

September 22, 2009

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Special Meeting on September 22, 2009 with County Commissioners Robert C. Moomaw, John Ranson and Clifford Lucero, County Manager Greg Schulte and County Attorney Todd Starr present. The meeting was held at the Archuleta County Extension Building.

Chairman Moomaw called the meeting to order at 1:30 p.m.

2010 Archuleta County Road Plan

County Administrator Greg Schulte presented for the Board's review and consideration the 2010 Archuleta County Road Plan as recommended by the Roads Advisory Task Force. He was asking the Board to approve the plan. The Task Force was appointed in July of 2009 by the Board to research, discuss, develop and make recommendations for the 2010 Archuleta County Road Plan. Staff had been working with the Task Force for 2 months and had been diligently working towards recommendations for the Board's consideration. In addition, public comment was sought at 2 public forums held in August and September of 2009. Brett Locke representing the Task Force presented the formal report and explained the basis. The report will be attached to the minutes. Allan Bunch, Bob Hart, Steve Williams and Bob Frye along with Brett Locke were the members. Being here today, they have achieved Goal #1. Goal #2 is to provide a report with recommendations to the Board and staff in support of a five year road plan (2011-2015) premised upon the data that is supplied by the updated LTAP report and the engineering assessments proposed in today's report. Before any decision is made on prioritizing roads, they suggest the scope of work be done by an engineering firm, feed that cost back to the Task Force and let them help prioritize the roads. They would like the County to look at alternatives to paving such as chip seal or polymers. Their final issue was Piedra Road. They understand this could be open for some grant money or money from the Forest Service and feel that money should be obtained prior to spending County money. They would like to see the engineering done in 2010 so the costs are known and better planning can be made. Bob Hart stated that County Road 119 (Light Plant Road) is only 7 years old (the paving) and should be taken care of and not allowed to fall apart. Commissioner Lucero asked how long an engineering analysis would take. Public Works Director Ken Feyen stated that in order to do engineering up front for roads that may not stay at the top of the priority list would be a waste of money. No road could be done prior to the design. There are three steps. If you separate the steps it costs a little more. Commissioner Lucero stated that at the last forum, people were still supporting gravel roads and he asked if the Task Force had any recommendations of how many roads should be graveled. Mr. Hart answered, no, that was not a task asked of them. He did say that depending on which roads would be done first, whatever funding would be left could be used for gravel. Commissioner Ranson also asked the question of Public Works Director Feyen as to his recommendation. Director Feyen answered that it's looked at the same way as paving a road, all steps must be taken. If the gravel has deteriorated so much that you have to start from the base up, then it still depends on the condition of the

current road. Director Feyen stated the County could probably do not more than 15 miles of pavement (or gravel) ourselves at \$30,000 a mile as in-house costs with gravel being available. In the public sector it's \$80,000 a mile. We are short not only personnel but equipment. Public Comment: Jim Carson asked Mr. Locke if when the LTAP report is updated will it include Pagosa Lakes this time. Mr. Locke stated that the report they studied included the Pagosa Lakes area. Cindy Green stated her concern with her road Fritz & Mabel's Place and Roxanna's Court. The way the priorities are set, she's afraid no one will ever get to their road. The Board promised no road will be left without some kind of maintenance. Special Projects Manager Karin Kohake will be setting up a list of property owners who wish to be informed of continued facts. Utility road cuts were discussed at length and it was decided that staff would look into this and bring back suggestions to the Board. **Commissioner Lucero moved to pave Aspen Glow Blvd. and Handicap Avenue, and to gravel 15 miles of roads, having the Task Force coming up with which roads to gravel and to look into doing some kind of maintenance on County Road 119. Commissioner Ranson seconded the motion.** Commissioner Ranson questioned the amounts it will cost to do the roads. Knowing the cost amounts discussed were estimates, just doing Handicap Ave. and Aspen Glow Blvd., it would be \$2.3 million. He would like to get a North Pagosa Blvd. estimate when we obtain an estimate for Light Plant Road. Director Feyen stated it would be the same cost per mile regardless of which road it is. **Commissioner Lucero requested to withdraw his motion. Chairman Moomaw stated that the motion was asked to be withdrawn, with no objections, the motion was withdrawn.** Administrator Schulte stated he wanted to clarify for the public what he felt the Board was saying. The costs are estimates and if the County would be doing Aspen Glow Blvd. and Handicap Avenue, it would take an additional \$500,000 to do the other 15 miles of road. This makes approximately \$2.5 million they are committing from the total available. The answer was yes. JR Ford asked what the Board's reluctance was to using outside sources. He felt Aspen Glow was an internal subdivision road and would not benefit as many people as would work on Piedra Road. Even if the County does receive money for Piedra Road, it won't be enough to do the entire road so why not do the first phase of Piedra Road which gets a lot more traffic than North Pagosa Blvd.? If you have to grind up Trujillo Rd. like you did other roads, then do so and spread the tax dollars out more evenly. You are using basically traffic counts to come up with which roads are to be done. He challenged the Board to look at Aspen Glow again and not put that much money into an interior subdivision road. Commissioner Ranson said in response to Mr. Ford, that the Board had driven out and looked at all the roads and what they saw had a bearing on the Board's decision today. **Commissioner Lucero moved to pave Aspen Glow Blvd. and Handicap Avenue, and to gravel 15 miles of roads, having the Task Force come up with which roads they would recommend for us to gravel and also doing preventative maintenance on County Road 119 and North Pagosa Blvd. Commissioner Ranson seconded the motion.** Claudia Smith of 660 Justin's Road asked why maintenance was included; she thought it was in the budget already. Commissioner Moomaw said they are trying to allocate the whole pot of money. Karin Kohake Special Projects Manager asked that by allocating the money for gravel out of the \$4 million available, does that mean if the County wants to use 1A Funds for gravel that increases the funds. Commissioner Moomaw answered, yes. The County will be doing

15 miles of gravel road. What we spent last year will still come out of 1A which was the 11 miles; the rest will come out of Road Capital Improvement. **The motion carried unanimously.**

Medical Marijuana Dispensaries

County Attorney Todd Starr presented a request for the Board to review and direct staff as to how they would like to proceed regarding the issue of medical marijuana dispensaries. County Attorney Starr and Rick Bellis Director of County Development had met with the Town Board regarding this issue. Staff was suggesting that the County support limiting dispensaries within the town boundaries. The state had not given the counties guidelines as they had for municipalities. Staff is meeting with the Town again this Friday to give them some idea of the Board's direction. It was the consensus, at the last combined meeting, the Town and County law enforcement felt too, that this should be combined effort and only within the town boundaries. **Commissioner Ranson moved to direct staff to take the steps necessary to regulate production, manufacturing and dispensing of medical marijuana so that it can not take place within boundaries of Archuleta County unless and except it is within the boundaries of an incorporated municipality and for staff to take this action in a manner that also supports the Town of Pagosa Springs, in their regulation of the business. Commissioner Lucero seconded the motion.** Jodi Blankenship of KWUF stated that with the way the state law is written and because of the way the motion was worded, with the “production” being added. There could be a possible law suit. The law says that a user may be their own provider. Also, in the production side, if they purchase from another state that may be a problem. James Robinson with the *Pagosa Springs Sun* said the Board had given staff authority to proceed, and how will this be done through the Land Use Code or Zoning? Mr. Bellis stated it would be request for a variance from the Land Use Code. The County is just saying the County does not have the tools to be the best organization to do handle this. **Commissioner Ranson asked to withdraw his motion. Chairman Moomaw stated that with no objections, the motion was withdrawn. Commissioner Ranson moved to direct staff to take the necessary steps with respect to medical marijuana so that such commercial operations including home businesses, to the greatest extent possible, can not take place within the boundaries of Archuleta County unless and except it is within the boundaries of an incorporated municipality and for staff to take this action in a manner that also supports the Town of Pagosa Springs in their regulation of these businesses. Commissioner Lucero seconded the motion and the motion carried unanimously.**

Executive Session

Commissioner Lucero moved to enter into an Executive Session per C.R.S 24-6-402(4)(b) “Conference with the attorney as attorney for the Board of County Commissioners for the purposes of receiving specific legal advice on specific legal questions regarding wolf Creek Run”. Commissioner Ranson seconded the motion and it carried unanimously.

Chairman Moomaw recessed the Special Meeting at 3:00 p.m. and convened the Executive Session with Commissioners Robert C. Moomaw, John Ranson and Clifford

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Lucero, County Administrator Greg Schulte, and Attorney Todd Starr present.

With no further business coming before the Board, the Special Meeting was adjourned at 3:27 p.m.

June Madrid
County Clerk & Recorder

Approved this 6thth day of October, 2009.

Robert C. Moomaw, Chairman