

Saguache County Board of Commissioners met in regular session
Tuesday, February 12, 2008 with the following present:

Sam Pace, Chairman
Linda Joseph, Vice Chairman
Mike Spearman, Commissioner
Ben Gibbons, County Attorney
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chairman Pace at 9:12 A.M.

Under Additions or Deletions to the Agenda:

1. Added USFWS – MOU to Attorney report
2. Added Baca trails to Attorney report
- 3 County Rd 114 Resolution re: HazMat usage
4. Add Executive session at 11:00 AM for legal issues.
5. Postpone Pete Garcia's performance evaluation.

Spearman moved to approve the agenda as amended. Joseph seconded the motion. The vote was three Ayes.

Reading and approval of minutes:
Minutes not yet available for review.

Review of Mail:

1. **Dr. Bonnie M Orkow, Ph.D.**, sent a copy of a letter that she had sent to Michael Blenden, U.S. Fish and Wildlife Service of Alamosa, in regards to Lexam. (02/05/08)

Introduction of Guests: Doug Larsen - Crestone Eagle; Jerry and Bonnie Nusbaum; Jeannie Norris - Saguache County DSS; William Folk.

Commissioners' Reports-Updates of Meetings:

Linda Joseph reported:

- Laptop was stolen while out of town, working on recovering data, and redoing work lost.

Sam Pace reported:

- House bill 1165: more local control regarding mining issues, Board needs to fax letter of support to legislator
- Attended Steering Committee meetings; CDOT is working on the possibility of removing some State off the state system and giving to the maintenance to the counties for their responsibility to maintain, this will be voluntary and will be paid for by the State.
- Also attended a meeting on mobile machinery and emissions control for county equipment which would cost approx \$3K each to retrofit; Pace voted to oppose Bill 1065 allows counties to limit controls on noise regulations; he'll have email to distribute. Needs more info?
- Art gallery liquor license opposed, though counties and cities have the ability to extend

permits.

- Bill 1060 on mobile home definitions if placed on permanent cement foundations and how to assess. Question about if they're moved in the future.
- Several immigration bills came up and were opposed by the Committee.
- The number of time Boards need to do jail inspections could be more clearly in statute soon, perhaps only once or twice a year.

Mike Spearman reported:

- The metal detectors for courthouse security were quoted at \$40K.
- Received many concerns about the ice situation in county creeks and ditches, as too much melting too soon this spring could cause a lot of road damage. Spearman and Arredondo are investigating several possible trouble spots: Road GG, Road LL, and Road DD2. Jim Swanson reported ice diverted water channeling from creek is threatening his house, wants to know if the house can be salvaged if a culvert is installed and whose liable. Spearman commented that the current conditions are historically normal for this area, but we've been in a drought a long time and folks have forgotten what a lot of water can do. La Garita creek is just a precursor to problem at hand with flooding expected and damage to county roads. People need to be patient as the county has limited resources and a lot of ground to cover.
- Controversy over LL3 not being maintained; prior resident moved away and nobody lived there for a long time so road wasn't a priority. Arredondo has it on the schedule now.

Lynn Zimmer and Wendi Maez - CO-Administrators:

Joseph moved to approve the carpet installation in the basement corridor. Spearman seconded the motion. The vote was three Ayes.

- Recommend purchase/installation of carpet in the basement corridor. Del Mar Carpet has quoted a price. The decision needs to be made now, so the carpet comes from the same roll as the Land Use and Admin offices.
- Received a couple of Sales Tax Grant applications and have had several requests for applications. We are still waiting for George Welch at the Center School to get his reports from the Pilot Cycle to us, he is working on them.
- Rebie Hazard is looking for suggestions for a family member's donations to assist the elderly in Saguache County. Pace suggested it be donated to South Central Seniors; Hazard will be placed on the next meeting agenda for more discussion.

Break

Wendi Maez - Land Use Administrator:

Joseph moved to approve the Subdivision Exemption request for Nusbaum, stating the

intention that the property not be further subdivided in the future. Pace seconded the motion. Unanimous

- Gerald and Bonnie Nusbaum – Subdivision Exemption request to subdivide a tract of land containing 83.27 acres into three tracts located within the SW1/4 31-42N-7E. Tract 1 to containing 61.09 acres, Tract 2 to contain 22.18 acres and Tract 3 as the county road right-of-way tract to contain 4.42 acres. The SCPC recommended approval of this request with the following recommendation: that the property owners volunteer to place a deed restriction on the property stating that there will be no further subdivision of the property, the landowners agreed.
- Fritz Russell who is inquiring about the purchase of 1/6 interest in the Vulcan Mining Claim that Saguache County owns is checking with his client and will schedule a time when they can come before the BOCC to discuss this purchase.
- Maez spoke to Mike Wisdom concerning the socioeconomic study and he informed her that SLVDRG is working on funding to do a valley wide study concerning renewable energy and oil and gas will be included in the study.
- Maez spoke with Jim Felmlee about the South way Pit and he will get up there to do an inspection of it as soon as he can.
- O&G regulation meetings – The PC met last Wednesday and have formulated a plan to get the regulations to the Board in April. Lisa Cyriacks and Maez met with Kathryn Van Note and worked out a strategy for incorporating revisions. We had a great meeting and reviewed about 16 pages of the regulations.
- MS states EA inadequate; why should we spend so much time if it's not going to be acceptable anyway? Why not go directly to EIS? Can any more restrictions be placed upon O&G? Max protection is needed, but BACA does not have refuge status. Baseline studies could take years.

Joseph requests clarification of a concern of the community - if Lexam drills and their test well results lead them to proceed to production, must they seek new permits for production wells from the State? It was the understanding of the BOCC that they would (although the new permits might make use of the test well apparatus). Ben Gibbons will follow up.

Ben Gibbons - County Attorney

- **USFWS Cooperating Agency MOU -**
Pace commented that the refuge future jurisdiction may be compromised if proposal is signed. Joseph expresses concern that since USFWS did not submit their proposed MOU earlier, and it will take time to clarify for an agreeable final draft, and, time is needed to determine the County's contact designee, this process cannot be completed before the deadline for EA comments on March 2nd. Commissioners will make effort to forward their comments and questions to Ben Gibbons as immediately as possible.
- Baca Trails discussion, with a representative of the citizens interested in access to trails above the Baca. There is the possibility of reaching a satisfactory resolution between public and the private landowners. Joseph stated the Forest Service and private property owners have been studying alternative trails. After a long delay, their efforts can resume now with the return of Bob Dalrymple, the Forest Service planner who was temporarily assigned elsewhere since earlier last year. Gibbons suggested a public hearing since enough of the public has expressed concern, and

have actually requested such meeting with Commissioners. There have been some signs posted on private property and "No Parking" signs put up by Sheriff where road is too narrow for safe travel. Bill Folk states that posting no access signs are in violation of the 1996 resolution. Spearman suggested a structured meeting between representatives of citizens seeking access, the Forest Service and landowners, spiritual centers. Spearman will schedule a meeting with some of the interested parties to see if a resolution can be reached concerning this access.

Spearman moved to approve resolution to restrict Haz Mat traffic on Hwy 114. Pace seconded the motion. The vote was three Ayes.

Resolution for Haz Mat restrictions on Hwy 114 - Arredondo stated there is a 500 gallon limit with local gas deliveries exempt. Gibbons will clean up the language to make sure local delivery is exempt, for the Board to possibly sign at this meeting.

Lunch at 12:10 P.M.

Meeting reconvened at 1:10 P.M.

Joseph moved to enter into Executive Session at 1:12 P. M. for personnel purposes under CRS 24-6-402(4)(f)(i). Spearman seconded the motion. The vote was three Ayes.

Executive Session - Department Head Evaluations – 20 minutes each
Ben Gibbons – County Attorney
Lyn Zimmer - Administration
Wendi Maez – Administration and Land Use

Pace moved to return to regular session at 2:00 P. M. 2:00PM to attend the weed control work session. Joseph seconded the motion. The vote was three Ayes.

WEED CONTROL WORK SESSION

Respectfully Submitted,
Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved February 19, 2008

Chairman of the Board

Attest

Commissioner

Commissioner