

March 15, 2005

**ARCHULETA COUNTY PROCEEDINGS  
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held their regular meeting March 15, 2005 with Commissioners Rhonda A. Zaday and Robin J. Schiro, Acting County Administrator Kathy Holthus and County Attorney Michael Goldman present.

Acting Chairman Zaday called the regular meeting to order at 1:00 p.m.

**Consent Agenda**

- A. Minutes of February 24, 2005
- B. Minutes of March 1, 2005
- C. Payable warrants #99498 - #99589 for the week of February 13-19, 2005:
  - General Fund Payable \$ 57,063.42
  - Road and Bridge Fund Payable \$ 639.59
  - Department of Human Services Payable \$ 2,839.37
  - Transportation Fund Payable \$ 101.04
  - AAA Senior Fund Payable \$ 231.88
  - Emergency 911 Fund Payable \$ 16.60
  - Solid Waste Fund Payable \$ 3,136.08
  - Airport Fund Payable \$ 1,354.01
  - Fleet Fund Payable \$ 716.60
  - Nutrition Fund Payable \$ 1,297.03
- D. Payroll warrants #208647 - #208828 and Payable warrants #99590 - #99692 for the week of February 20-February 26, 2005:
  - General Fund Payroll \$ 39,852.45
  - General Fund Payable \$ 29,652.18
  - Road and Bridge Fund Payroll \$ 14,545.69
  - Road and Bridge Fund Payable \$ 33,693.33
  - Department of Human Services Fund Payroll \$ 2,556.26
  - Department of Human Services Fund Payable \$ 2,556.26
  - Transportation Fund Payroll \$ 3,648.96
  - Transportation Fund Payable \$ 98.07
  - AAA Senior Fund Payroll \$ 1,253.16
  - AAA Senior Fund Payable \$ 208.14
  - Solid Waste Fund Payroll \$ 5,369.71
  - Solid Waste Fund Payable \$ 250.03
  - Airport Fund Payroll \$ 806.47
  - Airport Fund Payable \$ 35.00
  - Fleet Fund Payroll \$ 4,258.66
  - Fleet Fund Payable \$ 6,184.18
  - Nutrition Fund Payroll \$ 1,165.98
  - Nutrition Fund Payable \$ 2,306.34

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E. Payroll warrants #208829 - #208831 and Payable warrants #99693 - #99754 for the week of February 27-March 5, 2005:

General Fund Payroll	\$ 1,337.29
General Fund Payable	\$ 40,102.29
Road and Bridge Fund Payable	\$ 1,619.07
Department of Human Services Payable	\$ 1,669.86
Transportation Fund Payable	\$ 2,174.58
Emergency 911 Fund Payable	\$ 1,149.14
Solid Waste Fund Payable	\$ 247.06
Airport Fund Payable	\$ 7,871.49
Fleet Fund Payable	\$ 28,569.77
Nutrition Fund Payable	\$ 1,388.76

**Commissioner Schiro moved to accept the consent agenda as presented. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Consideration of Intergovernmental Agreement with San Juan Basin Health**

Ms. Holthus presented for consideration an Intergovernmental Agreement (IGA) with San Juan Basin Health (SJBH). On December 14, 2004, the Board of County Commissioners entered into an agreement with the Department of Local Affairs for grant funds to remodel the Pagosa Springs office of SJBH. The proposed IGA defined the responsibilities of SJBH and Archuleta County. Construction was scheduled to begin April 1, 2005. Ms. Holthus and Finance Director Bob Burchett will be meeting with SJBH Director Lynn Westburg and their architect Dean Burk to assure the terms of the IGA are met. This was a pass thru Grant in the amount of \$298,270.00. The County Attorney had drafted the IGA. Ms. Holthus stated the IGA required SJBH to provide additional liability insurance with the County as the insured, which would become effective upon the execution of the IGA. **Commissioner Schiro moved to enter into the Agreement with San Juan Basin Health Department for purposes of assigning respective responsibilities coincident with the expenditure, reporting and auditing requirements of the Energy and Mineral Impact Assistance Program Grant for the remodel of the Pagosa Springs office of the San Juan Basin Health Department. Commissioner Zaday seconded the motion.** Commissioner Schiro stated should there be grants in the future all services would need to be put out for bids. **Motion carried unanimously.**

**Acceptance and Award of Bids for County Office Supplies**

Ms. Holthus stated as required by State Statute annual notice of bids for supplies and services was published in The Sun on February 3 & 10, 2005. Supplies included were all books, stationary, printing lithographing, printer/copier paper and other general office supplies. The only bid received was from Pagosa Springs Office Supply. **Commissioner Schiro moved to accept the bid for paper and office supplies from Pagosa Springs Office Supply. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Acceptance and Award of Bids for Cleaning Services**

Ms. Holthus presented for consideration the annual bids for cleaning of the County facilities. Bids were sought for cleaning of the Courthouse, County Development building, Public Works building and the Extension Service building. Clean Touch, LLC submitted a bid of \$4,300.00

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for all four buildings. The Extension building received a bid from Two Little Piggies, which are County employees; due to the varied schedules at the Extension building a flexible cleaning schedule was necessary. Their original bid was for \$600.00 which had been reduced to \$550.00. The additional \$50.00 over the Clean Touch bid was for an on availability notice clause of the contract. Ms. Holthus recommended acceptance of the bid from Clean Touch, LLC for three facilities and to allow staff to negotiate a discount and direct the County Attorney to draft a contract. She recommended acceptance of the bid from Two Little Piggies, for \$550.00 for cleaning of the Extension Service building and direct the County Attorney to draft a contract. **Commissioner Schiro moved to accept the bid in the amount of \$3,800.00 per month, subject to negotiating a discount, from Clean Touch, LLC for cleaning of the Courthouse, County Development building and the Public Works building and authorize Staff and the County Attorney to negotiate and draft an appropriate contract. Commissioner Zaday seconded the motion. Motion carried unanimously. Commissioner Schiro moved to accept the bid from Two Little Piggies, in the amount of \$550.00 per month and authorize the County Attorney to draft an appropriate contract. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Resolution Establishing Archuleta County Airport Advisory Commission**

Ms. Holthus presented for consideration a resolution establishing the Archuleta County Airport Commission. At a work session held on January 27, 2005 the Board directed the County Attorney to draft a resolution forming the Archuleta County Airport Advisory Commission. The proposed Resolution 2005-10 established the Commission, the manner of appointment of commissioners and the duties of the commission members. If approved, the Resolution would replace the outline for the appointment of the Airport Advisory Committee adopted by the former Board on December 14, 2004. The committee established under the formerly adopted outline would be dissolved and, if the Board desires, the committee members may be appointed as commission members. The Commission would be composed of ten members, seven of which shall be appointed by and shall serve at the pleasure of the Board of County Commissioners. The remaining three members shall be the County Administrator, Airport Manager and a representative appointed by the Town of Pagosa Springs, each of whom shall be ex-officio non-voting members of the Commission. Commissioner Schiro asked if the current committee members wanted to be appointed to the Airport Advisory Commission. Airport Manager Ken Fox stated there was a committee meeting scheduled for March 16th where that would be addressed. **Commissioner Schiro moved to adopt Resolution 2005-10 establishing the Archuleta County Airport Commission. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Letter of Support From Colorado Cattleman's Agricultural Land Trust for a Conservation Easement for Gallegos Ranch**

Ms. Holthus presented a request for a letter of support from the Colorado Cattleman's Agricultural Land Trust to the San Juan Basin Habitat Partnership Program for funds for the transaction costs associated with the Gallegos Ranch conservation easement. The Gallegos family donated a substantial portion of the ranch in 2004, approximately 800 acres, and was preparing to donate an additional large acreage in 2005 to promote open space and to protect critical wildlife habitat. This easement would protect the Cat Creek area, encompassing much of

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Hall Canyon and lands to the west. There was no financial support requested. **Commissioner Schiro move to provide a letter of support for the Colorado Cattleman's Agricultural Land Trust's request to the San Juan Basin Habitat Partnership Program for funds for the transaction costs associated with the Gallegos family's donation of a conservation easement on their ranch and authorize the Chairman to sign. Commissioner Zaday seconded the motion. Motion carried unanimously.**

### **Friends of Wolf Creek**

Marilyn Hutchins, friends of Wolf Creek, introduced Jeff Berman, the Director of Colorado Wild, to present their concerns. He wanted to address a few key points on the numerous impacts the Village at Wolf Creek could have on Archuleta County. The final application for the Village at Wolf Creek presented to Mineral County, June 14, 2004, was requesting final approval for the Village of Wolf Creek. "The Village" which would be a city of 8,000 to 10,000 people would be run by a volunteer Property Owners Association. All services normally directed by a municipality with funding sources, would be the responsibilities of the volunteer Property Owners Association. Mr. Berman felt a volunteer Property Owners Association would not be prepared for these duties or to adequately provide these services. The economic impact and competition with local businesses would be overwhelming to the County and Town. He stated the Village would not be compatible with the existing Wolf Creek ski area which had filed a law suit against Mineral County. The traffic impacts would be enormous and Colorado Department of Transportation had concerns with the Environmental Impact Statement. Many of the concerns of Archuleta County, the Town of Pagosa Springs and the Forest Service were not responded to by the Mineral County Board of Commissioners. Mr. Berman stated the Town of Pagosa Springs adopted a Resolution December 21, 2004, opposing the Village at Wolf Creek as currently approved by Mineral County Board of Commissioners. He requested the Board of County Commissioners adopt a similar resolution, opposing the Village at Wolf Creek. Rich Goebel stated he understood the juristical differences and limitations of the Board but he felt the major impact on the County needed to be addressed. He requested the Board schedule a work session which would include all parties involved with this project. Commissioner Zaday stated a work session to educate the new Board members would be appropriate. She read a list of e-mails the Board had received the last two days addressing the Village at Wolf Creek. Commissioner Schiro felt the developer should be invited to attend, in order to hear the pros and the cons of this project. She recommended there could be a need for a mediator to facilitate the work session. Commissioner Zaday stated there should be ample time for public notice and to invite all the parties involved with the project. The work session was scheduled for April 18th at 7:00 p.m. Commissioner Schiro suggested the Public prepare their issues and questions prior to the work session. Commissioner Zaday will request at the Public Forum being held March 29th, 7:00 p.m., any discussion on the Village at Wolf Creek be postponed until the April 18th meeting.

### **Department of Wildlife Impact Assistance Grant Application**

County Appraiser Robert Creech presented for consideration a Colorado Department of Wildlife (DOW) Impact Assistance grant application. DOW owns two parcels in Archuleta County which are tax exempt. This grant allows the County to recoup the money lost in tax revenues. If

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approved the County would receive \$812.75. **Commissioner Schiro moved to approve the application for the Department of Wildlife Impact Assistance Grant, to receive funds for tax exempt properties, in the amount of \$812.75. Commissioner Zaday seconded motion. Motion carried unanimously.**

#### **Colorado Search and Rescue Board Grant Application**

Director of Emergency Operations Greg Oertel presented for consideration a Colorado Search and Rescue Board grant application. This was an annual grant from the Department of Local Affairs (DOLA), with the funds remaining in the Search and Rescue Fund at the end of each year. The application was requesting twenty radios with paging chips at a cost of \$7,100.00 and training from the National Search and Rescue Association Sartech II in the amount of \$2,000.00. Mr. Oertel requested the Board approve the submission of the DOLA grant application. **Commissioner Schiro moved to approve the submission of the grant application to the Department of Local Affairs, for the Sheriff's office Search and Rescue Department. Commissioner Zaday seconded the motion. Motion carried unanimously.**

#### **Work Session on Planning Fees**

Director of Community Development Julie Rodriguez requested a work session to review the current planning fees and address the possibility of increasing these fees. The work session was scheduled for March 21, 2005 at 3:00 p.m. Commissioner Schiro requested Staff obtain comparison fees from comparable counties prior to the work session.

#### **Appointments to the Building Board of Appeals**

Ms. Rodriguez presented for consideration appointments to the Building Board of Appeals. The terms for the five member Board had expired. The positions had been advertised for two weeks in The Sun, with no applications received by the deadline. Four of the current members had stated their desire to be re-appointed; Warren Grams, Tim Horning, Larry Ash and Harold Slavinski. A late application was received from Jeffrey Beserra. Ms. Rodriguez recommended the re-appointment of the four current members and the appointment of Jeffrey Beserra to the Building Board of Appeals. **Commissioner Schiro moved to re-appoint the four current members requesting re-appointment and appoint Jeffrey Beserra to the Building Board of Appeals. Commissioner Zaday seconded the motion. Motion carried unanimously.**

#### **Request for Proposals for Land Use Codes**

Ms. Rodriguez stated six Request for Proposals for writing the Archuleta County Land Use Regulations were received. The Planning Staff, Town Planner Tamara Allen and County Attorney Jeff Robbins recommended four of the respondents submit a proposal for writing the Land Use Codes; Duncan and Associates/Four Corners Planning, Inc., HNTB Corporation Urban Design and Planning, Land Development Consultants, Inc and Lane Kendig, Inc. **Commissioner Schiro moved to direct Planning Staff to obtain Request for Proposals to write the Archuleta County Land Use Codes from Duncan and Associates/Four Corners Planning, Inc., HNTB Corporation Urban Design and Planning, Land Development Consultants, Inc. and Lane Kendig, Inc. Commissioner Zaday seconded the motion.** Commissioner Schiro had recommended that Planning Staff invite Clarion Associates to present a Request for Qualifications which did not occur. Clarion is currently working on a proposal for

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Impact Fees for the Town of Pagosa Springs and therefore, would provide some continuity. She discussed this with Clarion Associates and they would like the opportunity to submit a proposal. Attorney Goldman stated there was some flexibility by the Board to accept other proposals. He recommended Clarion Associates submit a formal request to the Board, to review and participate in the process and then if appropriate to submit a late proposal. **Motion carried unanimously.**

**Petition for Inclusion in the Town of Pagosa Springs Sewer District**

County Engineer Sue Walan presented a petition for inclusion in the Pagosa Springs Sanitation District. The County was extending the sewer to the Fairgrounds for the construction of public restrooms. The petition would be presented to the Town Council for their consideration. **Commissioner Schiro moved to petition the Town of Pagosa Springs for inclusion of the County owned property at the Fairgrounds in the Pagosa Springs Sanitation District and authorize the Chairman to sign. Commissioner Zaday seconded the motion.** There was a discussion of the project budget including the tap fees and inspections. Ms. Walan stated these were budgeted for the restroom construction, with most of these fees covered by the Great Outdoor Colorado Grant funds. Finance Director Bob Burchett indicated he would check the Extension Building budget for the tap and inspection fees. **Motion carried unanimously.**

**Amendment to the Magnesium Chloride Contract**

Public Works Director Dick McKee presented a request from Desert Mountain Corporation for an amendment to the magnesium chloride contract. In 2004 the County entered into a two year contract with Desert Mountain to supply and apply magnesium chloride. Due to the rise in fuel costs over the past year Desert Mountain was requesting a 2.8 cents a gallon increase. The increase in price would bring the County's price per gallon up from 27.2 cents to 30 cents per gallon. The industry standard rate per gallon for this area was approximately 37 cents per gallon. These prices for the industry standard for this area were validated by GMCO, a competitor of Desert Mountain, and La Plata County Road and Bridge. Mr. McKee stated he had anticipated an increased rate and had budgeted 31 cents per gallon for magnesium chloride. **Commissioner Schiro moved the County amend the 2004 Desert Mountain Contract for magnesium chloride to reflect the new price per gallon at 30 cents. Commissioner Zaday seconded the motion.** Commissioner Schiro did not agree with amending the contract. The purpose of a two year contract was to lock in a guaranteed price for two years. She felt if Desert Mountain could not provide the service as contracted; this service should be placed out for bids again. There are two local Colorado companies which could bid and provide this service. She stated with the current budget constraints increasing the cost to the County was not a viable option. Commissioner Zaday asked for clarification on the application schedule and fuel costs which were included in the consideration of the cost. Mr. McKee stated the schedule for application was mutually agreed upon. Fuel cost included rail transportation, transportation to Archuleta County and application of the magnesium chloride. The cost of fuel had increased this year for the County by 39 cents per gallon. The County Attorney had prepared the amendment to the contract stating, to prevent undue hardship on the Contractor, the County had agreed to the proposed increase in price. Commissioner Zaday requested this issue be tabled until the Chairman was present to vote. Commissioner Schiro requested a vote now, so as not to waste any more County time or resources. Acting Chairman Zaday called for the vote. **The motion did not carry, with Commissioner Zaday voting aye and Commissioner Schiro voting nay.**

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**Renewal of Tavern Liquor License The Office Lounge**

Deputy Clerk Heidi Mueller presented for consideration a renewal of a Tavern Liquor License for The Office Lounge. The application was complete with no changes from last year, building inspection had been completed, the Sheriff approved the application and completed background checks and all fees had been paid. **Commissioner Schiro moved to approve the renewal of the Tavern Liquor License for the Office Lounge, Jack Renner, owner, with no changes from last year, proper fees being submitted and the Sheriff having no prior problems. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Renewal of Hotel/Restaurant Liquor License for Pepper's Mexican Restaurant**

Ms. Mueller presented for consideration a renewal of Hotel/Restaurant Liquor License for Pepper's Mexican Restaurant. The application was complete with no changes from last year, building inspection had been completed, the Sheriff approved the application and completed background checks and all fees had been paid. **Commissioner Schiro moved to approve the renewal of the Hotel/Restaurant Liquor License for Pepper's Mexican Restaurant, Deborah Laydon, owner, with no changes from last year, Sheriff having no prior problems and proper fees were attached. Commissioner Zaday seconded the motion. Motion carried unanimously.**

**Other Business**

Ms. Holthus reported interviews for the Airport Manager were held last week. The position was offered to and accepted by Robert Russ. He is in the process of moving to Pagosa Springs and will assume the position in four to six weeks.

Acting Chairman Zaday recessed the regular meeting and opened a public hearing at 2:13 p.m.

**Special Events Permit for the Builder's Association**

Ms. Mueller presented for consideration a Special Events Liquor Permit for the Builder's Association of Pagosa Springs for April 9-10, 2005, at the Fairgrounds. The appropriate signage was posted, the Sheriff had no problems last year with the Home Show and all fees had been paid. The liquor would be contained by metal fence boundaries. **Commissioner Schiro moved to approve the Special Events Liquor Permit for the Builder's Association of Pagosa Springs, for April 9-10, 2005, all fees had been paid and the Sheriff had no problems last year. Commissioner Zaday seconded the motion. Motion carried unanimously.**

Acting Chairman Zaday closed the public hearing and reconvened the regular meeting at 2:15 p.m.

**Schedule of Public Hearing on Model Traffic Code**

Attorney Goldman stated the Sheriff's Office had been working with the County Attorney's Office on creating and preparing a Model Traffic Code for the County. Model traffic codes address moving traffic violations which are infractions with penalty assessments generally of less, than \$300.00. There is a State Model Traffic Code which serves as a guideline for a County Model Traffic code. The reason for counties to adopt a model traffic code was to retain the penalty assessments for these violations within the county. An ordinance must be adopted by

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the Board prior to adoption of a County Model Traffic Code. Notice of a Public Hearing would be required thirty days prior to adoption of the proposed county ordinance. Undersheriff Bob Grandchamp requested the Board schedule a public hearing to address a county ordinance on the model traffic code. The Public Hearing was scheduled for May 3, 2005 at 7:00 p.m.

Ms. Holthus requested the Board consider changing the regular meeting time from 1:00 p.m. to 1:30 p.m. on the first and third Tuesdays of each month. **Commissioner Schiro moved to change the regular Board of County Commissioners meeting from the first and third Tuesdays at 1:00 p.m. to the first and third Tuesdays at 1:30 p.m. Commissioner Zaday seconded the motion. Motion was amended and seconded to become effective at the next meeting, April 5, 2005. Motion carried unanimously.**

### **Meeting Reports**

Commissioner Schiro attended a Search and Rescue meeting on February 23rd where the new Board of Directors was elected. She attended the Upper San Juan Health Service District meeting on March 1st. There was a request to assign one individual to coordinate all emergency services agencies. The emergency services operator for the Health District had resigned and that position was vacant. Allen Hughes would fill that position until a replacement was found. She attended an informative Community Vision Council meeting and the League of Women Voters forum on the issue of fluoride in the water system. Commissioner Schiro attended a Colorado Department of Transportation (CDOT) commission meeting for Region 9, many projects had been cut from the budget but our region should retain three projects. The State Transportation Commission was exploring safe routes to school program and the 2030 plan which was reviewing dangerous intersections in the state. The Sheriff's office had been asked to look at dangerous intersections in the County. Steve Parker, CDOT, obtained the County's 1953 road map and provided the County with a certified copy. Commissioner Zaday asked Attorney Goldman about individual commissioners attending meetings and when it was appropriate for Board action. Attorney Goldman stated at a public meeting an individual commissioner was not representing the Board at that time. When information from a meeting was reported to the Board it becomes items which the Board could act on or to direct staff to act on. Commissioner Zaday requested copies of the documentation for the meetings Commissioner Schiro attended.

Commissioner Zaday attended a meeting with Ken Charles, Department of Local Affairs, Kathy Holthus and Bob Burchett to discuss goals, ideas and challenges for the County. Mr. Charles recommended a retreat with the County and the Town of Pagosa Springs to address mutual projects and goals. The retreat was tentatively scheduled for March 28, 2005 at 9:30 a.m. She attended Archuleta Seniors, Inc. monthly meeting, a list was obtained from the Clerk's Office to assist them with a needs assessment study.

Commissioner Schiro attended the Airport Advisory Commission meeting and stated this all volunteer commission was doing a great job. She stated they had requested a commissioner attend their meetings.

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**Public Comments**

John Baker expressed his concerns about the speeding traffic on Monument Drive and why there were no speed limit signs. Mr. Baker asked when the County Administrator's position would be advertised. Commissioner Zaday stated that had not been determined at this time.

Mason Carpenter asked if this Board was going to continue closing roads instead of fixing them. Commissioner Zaday stated both of the road closures were due to safety issues and had been repaired and reopened. The remainder of work on Pinon Drive was delayed until the work on the dam was completed by Pagosa Lakes Property Owners Association and Pagosa Area Water and Sanitation District. Commissioner Schiro suggested night reflector lane delineators be placed on Pinon Drive to ensure safety until work on Pinon Drive can be completed.

With no further business coming before the Board, **Commissioner Schiro moved to adjourn.** Meeting adjourned at 2:30 p.m.

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Kathi Creech, Deputy Clerk and Recorder

Approved this 5th day of April 2005

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Mamie R. Lynch, Chairman

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Rhonda A. Zaday

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Robin J. Schiro