The Board met in regular session on Monday, September 15, 2014 at 9:15 A.M.
present were:
Terry A. Hart, Chairman
Liane "Buffie" McFadyen, County Commissioner
Sal Pace, County Commissioner
Gregory J. Styduhar, County Attorney
Sue M. Kovacich, Deputy Clerk

Greg Styduhar: Led the Pledge of Allegiance.

The Minutes of the meetings held on August 25, 2014 and August 27, 2014 were approved and posted in the rotunda prior to the meeting for public review.

The Agenda was approved.

NO PUBLIC COMMENT

COMMISSIONER REPORTS

Commissioner Pace: He would like to thank Alf Randall, Acting Director of Engineering & Public Works, and the Public Works crew who are helping to deliver some gravel to Camp Jackson this week for some trail restoration.

Commissioner McFadyen: Noted that Public Works does not have the appropriate equipment to deliver the gravel therefore they need to make several small trips to get the gravel delivered.
Also, politically this week should be very interesting if anyone is following the vote on Scottish Independence; the vote is too close to call.

Commissioner Hart: He attended the Goodnight Barn Fundraiser however he did not know that there was a western dress code.

Commissioner McFadyen: The stac had a retreat on Thursday and a meeting on Friday; both meetings were very successful. She is very disappointed that the two tribal members, the Mountain Utes and the Southern Utes do not have an official vote on the stac.

Commissioner Hart: Noted that he will not be present for the meeting on Wednesday, September 17th.

NO SPECIAL ISSUES OF PUBLIC INTEREST

REPORTS

Commissioner Hart: Reviewed the following report.

1. *Pueblo County Treasurer's Statement of Fees Collected for the Month of August 2014*

Commissioner McFadyen: Made a motion to receive and order filed the report.
Commissioner Pace: Seconded the motion.
Commissioner Hart: A motion was made and seconded to receive & order filed the report.

By the following vote on roll call:

HART – AYE *MCFADYEN – AYE* *PACE – AYE*

PLANNING & DEVELOPMENT

Mr. Styduhar: At the BOCC Statutory Meeting held on September 10, 2014 two items listed on the Zoning Board of Appeals Consent Agenda were continued until today's date for action.

RECESS AS THE BOARD OF PUEBLO COUNTY COMMISSIONERS AND CONVENE AS THE ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS CONSENT AGENDA ITEMS

1. *Zoning Variance No. 2013-007*
2. *Zoning Variance No. 2014-006*

Zoning Variance No. 2013-007 was continued by the Zoning Board of Appeals at its July 9, 2014 public hearing. The applicant requests that the zoning variance be continued by the Zoning Board of Appeals to its November 12, 2014 public hearing.

RESOLUTION NO. P&D 14-33

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING ZONING VARIANCE NO. 2014-006 ALLOWING THE CONSTRUCTION OF AN ADDITION (3-CAR GARAGE) TO THE PRINCIPAL RESIDENCE WITH A SIDE YARD SETBACK OF NINE FEET TWO INCHES (9'2") IN LIEU OF THE MINIMUM REQUIRED 15 FEET SIDE YARD SETBACK IN AN A-3 AGRICULTURAL (MINIMUM 1 ACRE) ZONE DISTRICT LOCATED WITHIN LOT 24, BLOCK 5, TRACT 383, PUEBLO WEST, PUEBLO COUNTY, COLORADO

WHEREAS, Brandon L. Dabovich (Owner), through Dreamscape Custom Homes, Inc., c/o Chuck McArthur (as Representative), has requested a variance from Title 17, Land Use, Division I. Zoning, Chapter 17.16, *Agricultural Three (A-3) and Four (4) Districts*, specifically Section 100 (*Side Yard Setback*) of the Pueblo County Code to permit the construction of an addition (3-car garage) to the principal residence with a side yard setback of nine feet two inches (9'2") (west side) in lieu of the minimum required 15 feet in the A-3, Agricultural (minimum 1 acre) Zone District; and

WHEREAS, the parcel of land to which the variance has been applied for carries a physical address of 656 South Purcell Boulevard and is located southeast of Maher Drive as it intersects Purcell Boulevard in Pueblo West. It is legally described as*: Lot 24, Block 5, Tract 383, Pueblo West*; and

WHEREAS, the requested variance from the development standards of Title 17, Land Use, Division I. Zoning, Chapter 17.16, *Agricultural Three (A-3) and Four (4) Districts*, specifically Section 100 (*Side Yard Setback*) of the Pueblo County Code, is as follows:

Minimum Side Yard Setback for Principal Structure	Side Yard Setback as Requested by Variance
15 feet	Nine Feet Two Inches (9'2")

WHEREAS, Section 17.140.160 of the Pueblo County Code provides for a variance for parcels that suffer a unique or singular disadvantage not shared by other parcels in the neighborhood, that will not have an injurious effect upon the existing or future use of adjacent parcels, and will not adversely alter the general character of the neighborhood; and

WHEREAS, a public hearing was held by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on September 10, 2014 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, based upon the above findings, Zoning Board of Appeals' members, Terry A. Hart and Sal Pace, voted to approve Zoning Variance No. 2014-006 at the September 10, 2014 hearing, and

WHEREAS, Board of Appeals' member Liane "Buffie" McFadyen was excused from said hearing and listened to the recording of the hearing and, on September 15, 2014, subsequently rendered her vote of approval of the zoning variance; and

WHEREAS, the Zoning Board of Appeals has reviewed and taken administrative notice of the application, documents, evidence presented at the hearing, and the contents of the Planning Director's file and finds as follows:

- The variance application does not include a request for, nor would the granting of approval allow, a use other than those currently permitted AND existing in the A-3, Agricultural (minimum 1 acre) Zone District.
- The parcel for which the variance request has been submitted does not suffer a unique or singular disadvantage; however, the location of the existing improvements (established landscaping, basketball court, accessory structures. location of existing garage doors, and concrete areas) does limit the remaining developable area on the parcel.
- Other zoning variances for structural setback deficiencies have been requested and subsequently issued in the same zone district.
- Surrounding parcels are residentially developed or are agriculturally zoned and contain single-family residences as well. Any modification to the existing structures or the construction of new structures on those parcels will have to be in compliance with the Pueblo County Code. The parcel adjacent to the west boundary line is Parcel "K" of Tract 383 and designated as a public utility, drainage, and equestrian easement.
  The variance will not have an injurious effect on the existing or future use of the adjacent parcels.
- The granting of this variance will not injure or adversely alter the general character of the neighborhood in which the variance is sought.
- Staff finds the requested variance to be consistent with the intent, purpose, and spirit of the Pueblo County Code.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Appeals of Pueblo County, Colorado, that Zoning Variance No. 2014-006 be and is hereby **APPROVED** with the following conditions:

- The approval of Zoning Variance No. 2014-006 shall be limited to the proposed addition (3-car garage) to the principal residence with a side yard setback of nine feet two inches (9'2") in lieu of the minimum required 15 feet as depicted on Exhibit 2 of staff's August 26, 2014 memorandum to the Zoning Board of Appeals.

PASSED AND ADOPTED this 15th day of September 2014, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Commissioner McFadyen: Made a motion to approve the Zoning Board of Appeals Consent Agenda with the condition.
Commissioner Pace: Seconded the motion.
Commissioner Hart: A motion was made and seconded to approve the Zoning Board of Appeals Consent Agenda with the condition.

By the following vote on roll call:

HART – AYE ***MCFADYEN – AYE*** ***PACE – AYE***

RECESS AS THE ZONING BOARD OF APPEALS AND RECONVENE AS THE BOARD OF PUEBLO COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS

NO LIQUOR LICENSES

CONTRACTS/RESOLUTIONS

Mr. Styduhar: Reviewed the following Contract/Resolution.

RESOLUTION NO. 14-225

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

ACCEPTING THE EXTENSION OF PURCHASE ORDER #OE IHA ASUA1400014, BETWEEN THE COLORADO DEPARTMENT OF HUMAN SERVICES AND PUEBLO COUNTY, ACTING AS THE PUEBLO COUNTY ADMINISTRATION ON AGING, FOR FUNDING UNDER THE ADMINISTRATION ON AGING MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA) GRANT PROGRAM

WHEREAS, Pueblo County, as the designated Area Agency on Aging for Planning and Service Area 7 of the State of Colorado, is mandated under the provisions of the Administration on Aging Medicare Improvements for Patients and Providers Act (MIPPA) to provide specialized outreach and enrollment events for the Medicare Savings Plan and Low-Income Subsidy Programs under Medicare Part D, using funds provided by the Colorado Department of Human Services Administration on Aging; and

WHEREAS, this Board, by Resolution No. 14-156 dated May 28, 2014, accepted additional MIPPA grant funds through Purchase Order (PO) #OE IHA ASUA1400014, in the amount of $53,454.99; and

WHEREAS, the Pueblo Area Agency on Aging (PAAA) has received an extension of the MIPPA grant to September 29, 2014; and

WHEREAS, this Board has determined it is in the best interests of the County of Pueblo and the seniors served by the PAAA to accept this extension of Purchase Order (PO) #OE IHA ASUA1400014.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the extension of Purchase Order #OE IHA ASUA1400014, between the Colorado Department of Human Services and Pueblo County, acting as the Pueblo County Administration on Aging, the terms and conditions of which are incorporated herein by this reference, is hereby accepted.

PASSED AND ADOPTED this 15th day of September 2014, in Pueblo County, Colorado.
THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Commissioner Pace: Made a motion to approve the resolution listed on the Consent Agenda.
Commissioner McFadyen: Seconded the motion.
Commissioner Hart: A motion was made and seconded to approve the resolution listed on the Consent Agenda.

By the following vote on roll call:

HART – AYE ***MCFADYEN – AYE*** ***PACE – AYE***

REGULAR AGENDA ITEMS

NO LIQUOR LICENSES

CONTRACTS/RESOLUTIONS

Mr. Styduhar: Reviewed the following Contracts/Resolutions.

RESOLUTION NO. 14-226

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

ACCEPTING THE BID AND APPROVING THE AGREEMENT WITH TONY J. BELTRAMO & SONS, INC., FOR THE 2014 OVERLAY PROJECT

WHEREAS, Pueblo County, acting by and through the Pueblo County Public Works Department, sought, received, opened, and reviewed original bid proposals for the 2014 Overlay Project, which work consists of construction services including the overlay of hot mix asphalt on various County roads; and

WHEREAS, the Pueblo County Department of Engineering and Public Works recommends that Pueblo County accept the bid submitted by Tony J. Beltramo & Sons, Inc., in the amount of $759,141.40. The bid of Tony J. Beltramo & Sons, Inc., was the lowest of the two (2) bids received and the Department adjudges them to be qualified to do the required work. The 2014 County budget for Paving Reconstruction is $800,000.00; and

WHEREAS, this Board concurs with the aforementioned recommendation and desires to accept the bid submitted by Tony J. Beltramo & Sons, Inc., for the 2014 Overlay Project, and enter into an agreement with such firm, subject to the appropriation of funds for this expenditure by Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the bid proposal submitted by Tony J. Beltramo & Sons, Inc., pertaining to the 2014 Overlay Project, is hereby accepted and that the Agreement between Tony J. Beltramo & Sons, Inc., and Pueblo County, for the 2014 Overlay Project, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Acting Director of the Pueblo County Department of Engineering and Public Works is hereby authorized to execute the Agreement on behalf of Pueblo County.

PASSED AND ADOPTED this 15th day of September 2014, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Alf Randall, Acting Director of Engineering & Public Works: Presented information to the Board regarding the bid.
Commissioner McFadyen: Made a motion to approve the agreement.
Commissioner Pace: Seconded the motion.
Commissioner Hart: A motion was made and seconded to approve the agreement.

By the following vote on roll call:

HART – AYE *MCFADYEN – AYE* *PACE – AYE*

RESOLUTION NO. 14-227

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

APPROVING AN AGREEMENT FOR A REVOCABLE PERMIT FOR USE OF PUBLIC RIGHT-OF-WAY FOR FORD ROAD FOR FENCES, LOCATED ALONG PARCEL A OF LOT LINE REARRANGEMENT NO. 2014-001 AND BEING A PORTION OF LOTS 7 AND 8, BLOCK 2, FRUITLAND SUBDIVISION AS IT IS LOCATED IN THE SE1/4 OF SECTION 5, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO

WHEREAS, the Board of County Commissioners is authorized to regulate County roads, public easements, and rights-of-ways, and to authorize the use of such street and public ways provided such uses may be revoked by the Board of County Commissioners at its pleasure; and

WHEREAS, James Trujillo, being the owner of Parcel A, Lot Line Rearrangement No. 2014-001, hereinafter referred to as the Permittee, has requested an Agreement for Revocable Permit for Use of the Public Right-of-Way; and

WHEREAS, the Revocable Permit is for the use of Ford Road adjacent to said Parcel A, for existing fences located within said right-of-way; and

WHEREAS, the Agreement for the revocable permit shall extend to and be binding upon the owner of said Parcel A, his heirs, administrators, executors, successors, and legal representatives, and shall constitute an agreement running with the land until released by resolution of the Board of County Commissioners; and

WHEREAS, pursuant to the terms of the permit agreement, the owner has agreed to indemnify and hold harmless the County and any utility having the right to use this right-of-way and their respective agents and employees, from any and all claims, expenses, liabilities, loss, or damage to property or injury to or death of persons, caused by or arising out of the construction, reconstruction, reinstallation, maintenance, or use of the land and property covered by and used in connection with this permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby approves the Agreement for Revocable Permit for Use of Pueblo Right-of-Way as summarized above and which shall be subject to all of the terms and conditions of the Agreement and that the Chairman of the Board of County Commissioners is hereby authorized to sign the Agreement for Revocable Permit on behalf of the County of Pueblo, Colorado.

PASSED AND ADOPTED this 15th day of September, 2014, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Alf Randall, Acting Director of Engineering & Public Works: Presented information to the Board regarding the revocable permit.
Commissioner McFadyen: Made a motion to approve the resolution.
Commissioner Pace: Seconded the motion.
Commissioner Hart: A motion was made and seconded to approve the resolution.

By the following vote on roll call:

HART – AYE *MCFADYEN – AYE* *PACE – AYE*

RESOLUTION NO. 14-228

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION RESCINDING RESOLUTION NO. 07-266 AND 08-22 REGARDING THE SISTER CITY COMMISSION

WHEREAS, by Resolution No. 11114, dated September 24, 2007, the City Council of the City of Pueblo, and by Resolution No. 07-266, dated October 16, 2007, the Board of County Commissioners of Pueblo County, Colorado, approved the Intergovernmental Agreement between the City of Pueblo and Pueblo County, Colorado, confirming and ratifying the Sister City Commission; and

WHEREAS, by Resolution No. 08-22, dated January 15, 2008, the Board of County Commissioners approved Amendment No. 1 to the Intergovernmental Agreement between the City of Pueblo and Pueblo County, Colorado,

confirming and ratifying the Sister City Commission which expanded membership from twelve (12) to sixteen (16) members; and

WHEREAS, on August 25, 2014, Pueblo Sister Cities, Inc., was formed as an independent non-profit corporation under the laws of the State of Colorado; and

WHEREAS, the Board of County Commissioners desire to rescind Resolution Nos. 07-266 and 08-22 approving the Intergovernmental Agreement and Amendment No. 1 between the City of Pueblo and Pueblo County, Colorado, confirming and ratifying the Sister City Commission and will recognize Pueblo Sister Cities, inc., as an independent Colorado non-profit corporation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Resolution No. 07-266, dated October 16, 2006, and Resolution No. 08-22, dated January 15, 2008, are hereby rescinded.

PASSED AND ADOPTED this 15th day of September 2014, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By:_____
Terry A. Hart, Chairman

ATTEST:

By:_____
Gilbert Ortiz, County Clerk

Mr. Styduhar: Provided information to the Board regarding the resolution.
Commissioner Pace: Made a motion to approve.
Commissioner McFadyen: Seconded the motion.
Commissioner Hart: A motion was made and seconded to approve the resolution.

By the following vote on roll call:

HART – AYE *MCFADYEN – AYE* *PACE – AYE*

There being no further business the meeting was adjourned.

Attest: _____
Pueblo County Clerk & Recorder

By: _____