

May 17, 2005

**ARCHULETA COUNTY PROCEEDINGS  
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held their regular meeting May 17, 2005 with Commissioners Mamie R. Lynch, Rhonda A. Zaday and Robin J. Schiro, Interim County Administrator Kathy Holthus and County Attorney Sheryl Rogers present.

Chairman Lynch opened the meeting at 1:30 p.m. and then recessed to open a Public Hearing at 1:31 p.m.

**Hotel/Restaurant Liquor License Brooks Kitchens and Brooke Jordan dba Dogwood Café**

County Clerk June Madrid presented for consideration a new Hotel/Restaurant Liquor License for Brooks Kitchens and Brooke Jordan dba Dogwood Café, located at 10 Solomon Drive. The appropriate notice had been posted, the inspections, background checks and application were completed and the fees had been submitted. Chairman Lynch invited public comment. **Commissioner Zaday moved to approve a Hotel/Restaurant Liquor License for Brooks Kitchen and Brooke Jordan dba Dogwood Café with the appropriate fees being submitted and histories completed. Commissioner Schiro seconded the motion. Motion carried unanimously.**

Chairman Lynch closed the Public Hearing and opened an Abatement Hearing at 1:35 p.m.

**Abatement of Schedule #569928405162 Colorado Timber Ridge Ranch**

Field Appraiser Robert Creech presented for consideration an abatement of 2004 taxes for the property located at 175 Engleman Place, Colorado Timber Ridge Ranch, owner. There had been a data entry error on the amount of acres. The 2004 tax assessment was \$5,273.80; the actual assessment was \$1,468.85. Mr. Creech requested an abatement of 2004 taxes for Colorado Timber Ridge Ranch in the amount of \$3,804.95. It was noted that the taxes had not been paid and no refund of tax dollars would be forthcoming. **Commissioner Zaday moved to approve the petition for abatement of taxes for the property located at 175 Engleman Place, Pagosa Springs, Colorado, also known as Colorado Timber Ridge Ranch 4 Lot 162, in the amount of \$3,804.95. Commissioner Schiro seconded the motion. Motion carried unanimously.**

Chairman Lynch closed the abatement hearing and reconvened the regular meeting at 1:40 p.m.

**Amendment to Personnel Policy Drug and Alcohol Safety Sensitive Position Policy**

Director of Transportation Dave Sedgewick presented for consideration a Colorado Department of Transportation (CDOT) required update for the drug and alcohol testing policy. The update was to the "Safety Sensitive Position Policy" for drug and alcohol testing. CDOT prepared the policy which had been reviewed and approved by the County Attorney. **Commissioner Zaday moved to approve the "Safety Sensitive Position Policy" for drug and alcohol testing and authorize the Chairman to sign. Commissioner Schiro seconded the motion. Motion carried unanimously.**

**5311 Grant Application**

Mr. Sedgewick presented for consideration a Colorado Department of Transportation (CDOT) 5311 Grant application for the 2006 and 2007 fiscal years. The funds would be used for the transportation needs of elderly and physically disabled persons. The required matching funds had been reviewed by the Finance Director and would be included in the 2006 budget. The County Attorney had reviewed and approved the application including the certifications and assurances. **Commissioner Zaday moved to approve the submission of the 5311 Grant application to Colorado Department of Transportation for the 2006 and 2007 year and authorize the Chairman to sign. Commissioner Schiro seconded the motion. Motion carried unanimously.**

**2005 Personnel Policy**

Ms. Holthus presented for consideration the adoption of the 2005 revised Personnel Policy. The revisions included the Safety Sensitive Position Policy, clarification of some definitions and policies and forms which were not included in the 2004 revisions. The Elected Officials had reviewed and approved these revisions. **Commissioner Zaday moved to adopt the 2005 Personal Policy as presented with a copy attached to these minutes. Commissioner Schiro seconded the motion. Motion carried unanimously.**

**Award of Department of Human Services Legal Services Contract**

Ms. Holthus requested the Board award the contract for Department of Human Services Legal Services from June 1, 2005 thru December 31, 2005. There were two Requests for Proposal received; one applicant withdrew prior to the interview. **Commissioner Zaday moved to extend the current contract for Department of Human Services Legal Services with Attorney Mary Deganhart for the remainder of 2005 and authorize the Interim County Administrator to sign. Commissioner Schiro seconded the motion. Motion carried unanimously.**

**Authority for Expending Funds in Case of an Emergency**

Ms. Holthus stated Director of Emergency Services Russell Crowley requested the Board authorize the Interim County Administrator to have the authority to expend funds not budgeted in case of an emergency. The Board had authorized the Administrator in the past, in the event of an extreme emergency when there was not time to have the Board take this action. The Board would then ratify the expenditure at their next meeting. This was not a statutory requirement, but strongly recommended as a backup plan for emergencies. There had not been a spending limit in place since this would only occur in an extreme emergency when the expenditure could be excessive. There was a discussion of assigning a spending limit and the inability to budget for emergencies. **Commissioner Zaday moved to authorize the Interim County Administrator authority to expend emergency funds. Commissioner Schiro seconded. Motion carried unanimously.**

**Help America Vote Act Grant Application**

Ms. Madrid and Intern Raegan Robb presented for consideration a Help America Vote Act (HAVA) Grant application. The courthouse was not in compliance with the American Disability Act (ADA). The deadline for compliance was September 2005. This grant would provide the funds to make the necessary corrections. We would need the estimated cost of the necessary

renovations to be submitted with the grant. The first deadline was May 20, 2005, but there would be time to apply before the fall deadline. This grant allows for expenditure of funds prior to grant approval and then reimbursement would be remitted to the County. Commissioner Schiro had an old inspection from County Technical Services, Inc which might assist with the grant writing. **Commissioner Zaday moved to approve the application to the Colorado Department of State for federal funding through the Help America Vote Act to improve the ADA compliance of the Archuleta County Courthouse and authorize Archuleta County Clerk June Madrid to sign any documents required for this application. Commissioner Schiro seconded the motion. Motion carried unanimously.**

#### **Jessie Silverstein--Colorado Brownfields Foundation**

Mr. Robb introduced Jessie Silverstein, President and Co-Director of Colorado Brownfields Foundation. They had accepted the County's application to enter into their Environmental Due Diligence Program. This program would allow the County to partner with the Foundation to have a Phase I Site Assessment completed on the County's property on Highway 160 between 9th and 10th Streets. Mr. Silverstein stated the Colorado Brownfields Foundation was a nonprofit entity that partners with communities, local governments and commercial enterprises to help reuse and redevelop Brownfields sites. He had inspected the site and felt this site had great potential. The Foundation would focus on the end use of the property, hiring a consultant to complete the Phase I assessment, meeting with the County to review the assessment results and then creating a plan to move forward towards redevelopment. Mr. Silverstein was exploring other options for the funding necessary for redevelopment. The Foundation funding for this grant was obtained from a joint grant from the Colorado State Health Department and the Department of Local Affairs. The Phase I assessment should be completed by the end of July, 2005. The Board thanked Mr. Silverstein for his assistance.

#### **Amendments to the Archuleta County Land Use Regulations**

Julie Rodriguez presented for consideration an amendment to the Archuleta County Land Use Regulations, Section 6.4.4(d). The Planning Staff, Planning Commission and the County Attorney recommended the amendment to clarify that the Board's acceptance of the offers of dedication of rights-of-way for roads contained in subdivision plats does not constitute acceptance of the obligation to maintain such subdivision roads. Public Hearings were held by the Planning Commission on December 8, 2004 and by the Board on May 3, 2005. No action was taken at the Public Hearing of May 3, 2005 in Commissioner Zaday's absence. Commissioner Schiro understood why the County Attorney wanted to include acceptance of rights-of-ways did not constitute acceptance of the road maintenance but questioned why snow removal obligations were included. Attorney Rogers stated the specific inclusion of snow removal was not necessary since all road maintenance included snow removal. Commissioner Schiro felt future revisions to the current Land Use Regulations should include the stipulation, of why the County would not accept these roads and clarify the roads are totally the developers responsibility. There was a discussion on the appropriate revision to this amendment. It was agreed the last sentence of Section 6.4.4(d) should read "Owners of property in the subdivision and/or the homeowners' association shall retain all road maintenance obligations for all roads in the subdivision." **Commissioner Zaday moved accept the recommended changes with the noted modification and deletion of "including snow removal", from the Archuleta County Land Use Regulations Section 6.4.4(d) and in the fourth note in Appendix A.**

**Commissioner Schiro seconded the motion.** It was clarified that this section and appendix A would be on all Preliminary Plats and Final Plats. There was a discussion of County Assessor Keren concerns of how this would affect her office and what the legal ramifications were. Attorney Rogers indicated she could work with Ms. Prior to address her concerns. The main purpose of this amendment was to give notice to the buyers of land and subdivisions responsible for all roads and the maintenance. **Motion carried unanimously.**

**Request for Public Hearing Conditional Use Permit Robert Pargin, Warehouse Project in Village Service Commercial**

Associate Planner David German requested a Public Hearing for a Conditional Use Permit, Robert Pargin, Park Avenue Warehouse Project. The Hearing was scheduled for June 13, 2005 at 7:00 p.m.

**Request for Public Hearing Conditional Use Permit The Timbers at Whispering Pines**

Mr. German requested a Public Hearing for a Conditional Use Permit for The Timbers at Whispering Pines. The Hearing was scheduled for June 13, 2005 at 7:30 p.m.

**Report on the Forest Highway Plan Presentation**

Director of Public Works Dick McKee reported on his presentation to the Federal Highway Administration to include Piedra Road and County Road 600, in the Colorado Public Lands Forest Highway Program for designated forest highways. The program was to include forest highways which provide more than only forest access. This should qualify Piedra Road and County Rd 600. Inclusion in this program would provide total funding for repairs and reconstruction of Piedra Rd and County Rd 600. If this project was accepted into the program the reconstruction would entail reconstructing the paved section of Piedra Road and widening the road to 26 feet with 2 foot shoulders. The paving and reconstruction would extend two miles beyond the cattle guard up to Jack's Pasture Road. From that point on to the Hinsdale County line, the County Rd 600 would be reconstructed with a gravel surface. This presentation was the initial step in the process to be included on the Forest Highway List. Once this project was included on the Forest Highway List, it could be several years before the project would be considered. Mr. McKee stated the Board would need to be involved and show support in this initial process to become included in the Colorado Public Lands Forest Highway Program. The next meeting with the Federal Highway Administration would be February 14, 2006 and he encouraged the Board to attend.

**Cooperative Agreement with the Forest Service for Repairs to County Road 600**

Mr. McKee presented for consideration the annual Cooperative Agreement with the Forest Service to apply magnesium chloride to County Rd 600. This year the agreement had been expanded to include the hauling and spreading of 4350 tons of road material to portions of County Rd 600, mostly on Bennett Hill. There would also be drainage culverts installed on the Bennett Hill area of the road. This year, since the Forest Service was requiring additional services, the split would be approximately 56/44 with the County's 44% portion being in-kind services of equipment and labor. The County Attorney had reviewed the agreement and noted the Board could accept part or the entire proposed project. Mr. McKee recommended approval of the entire Cooperative Agreement. The magnesium chloride applied would be 39,840 gallons which would be applied by the supplier. This was the same amount used last year with an increase in the price per gallon. Commissioner Schiro asked what services the County would

provide for their in-kind services. In-kind services would be the labor and equipment for the road bed preparation prior to the application of magnesium chloride and installation of the culverts. **Commissioner Zaday moved to enter into the Cooperative Agreement with the Forest Service for County Rd 600 as stated in the Modification 2 of the Agreement. Commissioner Schiro seconded the motion.** Commissioner Zaday asked if the traffic control personnel were in place to ensure the public's safety. The job descriptions and training were being arranged. **Motion carried unanimously.**

**Applying Magnesium Chloride to Metro Districts and Non-Maintained Roads**

Mr. McKee requested the discussion on discontinuing the application of magnesium chloride be postponed to allow for notification to the Metro Districts and the private citizens on non-maintained roads. Attorney Rogers stated this issue was "Noticed" by the posting of this agenda. The Board agreed as a courtesy, Mr. McKee should notify the entities affected since this would affect their current budgets. Commissioner Schiro felt a Notice should be published to provide adequate opportunity for their comments since this was a service the County previously provided. Attorney Rogers recommended the Board place this issue on the agenda at their next scheduled meeting for action by the Board. The reason to discontinue this service was due to the current state of the County roads and staff needed to concentrate their time and efforts on County roads.

**Consent Agenda**

- A. Minutes of May 3, 2005 Meeting
- B. Minutes of May 3, 2005 Public Hearings
- C. Minutes of May 11, 2005 Special Meeting
- D. Payroll warrants #209500 - 209501 and Payable warrants #100380 - #100467 for the week of April 24-30, 2005:

General Fund Payroll	\$ 2,090.82
General Fund Payable	\$ 52,864.15
Road and Bridge Fund Payable	\$ 38,790.64
Department of Human Services Payroll	\$ 44,107.94
Department of Human Services Payable	\$ 764.12
Transportation Fund Payable	\$ 2,489.53
AAA Senior Fund Payable	\$ 35.00
Emergency 911 und Payable	\$ 4,145.70
Solid Waste Fund Payable	\$ 300.00
Airport Fund Payable	\$ 40,622.08
Fleet Fund Payable	\$ 3,560.16
Nutrition Fund Payable	\$ 1,035.57

- E Payroll warrants #209520 - #209682 and Payable Warrants #100468 - #100555 for the week of May 1-7, 2005:

General Fund Payroll	\$ 171,724.51
General Fund Payable	\$ 39,060.95
Road and Bridge Fund Payroll	\$ 47,011.09

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Road and Bridge Fund Payable	\$ 647.89
Department of Human Services Fund Payable	\$ 12,489.15
Transportation Fund Payroll	\$ 7,619.67
Transportation Fund Payable	\$ 422.58
AAA Senior Fund Payroll	\$ 5,321.57
AAA Senior Fund Payable	\$ 546.34
Emergency 911 Fund Payroll	\$ 1,507.98
Emergency 911 fund payable	\$ 113.82
Road Capital Improvement Fund Payable	\$ 26,000.00
Solid Waste Fund Payroll	\$ 12,893.03
Solid Waste Fund Payable	\$ 14,146.98
Airport Fund Payroll	\$ 4,589.78
Airport Fund Payable	\$ 1,636.54
Fleet Fund Payroll	\$ 14,309.50
Fleet Fund Payable	\$ 2,462.92
Nutrition Fund Payroll	\$ 8,105.57
Nutrition Fund Payable	\$ 3,181.02

By consensus the Board withdrew the Minutes from the consent agenda. They would meet with County Clerk June Madrid to address the concerns and approval of the minutes in a timely manner. **Commissioner Zaday moved to approve the payroll and payable warrants and the liquor license renewal, with the minutes being tabled until the next meeting. Commissioner Schiro seconded the motion. Motion carried unanimously.**

#### **Other Business**

Ms. Holthus reported the Board had scheduled a Special Meeting May 31, 2005 since the June 7, 2005 regular meeting was cancelled due to the Colorado Counties, Inc. summer conference which the Board will attend.

Commissioner Lynch announced the 2005 Recycling Environmental Scholarship recipients. The Board judged the essays submitted to select two recipients for the \$500.00 scholarships. Audrey Miller and Jana Henry were the recipients for this year. The Board thanked all the students who participated.

Director of County Development Blair Leist had received a request for the Board to reconsider the current Big Box Moratorium. The request was from Terry Smith, owner of Circle T Hardware, who purchased and wanted to move his business to the old Ridgeview Mall. Attorney Rogers stated the request was for the Board in their legislative capacity to schedule a Public Hearing to reconsider the moratorium. The Ridgeview Mall building had been constructed prior to the enactment of the moratorium. There was a planning issue concerning a proposed Conditional Use Permit. The Public Hearing would address any modifications the Board may want to make concerning existing buildings, square footage restrictions or any other modifications. By consensus the Board agreed to schedule a Public Hearing to address possible modifications of the Big Box Moratorium. The Hearing was scheduled for June 13, 2005 at 8:00 p.m. in the Commissioners meeting room. Attorney Rogers stated the Hearing would only address the moratorium and would not address the Circle T Hardware issue, since that may come before the Board at a later date.

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Commissioner Zaday requested the Board consider the formation of a Citizen's Task Force to research junk ordinances. She suggested we have a task force of seven citizens to research for approximately three months then make recommendations to the Board. Their recommendations would include feasibility of the ordinance and if recommended the enforcement of the ordinance. By consensus the Board agreed to direct staff to advertise for participants to serve on a Junk Ordinance Task Force.

Commissioner Schiro reported on a transportation funding issue. Archuleta County's Turkey Springs and Highway 160 Intersection Project was on the schedule for the Governor's Potential Bond's Funding but now had been taken off the schedule. She was in contact with Colorado Department of Transportation, Steve Parker, in an effort to reinstate the project on the schedule for the Governor's Potential Bond Funding.

Chairman Lynch withdrew Unfinished Business and Public Comments from the agenda in order to consider an executive session. Attorney Rogers requested the Board consider entering into Executive Session to address negotiating strategies for the airport construction.

**Commissioner Zaday moved to enter into Executive Session per C.R.S. §24-6-402(e) "determining negotiating strategies and positions and instructing negotiators" to address contracts for the airport construction. Commissioner Schiro seconded the motion. Motion carried unanimously.** The Board entered into Executive Session at 3:00 p.m. with Ms. Holthus and Attorney Rogers present.

**Commissioner Zaday moved to close the Executive Session. Commissioner Schiro seconded the motion. Motion carried unanimously.**

Chairman Lynch reconvened the regular meeting at 3:20 p.m. With no further business coming before the Board, Chairman Lynch adjourned the meeting at 3:21 p.m.

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Kathi Creech, Deputy Clerk and Recorder

Approved this 31st day of May 2005

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Mamie R. Lynch, Chairman

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Rhonda A. Zaday

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Robin J. Schiro