for consideration. **Commissioner Schaaf moved to appoint William (Luke) McCauley and Jon Carey to the Archuleta County Planning Commission, each for a three-year term as presented. Commissioner Wadley seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

B. Authorization to County Administrator to Release \$47,988 to the Colorado Housing Finance Authority as a Reservation Fee for the Low-Income Housing Tax Credit

Todd Weaver, County Attorney, advised The Archuleta County Housing Authority had applied to the Colorado Housing Finance Authority (CHFA) for a reservation of Low-Income Housing Tax Credits (LIHTC) for the construction of the Hot Springs Townhomes project on Hot Springs Blvd. A reservation fee of 4% of the annual federal tax credit amount reserved to the project is due prior to the issuance of the Preliminary Reservation letter. Request is being made to authorize County Administrator, Scott Wall, to release \$47,988 of the \$1.2 million that has already been committed to the project. **Commissioner Wadley moved to authorize County Administrator, Scott Wall to release \$47,988 to the Colorado Housing Finance Authority for a reservation of low-income housing tax credits as presented. Commissioner Schaaf seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

C. Approval to Withdraw from the CTSI County Health Pool and Retain Gallagher Benefit Services as the County's Broker of Record for Employee Benefits

Robert Smith, Human Resources Administrator, recommended withdrawal from the county health pool and to retain Gallagher Benefit Services as the County's Broker of Record for the employee health benefits. In 2015 through a Request for Proposals (RFP) for an Employee Benefit Program Service Provider, county staff selected Gallagher Benefit Services. However, no action was taken at that time to move forward on any employee benefit changes. **Commissioner Schaaf moved to withdraw from the CTSI county health pool as presented and award the employee health insurance plan to new providers as presented by Gallagher Benefit Services. Commissioner Wadley seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

D. Awarding the Employee Health Insurance Plan to New Providers as Presented by Gallagher Benefit Services

Robert Smith, Human Resources Administrator, presented options for the 2020 employee health plan benefit package provided by Gallagher Benefit Services. **Commissioner Wadley moved to award the employee health insurance plan to new providers as presented by Gallagher Benefit Services. Commissioner Schaaf seconded the motion.** Chairman Maez asked for public comment. **The motion carried unanimously.**

E. Resolution 2019- Establishing a Six-Month Moratorium on Acceptance of New Permit Application for Short Term Rentals in Unincorporated Archuleta County

Todd Weaver, County Attorney, presented a resolution establishing a six-month moratorium on accepting new short-term vacation rental permit applications to allow the County additional time to study the logistics of the short-term rental market and to develop appropriate rules and regulation for the limitation of number of permits allowed. **Commissioner Maez moved to adopt Resolution 2019-108 establishing a possible six month or 90 Day moratorium on accepting new permit applications for short term rentals in Unincorporated Archuleta County as presented.** Chairman Maez asked for public comment.

Mike Heraty, 380 W Golf Pl., presented a document to the Board (Attached) and spoke against the moratorium.

Kim Moore, 48 Fisher Ct., spoke about the difficult application process and back log.

Summer Phillips-Pierce, 374 Bross Pl., spoke in favor of the moratorium and stressed the density issues.

Howard Strahlendorf, 300 Cascade Ave., spoke in favor of the moratorium.

Sharon Crump, 61 CR 700, spoke against the moratorium.

Briana Jacobson, 2273 Stallion Pl., spoke against the moratorium. Ms. Jacobson also questioned staffing issues and verbiage within the moratorium.

Laurie Heraty, 380 W Golf Pl., spoke against the moratorium and specified financial impacts.

Ed Keyes, 525 Irwin Pl., echoed statements against the moratorium.

Jerod Payne and Charleen Michelle, 3361 Meadows Dr., advised they represent a new property management franchise and spoke against the moratorium.

Stephanie Calhoun, 22 Tonto Ct., manages and cleans properties and spoke against the moratorium.

Laura Daniels, 2839 Cornerstone, spoke against the moratorium and stressed the loss of jobs for those dependent on short term rentals.

Daniel Love, 126 Carefree Pl., advised the moratorium is not a solution.

Kelly Dunn, 1843 Wheeler, reiterated statements against the moratorium.

Rob Keating, 4860 CR 335, addressed county inefficiencies.

Lori Unger, 90 Redwood Dr., suggested working with the PLPOA and using other resources available.

Dave Marstiller, 220 Monte Vista Dr., explained his experiences with renting out his property.

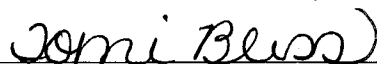
Chairman Maez advised the Resolution would be postponed indefinitely due to the lack of second.

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.

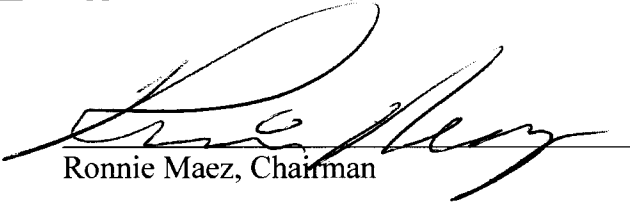
Commissioner Comments

With no further business coming before the Board, the meeting was adjourned at 3:49 p.m.



Tomi Bliss
Deputy County Clerk & Recorder

Approved this 12th day of November, 2019.



Ronnie Maez, Chairman



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF OCTOBER 15, 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**).

BOARD OF ADJUSTMENT HEARING

A. BoA Public Hearing Of AT&T Wireless Tower Variance On Lot 19 Replat Of Village Service Commercial At 80 Bastille Drive

AT&T Wireless, represented by Justin Causey, Md7 LLC, has applied for concurrent Variances from the 40 ft. max height in Table 4 of the Archuleta County Land Use Regulations, and from Section 27.1.6.3.G of the Archuleta County Road & Bridge Design Standards and Section 5.4.5 of the Land Use Regulations requiring paving (PLN19-420).

Presenter **Brad Callender**
 Presenter's Title **Development Director**

Documents:

- 01_19-419 ATT_WIRELESS_CUP_PC-20190925_STAFFREPORT.PDF
- 02_PLN19-419_420 AREAMAPS.PDF
- 03_PLN19-419_420 ATT_WIRELESS PROJECT NARRATIVE.PDF
- 04_PLN19-419_420 ATT_WIRELESS_TOWER-PLANS_20190822.PDF

LAND USE REGULATION HEARING

A. Public Hearing Of AT&T Wireless Tower Conditional Use Permit (CUP) On Lot 19 Replat Of Village Service Commercial At 80 Bastille Dr. (PLN19-419)

AT&T Wireless, represented by Justin Causey, Md7 LLC, has applied for a Board Conditional Use Permit for the ATT Wireless Tower CUP, on Lot 19 Replat of Village Service Commercial at 80 Bastille Dr., Pagosa Springs, CO (PLN19-419), property owner Pagosa Secure Storage LLC. The property is zoned Commercial (C). The proposal is for a 90' tall CMRS monopole, with concurrent requests for Variance from the maximum height of 40' in the Commercial zone and from paving on a paved street (PLN19-420).

Presenter **Brad Callender**
 Presenter's Title **Development Director**

Documents:

- 01_PLN19-419 ATT_WIRELESS_CUP_PC-20190925_STAFFREPORT.PDF
- 02_PLN19-419_420 AREAMAPS.PDF
- 03_REVIEW_ENG.PDF
- 04_PLN19-419_420 ATT_WIRELESS PROJECT NARRATIVE.PDF
- 05_PLN19-419_420 ATT_WIRELESS_TOWER-PLANS_20190822.PDF

B. 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)

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: approx. 94 acres in S½NW¼ & pt. S½NE¼ Sec 21 T33N R5W west of HWY 151, and approx. 87 acres in SE¼SW¼ & pt. S½SE¼ S16 T33N R5W NMPM west of the Piedra River (PLN19-413). The property at 12577 & 12577C State Highway 151, Arboles, CO, is zoned Industrial (I) and Agricultural/Ranching (AR).

Presenter **Brad Callender**
 Presenter's Title **Development Director**

Documents:

- 01-19-413 LOBLOLLY_SNG_PC:20191007_STAFFREPORT_REVISD.PDF
- 02-PLN19-413 AREAMAPS.PDF
- 03-PLN19-413 APPLICANT_MAPS_20190820.PDF
- 04-PLN19-413 REVIEWS.PDF
- 05-PLN19-413 LOBLOLLY_RENEW-NARRATIVE_20190820.PDF
- 06-PLN19-413 LOBLOLLY_RENEW-DRMS_RECLAMATION_PERMIT_20190819.PDF
- 07-2008-02SG ARBOLES SAND AND STONE-LOB LOLLY APPROVAL-LET_20090527.PDF
- 08-2008-02SG LOB LOLLY APP.PDF
- 09-2008-02SG REVIEWS LOB LOLLY PIT.PDF
- 10-LOB LOLLY CO DRMS APP 2008.PDF
- 11-413 EMAIL FROM MARK MEIER POST PC.PDF

LIQUOR BOARD

A. Consideration Of The Report Of Changes For Pagosa Liquor, Inc. Dba Pagosa Liquor

This is an application for a Report of Changes to request an off premises Retail Warehouse Storage permit. Basis and Purpose. The statutory authority for this regulation is located at subsections 44-3-202(1)(b) and 44-3-202(2)(a)(I)(K), C.R.S. The purpose of this regulation is to establish parameters and clarify circumstances under which licensed retailers may keep or store alcohol beverages in permitted warehouses and limitations on the same if the retail licensee is a liquor licensed drugstore licensed under section 44-3-410, C.R.S.

A. No alcohol beverages shall be stored or kept in or upon any premises that is not duly licensed, however, the state licensing authority may issue a warehouse storage permit, to retail licensees licensed pursuant to article 3 of title 44, C.R.S. for the storage only of permitted alcohol beverages in one but not more than three (3) locations, other than the licensed premises. The application for such permit shall specify the address of the proposed storage location and shall include documentation that the licensee is in possession of said premises by way of ownership, lease, or other arrangement.

2. For on-premises licensed retailers, alcohol beverages permitted for storage within a storage warehouse shall include fermented malt beverages and malt, vinous and spirituous liquors. However, fermented malt beverages or malt liquor stored in a permitted warehouse shall only be stored for a period not to exceed ten days after date of delivery, so as not to interfere with manufacturers' freshness standards.

B. Title to all alcohol beverages, stored or kept pursuant to a warehouse storage permit shall be vested in such permit holder.

C. Alcohol beverages may not be sold or delivered to consumers from the permitted warehouse premises, however, deliveries from wholesalers may be accepted at the permitted warehouse premises.

D. Any retail licensee obtaining a warehouse storage permit, shall provide a copy of said permit to the local licensing authority and shall display such permit in a prominent place within their licensed premises and within the permitted warehouse premises.

There is no financial impact to the County and I move to approve this Report of Changes for Pagosa Liquor.

Presenter **Flora Goheen**
 Presenter's Title **Planning Technician**

Documents:

- REPORT OF CHANGES PAGOSA LIQUOR- STORAGE PERMIT.PDF

B. Special Event For Pagosa Rotary Community Assistance Fund, Inc.

This is an application for a Special Events Permit for the Pagosa Rotary Community Assistance Fund, Inc., to sell malt, vinous, spirituous liquor located at 344 Hwy 84 for their annual Barn Dance on October 19, 2019. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing. The financial impact to the County is the fees paid per the County Fee schedule and I move to approve this Special Events Permit.

Presenter **Flora Goheen**
 Presenter's Title **Planning Technician**

Documents:

- P ROTARY COMM ASST FUND 10.19.19 RDACTED.PDF

C. Special Event For The Pagosa Springs Arts Council

This is an application for a Special Events Permit for the Pagosa Springs Arts Council, to sell malt, vinous, spirituous liquor at the located at 197 Navajo Trail Dr. for the a fundraiser on November 7, 2019. The Sheriff has been notified of this event.

The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing. The financial impact to the County is the fees paid per the County Fee schedule and I move to approve this Special Events Permit.

Presenter Flora Goheen
 Presenter's Title Planning Technician

Documents:

PAGOSA SPRINGS ARTS COUNCIL SP 11.7.19 REDACTED PDF

D. Consideration And Approval Of A Hotel And Restaurant Liquor License Renewal For Pamela Wallis DBA Aspen Springs Bar And Grill

This is a renewal of a Hotel and Restaurant Liquor License for Pamela Wallis DBA Aspen Springs Bar and Grill located at 43 Buttercup Dr. Pagosa Springs, Colorado. This renewal includes no changes. 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 licensing fee and the late fee have been paid. The applicant has requested the late fees be waived.

This license expired on October 2, 2019. Pursuant to C.R.S. §44-302(2)(a), a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application.

C.R.S. §44-302(2)(d)(III) For licensees subject to issuance or approval by a local licensing authority, if the local licensing authority allows the licensee to apply for a re-issuance of the expired license, the licensee must submit to the local licensing authority: (A) An application for a reissued license; (B) Payment of a five-hundred-dollar late application fee; and

C.R.S. §44-302(2)(d)(IV) After the local licensing authority accepts the application, late application fee, and fine, the licensee may continue to operate and sell alcohol beverages until the state licensing authority and local licensing authority to have each taken final action on the licensee's application for license re-issuance.

C.R.S. §44-302(2)(d)(V) If the local licensing authority approves the re-issuance of the licensee's license, the local licensing authority shall forward the approved application to the state licensing authority for review. In addition to the late application fee and fine imposed by the local licensing authority, the state licensing authority shall impose a five-hundred-dollar late application fee and a fine of twenty-five dollars per day for each day the license has been expired beyond ninety days.

The financial impact to the County is the fees paid per the County Fee Schedule and I move to Approve The Hotel & restaurant License for Aspen Springs Bar & Grill and deny the waiver of late fees.

Presenter Flora Goheen
 Presenter's Title Planning Technician

Documents:

ASPEN SPRINGS BAR AND GRILL RENEWAL 19 REDACTED PDF

CONSENT AGENDA

A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

October 2, 2019 - October 15, 2019

B. REGULAR MEETING MINUTES

Regular Meeting Minutes 10/01/2019

Draft of the Regular Meeting Minutes from October 1, 2019 for approval.

Presenter Consent
 Presenter's Title Consent

Documents:

10-01-19R.PDF

C. SPECIAL MEETING MINUTES

Special Meeting Minutes 10/8/2019

Draft of the Special Meeting Minutes from October 8, 2019 for approval.

Documents:

10-08-19S.PDF

D. Consideration Of Resolution 2019 - _____ To Consolidate 2 Lots Into 1 Holiday Acres Unit 2 Block 4 Owned By Mark Frederick Delaney And Janet Lynn Delaney

This request is to consider a Resolution authorizing the consolidation of Lots 10 and 11 Hc become Lot 10X owned by Mark Frederick Delaney and Janet Lynn Delaney. This consol recommended for approval by Developments Services Planning technician, Flora Goheen. includes fees paid per the County Fee Schedule, generally balanced by reduction in proper

Res. Start
104 @

Responsible Staff: Flora Goheen

Documents:

DELANEY LC RESOLUTION 2019.PDF
DELANEY O AND E.PDF

E. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Log Park Amended Subdivision Owned By Potter Sales, Inc

This request is to consider a Resolution authorizing the consolidation of Lots 6 and 7 Log Park to become Lot 7X owned by Potter Sales, Inc.. 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:

POTTER LC RESOLUTION.PDF
POTTER O AND E.PDF

F. Consideration Of Resolution 2019- ____ To Consolidate 2 Lots Into 1 Powder Horn Owned By Leslie Lee Faust And Sheryl Lynn Phillips

This request is to consider a Resolution authorizing the consolidation of Lots 19 and 20 Powder Horn to become Lot 20X owned by Leslie Lee Faust and Sheryl Lynn Phillips. 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:

FAUST.PHILLIPS LC RESO.PDF
FAUST.PHILLIPS MORTGAGE GUARANTEE.PDF

G. Consideration Of Resolution 2019- ____ To Consolidate 3 Lots Into 1 Aspen Springs Unit 2 Block 17 Owned Eric J. Davidson And Stephanie G. Davidson

This request is to consider a Resolution authorizing the consolidation of Lots 1Z, 2Z and 3Z Aspen Springs Unit 2 Block 17 to become Lot 3ZX owned by Eric J. Davidson and Stephanie G. Davidson. This consolidation has been reviewed and is recommended for approval by Developments Services Planning technician, Sherrie Vick. The impact to the County budget includes fees paid per the County Fee Schedule, generally balanced by reduction in property taxes.

Documents:

DAVIDSON LC RESOLUTION.PDF
DAVIDSON MORTGAGE GUARANTEE PDF

H. Consideration And Approval Of Independent Contractor Agreement With Pagosa Area Trails Council

This Agreement provides the terms and conditions for the Pagosa Area Trails Council ("PATC") to clear fallen trees blocking trails within the Pagosa District of the San Juan National Forest through 2020. The PATC will be paid the total sum of \$3,000.00 from the Archuleta County Conservation Trust Fund.

Documents:

INDEPENDENT CONTRACTOR AGREEMENT FOR CLEARING FALLEN TREES_FINAL.PDF

I. Ratification Of The Signature Of The Chairman Of The Board Of Commissioners On The Agreements For Receipt Of Court Security Grant Funds

The State Court Administrator's Office has awarded Archuleta County two court security grants - one in the amount of \$12,995.00 to be spent on security equipment and the other for \$133,768.00 for wages for court security personnel. The Agreements accepting the awards have recently been signed by Commissioner Maez.

Documents:

AGREEMENT FOR RECEIPT OF COURT SECURITY GRANT FUNDS.PDF
COURT SECURITY GRANT PERSONNEL.PDF

J. Ratification Of The Signature Of The Chairman Of The Board Of Commissioners On The CCI 2019 Legislative Committee Member Appointment Letter

Colorado Counties, Inc.'s Legislative Committee must consist of one county commissioner from each county. Commissioner

Ronnie Maez volunteered to take on this responsibility and executed the designation sheet on October 7, 2019.

Documents:

CCI 2019 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT.PDF

K. Consideration Of Assignment Of A Hangar Ground Lease For Hangar 500P

Assignment of a Hangar Ground Lease between dvvyup, llc (Assignor) and Stuart and Lynnette Latimer (Assignee). Staff recommends approval of this Assignment.
Responsible Staff: Chris Torres

Documents:

ASSIGNMENT OF HANGAR GROUND LEASE 500P.PDF

L. Consideration And Approval Of Mutual Release And Settlement Agreement With Cole Graham

Cole Graham is a Plaintiff, along with 14 other individuals, who filed a lawsuit against current and former County Commissioners and the former County Attorney (case number 2016CV4). The District Court awarded attorney's fees to the County in the amount of \$18,565.60 jointly and severally against all the Plaintiffs except one. This Mutual Release and Settlement Agreement sets forth terms to settle and resolve all the issues from this case. Mr. Graham has signed the agreement and agrees to pay to the County the amount of \$1,326.11 (1/14 of the attorney's fees) and will not participate further in this or any related lawsuit against the County.

Documents:

GRAHAM SETTLEMENT AGREEMENT.PDF

NEW BUSINESS

A. Appointment Of Planning Commission Members To Three-Year Term

The Archuleta County Planning Commission has five members with rotating 3-year terms as specified in their bylaws. The Planning Commission advises the Board of County Commissioners on land use and is responsible for the *Archuleta County Community Plan*, with one or two evening meetings each month. Each member of the Commission shall be a county resident. Two open seats were advertised and applications were received and reviewed. BoCC may consider approving the applications for William (Luke) McCauley and Jon Carey.

Presenter **Scott Wall**
 Presenter's Title **County Administrator**

Documents:

PLANNING COMMISSION - MCCAULEY.PDF
 PLANNING COMMISSION - CAREY.PDF

B. Authorization To County Administrator To Release \$47,988 To The Colorado Housing Finance Authority As A Reservation Fee For The Low-Income Housing Tax Credit

The Archuleta County Housing Authority has applied to the Colorado Housing Finance Authority (CHFA) for a reservation of Low-Income Housing Tax Credits (LIHTC) for the construction of the Hot Springs Townhomes project on Hot Springs Blvd. A reservation fee of 4% of the annual federal tax credit amount reserved to the project is due prior to the issuance of the Preliminary Reservation letter. This authorizes the County Administrator, Scott Wall, to release \$47,988 of the \$1.2 million that has already been committed to the project.

Presenter **Todd Weaver**
 Presenter's Title **County Attorney**

Documents:

20191008150231.PDF

C. Consideration And Approval To Withdraw From The CTSI County Health Pool And Retain Gallagher Benefit Services As The County's Broker Of Record For Employee Benefits

The Human Resources Department recommends withdrawal from the county health pool and to retain Gallagher Benefit Services as the County's Broker of Record for the employee health benefits. In 2015 through a Request for Proposals (RFP) for an Employee Benefit Program Service Provider, county staff selected Gallagher Benefit Services. However, no action was taken at that time to move forward on any employee benefit changes.

Presenter **Robert Smith**
 Presenter's Title **Human Resources Administrator**

Documents:

GALLAGHER.PDF

D. Consideration And Approval Of Awarding The Employee Health Insurance Plan To New Providers As

Presented By Gallagher Benefit Services

Gallagher Benefit Services has provided the County with options for its 2020 employee health plan benefit package.

Presentor Robert Smith
 Presentor's Title Human Resources Administrator

Documents:

EMPLOYEE BENEFITS.PDF

E. Resolution 2019-___ Establishing A Six-Month Moratorium On Acceptance Of New Permit Applications For Short Term Rentals In Unincorporated Archuleta County

This Resolution provides for a six-month moratorium on accepting new short-term vacation rental permit applications to allow the County additional time to study the logistics of the short-term rental market and to develop appropriate rules and regulations for the limitation of number of permits allowed.

Presentor Todd A. Weaver
 Presentor's Title County Attorney

Documents:

RESOLUTION 2019-___ ESTABLISHING A 6 MONTH MORATORIUM ON SHORT TERM RENTAL PERMIT APPLICATIONS.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.

Sign In Sheet October 15, 2019

PLEASE <u>PRINT</u> NAME	TITLE	STREET ADDRESS
Summer Pierce	resident	374 Bross Place
Jessica Pompa	Land Use M&T obo AT&T	80 Bastille Dr Payson Springs
Lori Unger	30 Redwood	30 Redwood Dr
NATHAN A BARTON	Engineer	PO Box 88 Cortez
Mark Meier	Retir.	PO Box 1868 Abalos
Jim Moor	Relay	48 Fisher Ct. P.S. CO
Bob Smith	112 Adm	10 tee ct P/S
Edward Strahler		300 CASCADE AVE
Sharon Crump	resident	61 CR 700
Briana Jacobson	Res	2273 Stallen St
Maeri Heraby		380 W. GOLF
Jared Payne	Prop. Mng.	3361 Meadows Dr.
Charlee Michelle		"
Steph Calhoun		22 TONTO CT.
Laura Daniels		2839 Cornerstone
Daniel Love	resident	126 Carefree
Kelly Dunn		1843 Wheeler
Rob K... (signature)		4860 CR 339
Dane Mansfield	St Roman	220 Monte Vista Dr.
Ed K... (signature)	Resident	545 IRWINS PLACE CHINO

COMMENTS BY Mike Heraty, Business Owner and Property Owner. President-Elect of Pagosa Springs Area Association of Realtors, a group of 180 Real Estate Professionals handling an average of \$250 Million in Property Transactions per year.

SHORT TERM RENTALS

The need to regulate was brought before the BOCC last year, after several public meetings and input from Staff and the Public, new regulations were implemented.

The Fee Structure with 400 STR Registrations will produce \$160,000 in revenue to the County. Short Term Rentals are needed to meet the demand of the Travelers that visit our community, there are not enough hotel and condo rentals during peak season to meet demand. If we do not have STR, the visitors and their money go elsewhere. This is a Global Reality.

Positives: We are dependent on Tourism. STRs generate extra Revenue for the County, Application Fees, Sales Tax and Lodging Tax, plus the extra spending locally by visitors.

Employment: Housekeeping, Landscapers, Handymen, Property Managers, etc., a significant ripple effect. Some visitors convert to owners.

Negatives: A few that don't follow the rules, but mostly these are the exception. Some frustrated residents have been unable to convince their subdivisions to ban STRs, so they complain to the county. Short term rentals have been here since the 1960's, nothing new. A few isolated instances of visitors and owners not following the rules, warn them, fine them, weed them out. Realtors will inform their clients and customers which subdivisions DO NOT PERMIT STR.

PROBLEMS WITH MORATORIUM

The number of new applicants will taper down this winter. Let Market Forces take care of the issues, some STR will convert to Long Term Rentals in the coming year, we are already seeing this trend gain traction. Please don't MICRO-MANAGE THE LOCAL ECONOMY, DON'T TRY TO SOCIAL ENGINEER, and PLEASE DON'T TREAD ON PRIVATE PROPERTY RIGHTS.

No Owner wants to give up rental income from Christmas. We are already hearing about advanced bookings for the Christmas holidays, some of those that just closed are expecting to rent for Christmas, this is HIGH SEASON, folks are counting on the \$\$.

If you need 90 days, make it after the New Year, make certain it is set in stone as a temporary move enable the County Staff to catch up. **The Business Community needs Consistency** from the BOCC to make decisions on investing further in our community.

Mike Heraty

Office: 970 264-7000 Cell: 970 946-6030

Email: MikeHeraty@frontier.net

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Kristy Archuleta
Archuleta County

RESOLUTION 2019- 104

A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN LOTS IN ARCHULETA COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

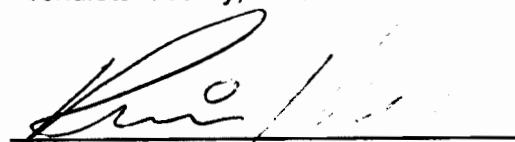
WHEREAS, the Board has received an application from Mark Frederick Delaney and Janet Lynn Dryden Delaney, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and


WHEREAS, the Board has found that Mark Frederick Delaney and Janet Lynn Dryden Delaney, have met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 10 and 11, Holiday Acres Unit 2, according to the plat thereof filed for record August 7 1975, as Reception No. 83664, Archuleta County, Colorado, to become Lot 10X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 15th day of October 2019.

The Board of County Commissioners
Archuleta County, Colorado


Chairman Ronnie Maez

ATTEST:

Kristy Archuleta,
Archuleta County Clerk and Recorder

Dated: October 15, 2019

Return copy to Planning Dept.



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Kristy Archuleta
Archuleta County

RESOLUTION 2019- 105

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

WHEREAS, the Board has received an application from Potter Sales, Inc., to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Potter Sales Inc., have met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 6 and 7, Log Park, according to the plat thereof filed for record November 30, 1979, as Reception No. 97714, Archuleta County, Colorado, to become Lot 531X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 15th day of October 2019.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:
*Kristy Archuleta by
Mary Helminski, Deputy*
Kristy Archuleta,
Archuleta County Clerk and Recorder

Ronnie Maez
Chairman Ronnie Maez

Dated: October 15, 2019



Return copy to Planning Dept.

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Kristy Archuleta
Archuleta County

RESOLUTION 2019- 106

A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN LOTS IN ARCHULETA COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

WHEREAS, the Board has received an application from Leslie Lee Faust and Sheryl Lynn Phillips, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Leslie Lee Faust and Sheryl Lynn Phillips, have met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 19 and 20, Powder Horn, according to the plat thereof filed for record September 17, 2002, as Reception No. 20208425, Archuleta County, Colorado, to become Lot 20X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 15th day of October 2019.

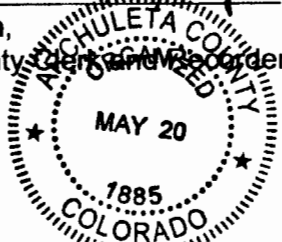
The Board of County Commissioners
Archuleta County, Colorado

ATTEST:
Kristy Archuleta by
Mary Helminski, Deputy

Kristy Archuleta,
Archuleta County Clerk and Recorder

Ronnie Maez

Chairman Ronnie Maez



Dated: October 15, 2019

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Kristy Archuleta
Archuleta County

RESOLUTION 2019- 107

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

WHEREAS, the Board has received an application from Eric J. Davidson and Stephanie G. Davidson, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Eric J. Davidson and Stephanie G. Davidson, have met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 1Z, 2Z, and 3Z, Aspen Springs Unit 2 Block 17, according to the plat thereof filed for record May 23, 2019, as Reception No. 21902916, Archuleta County, Colorado, to become Lot 3ZX with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 15th day of October 2019.

The Board of County Commissioners
Archuleta County, Colorado

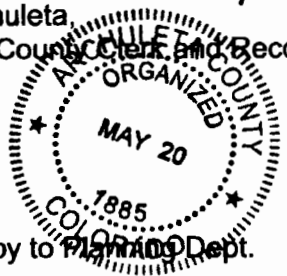
ATTEST:
*Kristy Archuleta by
Mary Helminski, Deputy*

Kristy Archuleta,
Archuleta County Clerk and Recorder

[Signature]

Chairman Ronnie Maez

Dated: October 15, 2019



Return copy to Planning Dept.