

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting May 18, 2021 noting County Commissioners Alvin Schaaf, Ronnie Maez and Warren Brown, County Administrator Scott Wall, County Attorney Todd Weaver and Deputy Clerk and Recorder Tomi Bliss present.

Chairman Schaaf called the meeting to order at 1:30 p.m. with the Pledge of Allegiance and a moment of silence.

Chairman Schaaf provided notice of the new policy for Public Comments. He stated the Board would hear public comments on any topic during the Public Comment portion of the regular meeting. Public comments would no longer be heard at the end of each meeting. A Request for Public Comment form must be completed and handed to an Administrative Staff member before the meeting begins. If attendees are on Zoom, he requested that you raise your hand.

Disclosures and/or Conflicts of Interest

Chairman Schaaf 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 purpose allowed and announced prior to voting. **Commissioner Maez moved to approve the agenda as presented. Commissioner Brown seconded the motion and it carried unanimously.**

Public Comments

Chairman Schaaf stated he was opening the floor for comments. Comments were asked to be held to 3 minutes for each person desiring to speak. No response from the Board would be given.

Lisa Jensen, 1252 Loma Linda Dr., suggested the Board make a public statement supporting COVID-19 vaccinations.

Lisa Sifrit, 266 ½ S 9th Street, local social worker, spoke about the lack of affordable housing for the working class and supports policy changes as well as a 5% density limit.

Lisa Cox, 60 Davis Cup #101, short-term rental owner, expressed concern regarding the definition and classification of a loft.

Henry Zabelinsky, 299 Stevens Cir, spoke in favor of regulating the amount of short-term rentals, and advised Durango has a cap of 1.5%.

Chairman Schaaf recessed the Regular Meeting and convened the Land Use Board at 1:46 p.m.

Land Use Regulation Hearing

Chairman Schaaf swore in Pam Flowers, Development Director, for testimony.

A. Public Hearing of Amendments to the Land Use Regulations and Consideration and Approval of Resolution 2021-35 Amending the Archuleta County Land Use Regulations

Pam Flowers, Development Director, presented a resolution to amend the Archuleta County Land Use Regulations, specifically to Sections 1, 2, 3, 4, 5 and 11.

Chairman Schaaf opened the floor for public comment in favor of the Resolution.

Ryan Lolly, 5050 A CR 500, requested clarification on the definition of lodging establishments. Pam Flowers, Development Director, advised a duplex could have two short-term rental permits.

Chairman Schaaf closed the floor for public comment in favor of the Resolution and opened the floor for public comment opposed to the Resolution.

Chairman Schaaf closed the floor for public comment opposed to the Resolution.

Commissioner Brown moved to adopt Resolution 2021-35 Amending the Archuleta County Land Use Regulations as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

B. Public Hearing of Light Plant River Estates Subdivision Final Plat (PLN21-027)

Pam Flowers, Development Director, advised Robert Levine, representative of the Fairway Land Trust, applied for a Subdivision Final Plat approval, in accordance with the Reservoir River Ranch Development Agreement, setting aside approximately 64 acres as Future Development Parcels for three single-family residence parcels and one open space parcel. The new subdivided area would be located in Sec 24 & 25, T35N, R2W, NMPM, and west of County Road 119. The property at 1301 County Road 119 is zoned Planned Unit Development (PUD).

County Attorney, Todd Weaver, advised the trail easements were on the opposite side of County Road 119.

Chairman Schaaf opened the floor for public comment in favor of the Plat.

Chairman Schaaf closed the floor for public comment in favor of the Plat and opened the floor for public comment opposed to the Plat.

Chairman Schaaf closed the floor for public comment opposed to the Plat.

Commissioner Maez moved to approve the Light Plant River Estates Subdivision Final Plat with Finding A and Conditions 1-4 as presented. Commissioner Brown seconded the motion and it carried unanimously.

C. Final Plat for the Lisa Caewood and James E. Price Revocable Trust

Pam Flowers, Development Director, advised Lisa Price, representing the Lisa Caewood and James E. Price Revocable Trust, have applied for Final Plat Approval of the Lindsey Subdivision Amendment 2021-01 Final Plat, being a replat of Lots 3 & 4. The impacted lots are zoned

Agricultural Estates (AE).

Chairman Schaaf opened the floor for public comment in favor of the Plat.

Chairman Schaaf closed the floor for public comment in favor of the Plat and opened the floor for public comment opposed to the Plat.

Chairman Schaaf closed the floor for public comment opposed to the Plat.

Commissioner Brown moved to approve the Lindsey Subdivision Amendment 2021-01 Final Plat with Findings A and B and conditions 1-5 as presented. Commissioner Maez seconded the motion and it carried unanimously.

D. Final Plat for Neil and Linda Gundelach

Pam Flowers, Development Director, advised Neil and Linda Gundelach have applied for Final Plat approval of the San Juan River Resort Subdivision Unit No. 2 Amendment 2021-01 Final Plat, being a replat of Lot 83X and a portion of Bridge Drive. The impacted lot is zoned Residential (R).

Chairman Schaaf opened the floor for public comment in favor of the Plat.

Chairman Schaaf closed the floor for public comment in favor of the Plat and opened the floor for public comment opposed to the Plat.

Chairman Schaaf closed the floor for public comment opposed to the Plat.

Commissioner Maez moved to approve the San Juan River Resort Subdivision No. 2 Amendment 2021-01 Final Plat with Finding A and no conditions as presented. Commissioner Brown seconded the motion and it carried unanimously.

Chairman Schaaf adjourned the Land Use Board and convened the Local Licensing Authority at 2:10 p.m.

Local Licensing Authority

Chairman Schaaf swore in Mary Helminski, Executive Assistant/Paralegal for testimony.

A. Renewal of a Retail Optional Premises Cultivation License for J and J Enterprises, Inc. dba Random Precision

Mary Helminski, Executive Assistant/Paralegal, presented a renewal of a Retail Optional Premises Cultivation Center License for J and J Enterprises, Inc. dba Random Precision, located at 235 Bastille Drive in Pagosa Springs. There were no changes, the application was complete and the proper fees have been paid. The Sheriff's Office, Fire District and the County Building Department have completed their inspections with no issues. Staff recommended approval of this license renewal.

Chairman Schaaf opened the floor for public comment in favor of the renewal.

Chairman Schaaf closed the floor for public comment in favor of the renewal and opened the floor for public comment opposed to the renewal.

Chairman Schaaf closed the floor for public comment opposed to the renewal

Commissioner Brown moved to approve the renewal of the Retail Optional Premises Cultivation Center License at 235 Bastille Drive in Pagosa Springs for J and J Enterprises, Inc. dba Random Precision as presented. Commissioner Maez seconded the motion and it carried unanimously.

Chairman Schaaf adjourned the Local Licensing Authority and convened the Liquor Board at 2:12 p.m.

Liquor Board

Chairman Schaaf swore in Mary Helminski, Executive Assistant/Paralegal for testimony.

A. Report of Changes for Ghost Pines Properties LLC dba Tennyson Building Event Center

Mary Helminski, Executive Assistant/Paralegal, advised the Tennyson Building Event Center requested a modification of their liquor licensed premises to include a newly constructed 2,000 sq. ft. outdoor courtyard. In addition, they requested to add Margot Harter as a Registered Manager.

Chairman Schaaf opened the floor for public comment in favor of the report of changes.

Chairman Schaaf closed the floor for public comment in favor of the report of changes and opened the floor for public comment opposed to the report of changes.

Chairman Schaaf closed the floor for public comment opposed to the report of changes.

Commissioner Maez moved to approve the Report of Changes for Ghost Pines Properties LLC dba Tennyson Building Event Center as presented. Commissioner Brown seconded the motion and it carried unanimously.

Liquor Board Consent Agenda

- A. Lodging & Entertainment License Renewal for Ghost Pines Properties LLC dba Tennyson Building Event Center
- B. Brew Pub (County) License Renewal for Tony's Taps LLC dba Pagosa Brewing Co.
- C. Hotel & Restaurant License Renewal for Righteous Path LLC dba Coyote Moon Bar & Grill

Scott Wall, County Administrator, read the Liquor Board Consent Agenda for the record.

Commissioner Brown moved to approve the Liquor Board Consent Agenda as presented. Commissioner Maez seconded the motion and it carried unanimously.

Chairman Schaaf adjourned the Liquor Board and reconvened the Regular Meeting at 2:14 p.m.

Consent Agenda

A. Payable Warrants and Purchase Cards

Payable Warrants for dates of May 5th-May 18th, 2021	
General Fund Payable	320,808.04
Road and Bridge Fund Payable	97,835.88
Department of Human Services Fund Payable	38,352.05
1A Fund	690.00
All Combined Dispatch Fund Payable	16,611.61
Conservation Trust	15,000.00
Justice System Capital Fund	8,708.00
Solid Waste Fund Payable	4,942.23
Airport Fund Payable	874.52
Fleet Fund Payable	169,691.33
Total	673,513.66
Payable Wire Transfers for dates of May 5th-May 18th, 2021	
General Fund Payable	2,405.58
Road and Bridge Fund Payable	
Department of Human Services Fund Payable	
1A Fund	
All Combined Dispatch Fund Payable	
Conservation Trust	
Justice System Capital Fund	
Solid Waste Fund Payable	
Airport Fund Payable	
Fleet Fund Payable	
Total	2,405.58

B. Regular Meeting Minutes

05/04/2021

C. Adoption of Archuleta County Emergency Alert & Notification Plan

D. Notice to Proceed to Strohecker Asphalt & Paving, Inc.

E. ACDHS and Archuleta County School District 50-JT CORE Bridges Program Contract

F. Acceptance of Coronavirus Local Fiscal Recovery Fund

G. Upper San Juan Hospital District Emergency Medical Services Ambulance Licenses

Scott Wall, County Administrator, read the Consent Agenda for the record.

Commissioner Maez moved to approve the consent agenda as presented. Commissioner Brown seconded the motion and it carried unanimously.

Old Business

A. Intergovernmental Agreement with Aspen Springs Metropolitan District

Todd Weaver, County Attorney, advised on March 16, 2021 the Board approved the purchase and installation of playground equipment at the Aspen Springs playground. The Intergovernmental Agreement designates the terms and responsibilities for the playground and appoints a project representative from the county. **Commissioner Brown moved to approve the Intergovernmental Agreement with the Aspen Springs Metro Board in connection with the purchase, installation and maintenance of playground equipment and to designate Scott Wall as the project manager for the county as presented. Commissioner Maez seconded the motion and it carried unanimously.**

New Business

A. Acknowledgement of Offer and Optional Waiver to Decline Title Insurance

Todd Weaver, County Attorney, advised on April 6, 2021 the Board approved applications for Treasurer's Deeds on 11 county-owned properties to begin the disposition process for the parcels. One of the steps normally done while obtaining the Treasurer's Deed is to procure an Owners & Encumbrance ("O&E") Report. Due to the fact the County Attorney will run O&E Reports when completing the Quiet Title suit on each parcel, it is not necessary to have one done the Treasurer's Deed. The Treasurer's Office requires a Waiver that declines the O&E report. **Commissioner Maez moved to approve waiving the requirement to obtain title insurance reports at this time for the eleven properties going through the Treasurer's Deed process as presented. Commissioner Brown seconded the motion and it carried unanimously.**

B. Resolution 2021-36 Opposing Colorado State Initiative 16

Scott Wall, County Administrator, presented a resolution providing the Board of County Commissioners' opposition to Colorado's Initiative 16: Laws Concerning Cruelty to Animals. **Commissioner Maez moved to adopt Resolution 2021-36 Opposing Colorado State Initiative 16 as presented. Commissioner Brown seconded the motion and it carried unanimously.**

C. Contract Change Proposal for Justice Facility

Scott Wall, County Administrator, presented a change order to finish out the middle courtroom and the commons area of the Justice Facility. **Commissioner Brown moved to approve the Contract Change Proposal from Nunn Construction in an amount not to exceed \$225,210.15 as presented. Commissioner Maez seconded the motion and it carried unanimously.**

D. Section 179D Energy Efficient Commercial Buildings Deduction Allocation Form

Scott Wall, County Administrator, advised the Energy Efficient Commercial Building Deduction (Section 179D) was enacted into law as part of the Energy Policy Act of 2005. Section 3 or IRS Notice 2008-40 empowers government agencies to allocate the deduction, as they are unable to use it and provides a special rule for government-owned buildings. The rule provides that in the case where a building is owned by federal, state, or local government, the owner of the property may allocate the 179D deduction to a third party company that has performed work on or toward the property's mechanical, lighting, or building envelope systems. The intent of the revision is to promote the use of energy efficient design/ construction on US soil and help a hard hit industry continue to create jobs and put money back in the US economy. The Allocation Form confirms the

full deductions for both the Archuleta County Justice Facility and the Detention Center deductions be allocated to Nunn Construction. **Commissioner Maez moved to approve the Section 179D Energy Efficient Commercial Buildings Deduction Allocation Form as presented. Commissioner Brown seconded the motion and it carried unanimously.**

E. Resolution 2021-37 Adopting a Policy for the Disbursement of Fairfield Bankruptcy Settlement Funds for Trenching and Back Filling for Electrical Power

Todd Weaver, County Attorney, presented a resolution adopting a policy for which parcel owners in Chris Mountain Village 2 can be reimbursed for amounts paid for electrical trenching and backfilling. **Commissioner Brown moved to adopt Resolution 2021-37 Adopting a Policy for the Disbursement of Fairfield Bankruptcy Settlement Funds for Trenching and Back Filling for Electrical Service as presented. Commissioner Maez seconded the motion and it carried unanimously.**

F. Lease Agreement with Archuleta County Housing Authority

Todd Weaver, County Attorney, presented a Lease Agreement providing the terms and conditions for leasing the office space being constructed on Hot Springs Blvd. for use by the Archuleta County Department of Human Services. **Commissioner Maez moved to approve a Lease Agreement with Rose Mountain DHS LLC as presented. Commissioner Brown seconded the motion and it carried unanimously.**

Commissioner Comments

With no further business coming before the Board, the meeting was adjourned at 2:36 p.m.

Tomi Bliss
Deputy Clerk & Recorder

Approved this 1st day of June 2021.

Alvin Schaaf, Chairman