

February 5, 2019

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting February 5, 2019 noting County Commissioners Ronnie Maez, Steve Wadley and Alvin Schaaf, Interim County Administrator Greg Schulte, County Attorney Todd Weaver and Deputy 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. **Commissioner Wadley moved to approve the Agenda as written. 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 at 1:31 p.m. and convened the Board of Adjustment Hearing at 1:31 p.m.

Board of Adjustments Hearing

Chairman Maez swore in Planning Manager John Shepard for testimony.

A. King Request for Extension of Ryanik Residences Variance

Planning Manager John Shepard presented a request for a one-year extension of the Ryanik Residences Variance in the PUD zone, for Lots 3 & 4, Block 13, Lake Pagosa Park, at 28 and 34 N. Emissary Ct. They were also requesting an extension on their concurrent Administrative Site Plan approval. Courtney King was present representing the property owner Ryanik Holdings, LLC.

Chairman Maez opened the floor for comments “In Favor of the Variance.” There were none.

Chairman Maez closed comments “In Favor of the Variance” and opened the floor for comments “Opposed to the Variance.” There were none.

Commissioner Schaaf moved to approve the King Request for a one-year extension of the Ryanik Residences variance as presented. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Maez closed the Board of Adjustments Hearing and reconvened the Regular Meeting at 1:33 p.m.

Consent Agenda

A. Payroll and Payable Warrants and Purchase Cards for January 16, 2019 - February 5, 2019.

Payable Warrants for dates of January 16, 2019-February 5, 2019	
General Fund Payable	-
Road and Bridge Fund Payable	230,878.58
Department of Human Services Fund Payable	37,289.91
1A Fund	61,559.31
All Combined Dispatch Fund Payable	15,975.51
Solid Waste Fund Payable	519,889.91
Airport Fund Payable	4,605.70
Fleet Fund Payable	77,309.24
Total	947,508.16
Payroll Warrants for dates of January 16, 2019-February 5, 2019	
General Fund Payroll	190,872.27
Road and Bridge Fund Payroll	43,297.78
Department of Human Services Fund Payroll	74,312.16
All Combined Dispatch Fund Payroll	21,990.20
Solid Waste Fund Payroll	7,669.68
Airport Fund Payroll	4,147.31
Fleet Fund Payroll	9,321.74
Total	351,611.14

B. Regular Meeting Minutes

January 15, 2019

C. Special Meeting Minutes

January 14, 2019

January 22, 2019

January 25, 2019

January 29, 2019 (1)

January 29, 2019 (2)

D. Resolution 2019-7 which is a correction to Resolution 2018-44, recorded on

November 15, 2018, Reception No. 21806897 to add Block 10 to Aspen Springs Subdivision No. 2 to the consolidation.

E. Letter of Support for the Southern Ute Tribe/State of Colorado Environmental Commission Authorizing the Southern Ute Tribe to obtain administrative delegation of the Federal Minor Source Air Quality regulation program.

F. Ratification of Chairman's Signature on Temporary Construction Staging License for Moity Property directly west of the courthouse.

G. Ratification of Chairman's Signature on Letter of Support of Pagosa Forest Products, LLC (PFP)

which is a private biomass plant to be constructed in Pagosa Springs. The Letter of Support is to

the USDA Forest Service supporting the PFP's 2019 Wood Innovations Funding Opportunity.
H. Ratification of the Chairman's Signature on the 2019 EMPG-LEMS Annual Program Paper.
The

document confirms Mike LeRoux's contact information.

I. 2019 Archuleta County Annual Operating Plan setting standard operating procedures, agreed procedures and responsibilities to implement cooperative wildland fire protection on all lands within Archuleta County. There were no changes to the 2019 AOP compared to the 2018 plan.

J. Resolution 2019-8 Amendments to the Archuleta County Integrated Pest Management Plan.

Interim County Administrator Schulte read the Consent Agenda. **Commissioner Wadley moved to accept the Consent Agenda as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

New Business

A. Resolution 2019-9 Principles and Parameters for Construction of the Proposed Fred C. Harman III Law Enforcement Complex at Harman Park

Interim County Administrator Schulte presented a resolution detailing the principles and parameters for the construction of the proposed Fred C. Harman III Law Enforcement Complex at Harman Park. Mr. Schulte reinforced state statute mandates the County maintain and provide at their expense a County Jail. The Resolution would direct staff to proceed with five main items: 1. Begin Constructing a 54 bed jail, schematically designed by Reynolds Ash + Associates and Reilly Johnson Architects. 2. Assume construction cost would be approximately \$13 million dollars to be financed via Certificates of Participation (COPs). 3. Assume a construction contingency of 15% to be funded from existing cash in the Justice System Capital Fund. 4. Assume the required Debt Service Reserve for COP financing is secured by either using existing cash from the Justice System Capital Fund or by purchasing a surety bond, whichever is in the financial best interest of the County. 5. Assume the Cost of Issuance (bond counsel, muni advisor, and credit report) for the COP financing is included in the cost of financing.

Commissioner Wadley expressed his difficulty with this decision and requested Brad Ash explain the cost savings of lowering the bed count to 32 rather than 54. Mr. Ash advised they looked into a 38 bed jail option and believed it would save approximately \$1.5 million dollars. Commissioner Wadley asked if a functional jail could be built for \$10 million dollars. Mr. Ash stated the plan would need to be re-evaluated and explained complications such as food services and future expansion.

Chairman Maez stated he had several discussions with Mr. Ash regarding cost saving measures and declared he must not only make a decision on the current needs but must also look toward the future.

Commissioner Schaaf communicated his unique perspective on the topic due to his previous position with the Sheriff's Department. He stated when the jail was functioning it was inadequate and reiterated the difficulties providing meals.

Chairman Maez asked for public comment.

- Undersheriff Derek Woodman, 777 CR 600, advised he has over 35 years of law enforcement experience and has witnessed the growth of communities along with the issues at hand. He agreed with Commissioner Wadley regarding the safety of staff and inmates. He explained there were currently 29 inmates being housed in LaPlata County and stressed the need for a 54 bed jail which he believed would be at full capacity once functioning.
- Sheriff Richard Valdez, 777 CR 600, addressed the question asked by Commissioner Wadley regarding the Sheriff Department's attempt to keep inmate numbers low as possible. He advised they are issuing more summonses rather than making arrests and they are witnessing more repeat offenders. Sheriff Valdez believes this is due to the fact offenders know they will not be going to jail and are not experiencing the repercussions which come with actual arrests. Commissioner Schaaf questioned the number of people who should actually be in jail. Sheriff Valdez replied there are currently 65 people on pretrial services.
- Deborah VanGundy, 42 Fortune Dr., expressed her support for the jail and provided an informal list containing 25 signatures which represented support of the commissioners and their decision to build a jail.
- Darrel Brueckner, 77 Gala Pl., spoke against the jail. He did not want to be taxed more and did not agree with the excessive cost of the proposed jail. Mr. Brueckner believed a mistake was made four years ago when the building originally flooded by not obtaining insurance funds to rebuild. Commissioner Wadley mentioned the decision was made to replace the jail before the flood occurred. Chairman Maez stated the cost of refurbishing the old facility would easily be near the same as building a new 54 bed facility and would lack the necessary space and would not have the room for growth.
- Bill Hudson, 446 Loma St., advised he has witnessed numerous government decisions both positive and disastrous. Mr. Hudson specifically referenced the Pagosa Area Water Sanitation District's decision to spend \$10 million dollars on Dry Gulch after voters turned down the project at the polls. Mr. Hudson acknowledged the fact two previous law enforcement officers sit on the Board and questioned their perspective. He expressed his understanding for needing a jail however, he has not witnessed any documentation over \$7.9 million dollars for a jail by the same architects which now state the jail will cost \$13 million dollars.
- Clifford Lucero, 374 S 9th St., spoke in support of the jail. He commented on his time on the School Board regarding construction of the High School and the growth Archuleta County is experiencing. He mentioned our community has a lot of needs and the jail is one of the more important ones.
- Mark Weiler, 7 Parelli Way, advised he has made his living making investments and acknowledged the irony in regards to his opposition of using Certificates of Participation. Mr. Weiler stated he did not understand why the County needed to put \$2 million in reserves to fund a \$13 million dollar debt. He also mentioned he felt responsible for not showing the Board the value of Plan B.
- Marilyn Harris, 861 Aspenglow Blvd., commented in favor of the jail. As Chairman of the Republican Central Committee she informed the Board the Republican Party supports the Commissioners and their decisions for providing a jail.

- Robert Keating, 4860 CR 335, expressed his difficulty with supporting this resolution. Mr. Keating commented there is no question there is a need for a jail facility. However, his concern lied with the debt to be incurred. He questioned if the State had been in contact with the County. Mr. Keating ended he had not seen evidence requiring the financial burden.
Chairman Maez announced he was not willing to take a risk of what the State would hand down to the County.
- Jack Searle, 3500 W Hwy 160, spoke in favor of building a new facility and stressed the importance of not underbuilding. Mr. Searle questioned the kitchen requirements and suggested accessing available kitchens in the community and the private sector. Commissioner Schaaf advised daily inmate care for all three meals was approximately \$8-\$11 a day, whereas it was costing approximately \$25 a day outsourcing the meals. Commissioner Schaaf further explained the security issues with outsourcing and the fact it was unsustainable because entities do not continue providing services. Sheriff Valdez added the difficulty with nutritionist requirements and outsourcing staffing issues with providing meals three times a day.
- Veronica Medina, 340 CR 411, stated her support of the proposed jail and the Commissioners' decision in protecting the community.
- Sheriff Valdez, 777 CR 600, stated the big picture needs to be taken into consideration. He continued jails are unique and different and understood the tough decision before the Board. Sheriff Valdez reiterated the jail is not a want but a need.
- Joanne Lucariello, 1388 CR 700, stated most people agree with the need for a jail but question the financing options. Ms. Lucariello suggested scaling down the proposed jail and make additions when the County is financially able. She requested the County do better.
- Jim Sawicki, 93 Paradise Ridge Pl., expressed his opposition of going against voter approval and the lack of public inclusion. Chairman Maez acknowledged the abundance of misinformation.
- Carol Mellberg, 3000 Hwy 84, expressed her support for the jail and commented there were three public meetings an open house at the jail for the first time around and the second time there were two public meetings which were advertised however, people made their assumptions based on ads published in the paper.
- Sheriff Valdez, 777 CR 600, added the challenges they are seeing having individuals go to LaPlata and stated the lack of supporting our community. Inmates are unable to participate in work release programs and losing jobs.
- Glen Robinson, 324 Ute Ln., requested information regarding the plans for court facilities and sheriff offices. Chairman Maez advised the County received a grant in the amount of \$200,000 to complete a feasibility study on the current Courthouse location. In addition, the County is looking for space to move the sheriff offices. Interim County Administrator Schulte agreed and advised why it is impossible to cash flow the jail while are projects are needed. In addition, he mentioned other grant opportunities which the County will look into. Mr. Robinson ended with asking about other County offices, Assessor, Clerk, and Treasurer. Chairman Maez agreed and advised DHS was also experiencing growth requiring a need for more space as well.

Commissioner Schaaf moved to approve Resolution 2019-9 approving the principles and parameters for construction of the proposed Fred C. Harman III Law Enforcement Complex at Harman Park as presented. Commissioner Wadley seconded the motion.

Commissioner Wadley stressed this was a difficult decision and all of Colorado is suffering for jail space. He continued the County must meet federal standards and anything smaller than a 54 bed jail would be throwing money away.

Chairman Maez reiterated he was looking toward the future.

Commissioner Schaaf finished with the jail is a must. He stressed safety issues and the wellbeing for the community, four years without a jail was long enough.

The motion carried unanimously.

Chairman Maez recessed the regular meeting at 2:56 pm for a short break.

Chairman Maez reconvened the regular meeting at 3:05 p.m.

B. Contract Amendment with Ehlers, Inc. for Municipal Advisor Services

Interim County Administrator Schulte presented an engagement agreement between Archuleta County and Ehlers, Inc. for municipal advisor services related to the financing of the proposed detention center. Mr. Schulte advised in 2017 the County went through a competitive process and chose Ehlers, Inc. to serve as the municipal advisor related to the then anticipated ballot question to raise the sales tax by one cent to support the issuance of revenue bonds. Mr. Schulte suggested following the County Procurement Policy which states continuation of professional services contracted in the previous five years. Municipal Advisor Deb Hinsvark of Ehlers, Inc. was present via telephone. Chairman Maez asked for public comment, there was none. **Commissioner Wadley moved to approve the contract amendment with Ehlers, Inc., in an amount not to exceed \$21,000, to provide municipal advisor services to Archuleta County related to the proposed detention center Certificates of Participation financing. Commissioner Schaaf seconded the motion and it carried unanimously.**

Chairman Maez requested County Attorney Todd Weaver explain what could happen if the State were to step in regarding the jail. Attorney Weaver reiterated state statute and advised the State could sue the County therefore not allowing the County to decide size, cost or specifications. Attorney Weaver referenced a Federal Law Suit between the ACLU and Mesa County which ended with a settlement cost of approximately \$40 million dollars.

C. Contract Amendment with Kutak Rock LLP Serving as Bond Counsel

Interim County Administrator Schulte presented a contract amendment to engage Kutak Rock LLP as bond and disclosure counsel related to the proposed financing of the detention center again following the County Procurement Policy. Chairman Maez asked for public comment.

- JR Ford, 5240 CR 400, questioned if using Kutak Rock LLP as bond counsel if it limits who can bid on the bonds or sell the bonds. Municipal Advisor, Deb Hinsvark, advised Kutak Rock LLP would provide an opinion and prepare documents which would market bonds to

underwriters allowing the opportunity for a broad market. **Commissioner Schaaf moved to approve the contract amendment with Kutak Rock LLP, in an amount not to exceed \$60,000, to provide bond and disclosure services to Archuleta County related to the proposed detention center Certificates of Participation financing. Commissioner Wadley seconded the motion and it carried unanimously.**

D. Amendment to the Architectural Services Contract with Reynolds Ash + Associates and Reilly Johnson Architects

Interim County Administrator Schulte presented an amendment of the existing contract with Reynolds Ash + Associates and Reilly Johnson Architects for completion of architectural services related to the proposed detention center. Mr. Schulte referenced the Procurement Policy suggesting to use the continuing contractor. Chairman Maez asked for public comment.

- Bill Hudson, 446 Loma St., questioned the design fee for a jail which was essentially designed previously and used by others. Chairman Maez inquired if Mr. Ash would like to address the concern, he declined.

Commissioner Wadley moved to approve the amendment of the existing professional services contract with Reynolds Ash + Associates for completion of architectural services related to the proposed detention center. Commissioner Schaaf seconded the motion and it carried unanimously.

E. Construction Methodology and Release of RFQ/RFP for the Fred C. Harman III Law Enforcement Complex Construction Management

Interim County Administrator Schulte discussed the advantages of a Construction Management/General Contractor (CM/GC) approach and requested approval to release a RFQ/RFP for construction management services for the proposed Fred C Harman III Law Enforcement Complex at Harman Park. Mr. Schulte explained they were recommending only four firms to submit bids for the projects. The four firms were GE Johnson Construction Company, Nunn Construction, Jaynes Construction Company and FCI Construction. The recommendation of these four companies were based on location, understanding of the “micro-market”, and their past work in the area. Chairman Maez asked for public comment.

- JR Ford, 5240 CR 400, disagreed with limiting the amount of bids for the projects. He advised against eliminating upfront.
- Bill Hudson, 446 Loma St., expressed his concern on the eagerness of the four companies to build the jail when they currently have work and suggested \$13 million dollars maybe a high number.
- Robert Keating, 4860 CR 335, suggested opening up the RFQ/RFP to a larger group.

Commissioner Wadley agreed in the benefits of opening up the process to more bids. Chairman Maez inquired on any delays. Mr. Ash stated the delay may be up to four weeks. In addition, Attorney Weaver questioned Deb Hinsvark of Ehlers, Inc. if it would slow down the bond process and she advised it would not. **Commissioner Wadley moved to approve releasing a Request for Proposal/Request for Qualifications for a Construction Management/General Contractor for the development and construction of the Fred C. Harman III Law Enforcement Complex not limited to four companies. Commissioner Schaaf seconded the motion and it carried unanimously.**

F. Bank Trustee for Detention Center Financing

Interim County Administrator Schulte advised the County needed to select a bank to serve as trustee for the financing in the event a Certificate of Participation financing is used for construction of the Fred C. Harman III Law Enforcement Complex. An RFP was distributed and UMB Bank was recommended at the most competitive proposal. Chairman Maez asked for public comment, there was none. **Commissioner Schaaf moved to approve the selection of UMB Bank to serve as Trustee related to the proposed 2019 detention center Certificates of Participation Financing. Commissioner Wadley seconded the motion and it carried unanimously.**

Public Comments

Chairman stated he was opening the floor to 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. There were no public comments.

- Bill Hudson, 446 Loma St., stated he would like to see a thorough presentation on how the County plans to pay for the COP's and how the debt would affect the ability to secure other loans if needed in an emergency.

Commissioner Comments

With there being no further business before the Board, the meeting was adjourned at 4:05 p.m.

Tomi Bliss
Deputy County Clerk & Recorder

Approved this 19th day of February, 2019.

Ronnie Maez, Chairman