

The board met in regular session on Monday March 19, 2018 at 9:15 A.M.

Present were:

Terry Hart, Chair

Garrison Ortiz, County Commissioner

Sal Pace, County Commissioner

Cynthia Mitchell, County Attorney

Joan Armstrong, Director, Planning and Development

Peggy Pleasant, Clerk to the Board

Cynthia Mitchell: Led the Pledge of Allegiance.

No minutes to approve.

The Agenda for Monday March 19, 2018 was approved.

Commissioner Ortiz: Moved to approve the Agenda for Monday March 19, 2018.

Commissioner Pace: Seconded the motion.

Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

PACE-AYE

HART-AYE

The motion passed unanimously.

NO PUBLIC COMMENTS

COMMISSIONERS COMMENTS

Commissioner Ortiz: Stated he will in Seattle checking out their LEAD Grant program implementation and will not be here for Wednesday's meeting.

NO SPECIAL ISSUES OF PUBLIC INTEREST

NO PROCLAMATIONS

NO REPORTS

PLANNING AND DEVELOPMENT

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

ZONING BOARD OF APPEALS REGULAR ITEMS

Cynthia Mitchell: Gave a brief background on Zoning Variance No. 2017-009.

Commissioner Hart: Reopened the hearing.

RESOLUTION NO. P&D 18-010

**THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ZONING BOARD OF APPEALS
OF PUEBLO COUNTY, COLORADO**

A RESOLUTION DENYING ZONING VARIANCE NO. 2017-009 FOR A TWELVE (12) FOOT ACCESS ROAD ONTO AND WITHIN THE HUDSON RANCH TO SERVE THE VARIOUS USES (EXISTING AND/OR PROPOSED) IN LIEU OF THE MINIMUM REQUIRED TWENTY-FOUR (24) FEET AND FOR THE AREA DESIGNATED AS PARKING FOR THE "ROCKETRY" USE BE LEFT AS NATURAL COMPACTED PRAIRIE GRASS IN LIEU OF THE MINIMUM FOUR (4) INCHES OF GRAVEL SURFACING WITHIN AN A-1, AGRICULTURAL ZONE DISTRICT LOCATED WITHIN A PORTION OF A PORTION OF THE “*LOWER HUDSON RANCH*”, PUEBLO COUNTY, COLORADO

WHEREAS, Hudson Ranch, LLC, c/o Dr. Marvin Hamann, has requested a variance from Title 17, LAND USE, Division I. ZONING, Chapter 17.112 *Off-Street Parking and Loading Standards*, specifically Sections 030 (*Design Standards*) and 070 (*Paving and striping*) of the Pueblo County Code to allow the following:

- a twelve (12) foot access road onto and within the Hudson Ranch to serve the various uses (existing and/or proposed) be permitted in lieu of the minimum required twenty-four (24) feet; and

- the area designated as parking for the "Rocketry" use be left as natural compacted prairie grass in lieu of the minimum four (4) inches of gravel surfacing as required; and

WHEREAS, the parcel subject to the zoning variance request is legally described within that Quit Claim Deed recorded on February 16, 2000 as Reception No. 1322482 which reads as follows:

A portion of the “Lower Hudson Ranch”, which is within portions of the SW¼ of Section 5, the SW¼ of Section 6, the SE¼ of Section 6, the NW¼ of Section 7, the NE¼ of Section 7, the SE¼ of Section 7, the NW¼ of Section 8, and the NW¼ of Section 18, all within Township 22 South, Range 66 West of the 6th P.M., and the SW¼ of Section 1, and the NE¼ of Section 13, within Township 22 South, Range 67 West of the 6th P.M., Pueblo County, Colorado; and

WHEREAS, the requested variance from the development standards of Title 17, LAND USE, Division I. ZONING, Chapter 17.112 *Off-Street Parking and Loading Standards*, specifically Sections 030 (*Design Standards*) and 070 (*Paving and striping*) of the Pueblo County Code, is as follows:

<u>Minimum Required Width of Accesses/Drive Aisles/Roadways</u>	<u>Width as Requested by Variance</u>
24 feet	12 feet
<u>Type of Surfacing Required for All Uses</u>	<u>Type of Surfacing as Requested by Variance for Rocketry Area Only</u>
Gravel (minimum four (4) inches)	Natural Compacted Prairie Grass

WHEREAS, a public hearing, preceded by proper public notice, was opened by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on November 8, 2017 and continued to the November 13, 2017 public hearing; and

WHEREAS, a public hearing was held by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on November 13, 2017 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, following the November 13, 2017 public hearing, the Board of County Commissioners, sitting as the Zoning Board of Appeals, voted to continue action on Zoning Variance No. 2017-009 to its December 4, 2017 public hearing; and

WHEREAS, a public hearing was opened by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on December 4, 2017 and continued to the December 13, 2017 public hearing; and

WHEREAS, following the December 13, 2017 public hearing, the Board of County Commissioners, sitting as the Zoning Board of Appeals, voted to continue action on Zoning Variance No. 2017-009 to its March 14, 2018 public hearing; and

WHEREAS, a public hearing was held by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on March 14, 2018, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, following the March 14, 2018 public hearing, the Board of County Commissioners, sitting as the Zoning Board of Appeals, voted to continue action on Zoning Variance No. 2017-009 to its March 19, 2018 public hearing; and

WHEREAS, a public hearing was held by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on March 19, 2018, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

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, 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:

- A. The Variance application does not include a request for, nor would the granting of approval allow, a use other than those currently existing and/or permitted in the A-1 Zone District. The Pueblo County Code requires permitted uses in all zone district designations, including the A-1, Agricultural Zone District, comply with Chapter 17.112 *Off-Street Parking and Loading Standards*.
- B. Staff does not find the parcel for which the Variance is requested suffers disadvantages not shared by other parcels in the neighborhood.
- C. Other similar uses in this zone district have been required to establish adequate parking, access and drive aisles in accordance with Chapter 17.112 *Off-Street Parking and Loading Standards* of the Pueblo County Code regardless of the size of the project and/or its proposed uses. Approving this Variance request could be seen as granting privileges inconsistent with limitations shared by other parcels in the A-1 Zone District.

- D. Pueblo County has since its enactment of zoning (August 8, 1963) had parking standards/ regulations including the requirement to install adequate off-street parking areas, access (i.e., drive aisles, roadways) and surfacing for all permitted uses.
- E. Due the proposed development of the property, the minimum standards associated with parking and access must be addressed. Had the Rocketry portion of the permitted uses and its associated parking area and access been established in compliance with the applicable regulations, then the parking standards in effect at the time would have been imposed, noting the graveled loop driveway and designated parking area in the center on compacted prairie grass with natural foliage would not have been considered an acceptable type of parking surface.
- F. Approval of the Variance request is NOT in harmony with the intent, purpose, and spirit of the Pueblo County Code, Title 17, Land Use.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, sitting as the Zoning Board of Appeals, of Pueblo County, Colorado, that Zoning Variance No. 2017-009 be and is hereby **DENIED**.

PASSED AND ADOPTED this 19th day of March 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ZONING BOARD OF APPEALS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Dr. Hamann: Stated they can get the work done if they get the materials. A brief discussion took place regarding funding for this project.

Commissioner Ortiz: Requested clarification of exactly what was agreed on regarding the material and the work. A brief discussion took place between the BOCC, Ms. Armstrong, Dr. Hamann.

A question/answer session took place between the BOCC, Ms. Armstrong, Mr. Hamann and MJ Fisher, Director, CSU-Extension regarding an estimate from Alf Randall, Director, Public Works on the cost of materials which Mr. Fisher stated would be less than proposed since they are doing their own work.

Commissioner Hart: Stated the memorandum from Mr. Randall will be submitted into the record.

Commissioner Pace: Proposed they deny the variance, work out an 80/20 split and have a contract by the end of March. A brief discussion took place between all parties which they agreed that a work session be scheduled to work out the details.

Commissioner Hart: Summarized all the reports that was submitted into the record.

*Commissioner Pace: Moved to deny Zoning Variance No. 2017-009.
Commissioner Ortiz: Seconded the motion.*

Commissioner Hart: Asked if there was any more discussion in which some came forward.

Emily Price, PW Resident: Commented on a precedent being set, taxpayer money, private citizen status and non-profit organizations.

*The BOCC: Commented on the Hudson Ranch remaining non-profit and giving to non-profit organizations in the past.
Mr. Hamann: Confirmed to the BOCC that the organization will continue to be for public use.*

Commissioner Hart: Closed the hearing; confirmed motion and second. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

The motion passed unanimously.

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

CONSENT AGENDA ITEMS

CONTRACTS/RESOLUTIONS

RESOLUTION NO. 18-080

THE BOARD OF COUNTY COMMISSIONERS

OF PUEBLO COUNTY, COLORADO

REAPPOINTING A JOINT MEMBER TO THE PUEBLO REGIONAL BUILDING COMMISSION

WHEREAS, the Pueblo Regional Building Commission is a seven-member commission consisting of three (3) County appointments, three (3) City appointments, and one (1) joint appointment, whose powers include the general supervision, administration, and establishment of policy governing the Regional Building Department; and

WHEREAS, by Resolution No. 14-241, dated October 6, 2014, this Board reappointed Mark Kleven as a joint member to a three-year term, which term expires on October 1, 2017; and

WHEREAS, Public Notice soliciting applications from persons interested in serving on the Pueblo Regional Building Commission was advertised in *The Pueblo Chieftain*, and listed on the City of Pueblo and Pueblo County websites; and

WHEREAS, this Board, having reviewed the applications, now desires to reappoint Mark Kleven, in conjunction with the City of Pueblo, to the Pueblo Regional Building Commission for a three-year term, commencing on October 1, 2017 and expiring on October 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Mark Kleven is hereby reappointed as a joint member of the Pueblo Regional Building Commission for a three-year term, commencing on October 1, 2017 and expiring on October 1, 2020 and the staff to the Board is authorized and directed to notify the aforementioned member of his appointment by providing him with a copy of this Resolution.

PASSED AND ADOPTED this 19th day of March 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Terry A. Hart, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 18-081

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**REAPPOINTING MEMBERS TO THE PUEBLO REGIONAL BUILDING DEPARTMENT'S BUILDING,
ELECTRICAL, MECHANICAL AND PLUMBING BOARDS OF REVIEW**

WHEREAS, vacancies exist on each of the Building, Electrical, Mechanical and Plumbing Boards of Review of the Pueblo Regional Building Department; and

WHEREAS, each of the ten (10) appointments required to fill these vacancies requires joint appointments of both the City of Pueblo and Pueblo County pursuant to the provisions of the Amended and Restated Pueblo Regional Building Department Agreement between the City of Pueblo and Pueblo County, dated June 1, 2012, and the City and County have now agreed as to those individuals they desire to appoint to serve membership terms on the aforementioned Boards; and

WHEREAS, Public Notices soliciting applications from persons interested in serving on the Pueblo Regional Building Department's Boards of Review were advertised in *The Pueblo Chieftain*, and listed on the City of Pueblo and Pueblo County websites and this Board, in conjunction with the City of Pueblo, now desires to appoint or reappoint ten (10) individuals named below to the Boards indicated for three-year terms.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the following individuals are hereby reappointed as members of the indicated Boards of Review for three-year terms beginning July 1, 2017, and ending July 1, 2020, and that the Staff to the Board is authorized and directed to notify the aforementioned members of their appointments by providing each member with a copy of this Resolution.

Building Board of Review

Chad Pulsifer (Architect)
Steven Weidner (General Contractor)

Electrical Board of Review

Larry Moore (Journeyman/Electrician)
Matt Klein (Journeyman/Electrician/Utility Employee)
Seth Boutilier (Electric Utility Employee)

Mechanical Board of Review

Steve Girodo (Journeyman)
Robert Vigil (Contractor)

Plumbing Board of Review

Lance Harvey (Contractor)
Dan White (Contractor)
John Chrisman (Engineer)

PASSED AND ADOPTED this 19th day of March 2018, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Terry A. Hart, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

NO ABATEMENTS

*Commissioner Ortiz: Moved to approve the Consent Agenda.
Commissioner Pace: Seconded the motion.*

Commissioner Ortiz: Commented that there were no knew applicants for this board so they will all be reappointments then he spoke on the many Boards and Commissions for Pueblo County and the process that everyone has to apply to be considered.

Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE PACE-AYE HART-AYE

The motion passed unanimously.

REGULAR AGENDA ITEMS

CONTRACTS/RESOLUTION

RESOLUTION NO. 18-082

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

APPROVING THE AGREEMENT FOR FUGITIVE TRANSPORTATION SERVICES BETWEEN SECURITY
TRANSPORT SERVICES, INC., AND PUEBLO COUNTY

WHEREAS, the Pueblo County Sheriff is required to provide safe, secure and efficient transportation for fugitives in accordance with the Office’s policies and procedures in order to aid him in carrying out the duties of his office; and

WHEREAS, Pueblo County, on behalf of the Pueblo County Sheriff’s Office, accepted the bid of Security Transport Services, Inc., (STS) pursuant to RFP No. 15-25, to provide such services for 2016 and the parties entered into an Agreement; and

WHEREAS, the parties entered into a second Agreement to continue to provide such services for 2017 and it is the recommendation of the Pueblo County Sheriff’s Office that an Agreement be entered into with Contractor to continue to provide fugitive transportation services to the Pueblo County Sheriff’s Office, Detention Facility, for calendar year 2018, for an amount not to exceed \$70,000.00, subject to the appropriation of funds by Pueblo County for such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Agreement for Fugitive Transportation Services between Security Transport Services, Inc., and Pueblo County, Colorado, the terms and conditions of which are incorporated herein by this reference, is hereby approved, and the Chair of the Board of County Commissioners of Pueblo County, Colorado, and the Pueblo County Sheriff are authorized to execute this Agreement on behalf of Pueblo County. The officers, employees and agents of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

PASSED AND ADOPTED this 19th day of March 2018, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Terry A. Hart, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Captain Don Leach, Sheriff’s Office: Presented information regarding this Resolution.

Commissioner Pace: Moved to approve this Resolution.
Commissioner Ortiz: Seconded the motion.
Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,

ORTIZ-AYE

RESOLUTION NO. 18-083

**APPROVING THE CITY OF PUEBLO AND PUEBLO COUNTY PARTNERSHIP COMMUNITY SERVICES
FUNDING AGREEMENTS FOR FY 2018**

WHEREAS, the City of Pueblo and Pueblo County Partnership received numerous Requests for Funding Assistance in 2017 for funding consideration assistance in 2018 from various community/human service agencies, organizations, and other entities; and

WHEREAS, of the requests approved by the Board of County Commissioners, the City of Pueblo will fund sixty percent (60%) of the approved requests with the County of Pueblo funding the remaining forty-five percent (45%) of the approved requests; and

WHEREAS, the Board has determined that it is in the best interests of the County of Pueblo to approve jointly written agreements funding the approved designated City of Pueblo and County of Pueblo Community Services Funding Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

The City of Pueblo and County of Pueblo approve the Community Services Funding Agreements, effective as of the 1st day of January 2018, between the City of Pueblo, a Municipal Corporation, and the County of Pueblo, collectively referred to as “Local Government,” and the following agencies and entities, the terms and conditions of which are incorporated herein by this reference, are hereby approved, *nunc pro tunc*, January 1, 2018:

AGENCY	JOINT ALLOCATION AMOUNT	GRANT IDENTIFICATION & FUND
EARLY CHILDHOOD EDUCATION		
East side Childcare	\$76,272.00	ATOE - 101-480310-4723.81
Southside Childcare	\$56,022.00	ATOE - 101-480310-4723.81
HEALTH SERVICES		
CASA of Pueblo	\$24,069.00	ATOE - 101-480310-4723.81
Crossroads	\$33,692.00	ATOE - 101-480310-4723.81
Metro Volunteers	\$6,028.00	ATOE - 101-480310-4723.81
Pueblo Child Advocacy	\$24,490.00	ATOE - 101-480310-4723.81
Pueblo Rape Crisis	\$9,880.00	ATOE - 101-480310-4723.81
Salvation Army	\$12,092.00	
Nutrition		
Care and Share Food Bank	\$24,456.00	ATOE - 101-480310-4723.81
Pueblo Cooperative Care	\$29,052.00	ATOE - 101-480310-4723.81
Senior Services		
SRDA	\$158,916.00	ATOE - 101-480310-4723.81
• Management	\$25,280.00	
• Transportation	\$24,972.00	
• Congregate Meals	\$11,155.00	
• Meals on Wheels	\$23,897.00	
• RSVP	\$13,050.00	
• FGP	\$31,145.00	
• HELP	\$15,686.00	

• ARCH	\$6,822.00	
• In-Home	\$4,247.00	
• FCP	\$2,662.00	
Youth Services		
Boys and Girls Club	\$138,715.00	ATOE - 101-480310-4723.81
• Avondale	\$48,738.00	
• Eastside	\$41,239.00	
• Sprague	\$48,738.00	
La Gente Youth Sports	\$10,166.00	ATOE - 101-480310-4723.81
• General Operations	\$5,083.00	
• Sports	\$5,083.00	
Homeless Shelter Services		
Catholic Charities	\$33,814.00	ATOE - 101-480310-4723.81
Posada	\$60,429.00	ATOE - 101-480310-4723.81
• Supportive Services	\$30,215.00	
• Youth Outreach	\$30,214.00	
Pueblo Rescue Mission	\$35,114.00	
YWCA	\$79,863.00	ATOE - 101-480310-4723.81
• Family Crisis Center	\$39,854.00	
• Teresa’s Place	\$23,637.00	
• Violence Prevention	\$2,193.00	
• Aquatics	\$5,295.00	
• Administration	\$8,884.00	
Education		
Pueblo Hispanic Education	\$4,143.00	ATOE - 101-480310-4723.81
SEL Tutoring	\$6,698.00	ATOE – 101-480310-4723.81
Disability Services		
Arc of Pueblo	\$11,686.00	ATOE - 101-480310-4723.81
• Advocacy	\$5,843.00	
• Guardianship	\$5,843.00	
Center for Disabilities	\$11,332.00	
Friendly Harbor	\$7,931.00	ATOE - 101-480310-4723.81
Pueblo Diversified Industries	\$16,055.00	
Miscellaneous Services		
United Way	\$22,875.00	ATOE - 101-480310-4723.81
Museums/Cultural Programs		
Bessemer Historical Society	\$14,176.00	ATOE - 101-480310-4723.81
Southeastern Colorado Heritage	\$10,471.00	ATOE - 101-480310-4723.81
Art/Music/Celebrations		
Pueblo Municipal Band	\$2,650.00	ATOE - 101-480310-4723.81
Pueblo Railway	\$11,171.00	ATOE - 101-480310-4723.81
Pueblo Symphony	\$9,746.00	ATOE - 101-480310-4723.81
Sangre de Cristo Art Center	\$94,577.00	ATOE - 101-480310-4723.81
Environmental Education / Conservation		
Mountain Park Environmental	\$22,152.00	ATOE - 101-480310-4723.81
• Earth studies	\$15,705.00	
• Forest School	\$6,447.00	
Nature and Raptor Center	\$24,269.00	ATOE - 101-480310-4723.81

SECTION 2.

The Board of County Commissioners designates the Pueblo County Department of Housing and Human Services as its Program and Fiscal Monitoring Department. The Chair of the Board of County Commissioners of Pueblo County, Colorado, is authorized to sign said Agreements, as applicable, on behalf of Pueblo County.

PASSED AND ADOPTED this 19th day of March 2018, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Terry A. Hart, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

HART-AYE

NO ORDINANCES

NO OTHER ISSUES

The next meeting will be Wednesday March 21, 2018.

Commissioner Ortiz: Moved to adjourn.

Commissioner Pace: Seconded the motion.

Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

PACE-AYE

HART-AYE

The motion passed unanimously.

Attest: _____
Pueblo County Clerk and Recorder

By: _____