

Saguache County Board of Commissioners met in regular session Tuesday, May 5, 2009 with the following present:

Linda Joseph, Chair
Mike Spearman, Co-Vice Chairman
Sam Pace, Co-Vice Chairman
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 Chair Joseph at 9:00 A.M.

No Additions or Deletions to the Agenda.

Pace moved to approve the agenda. Spearman seconded the motion. The vote was three Ayes.

Reading and approval of minutes

Spearman moved to approve the minutes of April 21, 2009. Pace seconded motion. The vote was three Ayes.

Review of Mail and other correspondence:

1. **Jerry Frank with Colorado Water Workshop** sent a letter asking for the Boards support for this year's Colorado Water Workshop at Western State College. This year your sponsorship will reflect the value you place on education & balanced dialog on pressing water issues. (4/23/09)
2. **Dan Dallas with Rio Grande Forest Service** sent a letter after considering the input from all the counties in the San Luis Valley receiving Title II funds from the 2009 Secure Rural Schools Act. Dallas has decided to form two Resource Advisor Committees (RACs): Saguache County RAC & the Upper Rio Grande RAC. (4/23/09)
3. **US Department of Agriculture** sent a letter to let the BOCC know of an opportunity to submit possible nominees to serve on a Recreation Resource Advisory Committee for the Federal Lands in Colorado. (4/24/09)
4. **State of Colorado Public Health** sent a letter that was sent to Mr. Jerry Nusbaum from the La Garita Trading Post for plans to review requirements for potable water supply facilities. The Division could not approve the project, as the information submitted was incomplete. (4/27/09)
5. **Colorado Water Workshop** sent a Registration Form to attend the 34th Annual Colo. Water Workshop in Gunnison, CO on July 23 & 24 2009 for more information contact Jerry Frank at jfrank@western.edu. (4/28/09)
6. **Gunnison County Stockgrowers Association** sent a letter on the Citizen Nomination of Elk Units 41 & 43 for limited elk licensing to the Division of Wildlife. (4/29/09)

7. **State of Colorado Public Health** sent a certified letter to Mr. Jerry Atencio, Town of Center, concerning the Compliance Inspection of Wastewater Treatment Facility for the Town of Center. (4/29/09)
8. **Michael Bennett, United State Senator**, sent a letter of his appreciation for your work as County Commissioners and the successful Town Hall meeting that was held on April 18, 2009. (4/28/09)
9. **Environmental Resources Management** sent a letter to the BOCC inviting them to comment on Historic Properties Affected by Proposed Raw Land-New Build 108-foot Monopole CO-07-Villa Grove (46104) Tower Site 29055 County Rd 61, Moffat, CO. Saguache County. (5/4/09) Maez will seek further information on the tower.

Introduction of Guests: Sandia Belgrade – Crestone Eagle; Teresa Benns – Center Post Dispatch; John Murray, Michael Firson and Attorney Jeff Robbins – Humanity In Unity; Russell Schreiber; Ardis Thomas; Shaw Thomas; Bon Dellagar; Vinette Terres; Ange Steppan; Martin MaCaulay; Donna Peizer; Jerry Burton; Lisa Van Amburg, - private landowner; Andrew Archuleta, Tom Malachek, and Barry Wily – USFS/BLM; John Alves – Colorado Division of Wildlife

Commissioners Reports

Linda Joseph reported:

- April 22 - Met with Library Administrator - Penny Bruce and Co-Administrator Zimmer to review Library finances and accounting.
- April 22 - Attended a Commissioners Work Session on Solar Facilities regulation
- April 23 - Attended the Rio Grande Conservation District Annual Meeting and presentation of Bio-Mass project at the Monte Vista Co-op.
- April 25 - Attended the Crestone Mountain Zen Center Annual Luncheon.
- April 27 - Attended the SLV County Commissioners Association meeting.
- April 27 - Met with Library Steering Committee core group for improved networking and fund seeking strategies.
- April 30 - Attempted to attend a PH Directors meeting in Alamosa which was delayed, but had a chance to talk with Kathy Brown regarding the Commissioners Guide to Public Health, and current Board of Health issues.
- May 4 - Attended a meeting of the Health Care Coalition at the Public Health Office regarding local flu preparedness and response.

Sam Pace reported:

- April 22 - Attended a Commissioners Work Session on Solar Facilities regulation.
- April 24 - Attended CCI steering committee hearings in Denver.
- April 27 - Attended SLV Commissioners meeting in Alamosa.
- April 25 - Attended Zen Center luncheon.
- April 29 - Attended Saguache County Prevention Partners meeting in Saguache.

Mike Spearman:

- April 22 - Attended a Commissioners Work Session on Solar Facilities regulation.
- April 27 - Attended SLV Commissioners meeting in Alamosa.
- April 27- Attended the SLVDORG meeting, still no letter of support for the transmission lines into the Valley. The Valley Power Authority is still being worked on.

- May 4 - Attended a meeting of the Health Care Coalition at the Public Health Office regarding local flu preparedness and response. Attorney Gibbons suggested that the Board review the County's Board of Health statutes to determine the protocol to follow in case of a pandemic.
- Received calls from Charlotte Bobicki on the National Park road and working on getting fund to help cover road construction costs.
- Irrigation Water Sub-District rules are still being worked out.

Lynn Zimmer and Wendi Maez – Co-administrator report:

- Maez met with Andrew Archuleta, USFS/BLM on Wednesday, April 29, 2009 to discuss the Saguache County RAC. The Board needs to discuss the RAC employee, about how to hire and pay this employee. The RAC will need to approve any agreements made to spend the funds therefore we must wait to hire for this part time position. If possible, this position should be a County position that would be reimbursed by the RAC funds. If we wait for the RAC to be formed and according to the agreement, our offices will have to do the work until the position is filled. The Board agreed to housing the position with the County and receiving reimbursement from the Title II funds. Maez and Archuleta will follow-up to establish the position.
- Pace signed resolution to transfer \$5000 from General Fund to Nursing Fund on April 29, 2009.

Pace moved to renew the lawn care contract with Robert Maez for the Haskin Medical Building in Center. Spearman seconded the motion. The vote was three Ayes.

- We have received a request from Robert Maez to continue with the lawn and weed care for the Haskin Medical Building in Center. The price would be the same as past years \$135.00. The Board agreed to continue this arrangement.
- The Town of Crestone has made a request for Title III funds in the amount of \$50,000 for fuel reduction around the town. Maez will place it on a future agenda.
- Crestone Youth Plaza is applying for a USDA Rural Development grant and would like for you to review the request and comment by June 1, 2009.

Pace moved to approve the bid from Builders Edge for \$5480 to replace the sidewalk on East and North side of the Nursing Services Building. Spearman seconded the motion. The vote was three Ayes.

- Nursing Service Building – Concrete Sidewalk bids:
 - A. SLV Quality Concrete - \$5900
 - B. Haas Construction - \$6339
 - C. Alcon Construction - \$7250
 - D. Horizon Concrete - \$9155
 - E. Builders Edge - \$5480
 - F. Louis Martin - \$6670
 - G. Angelo Aragon - \$2900

- Send a letter in support for John Salazar to introduce a bill to remove natural Gas fracking from exemption from the Clean Water Act.

Break

Wendi Maez – Land Use Administrator report:

Spearman moved to enter into Executive Session at 11:11 A. M. for legal purposes under CRS 24-6-402(4)(f)(i). Joseph seconded the motion. The vote was three Ayes.

Spearman moved to return to regular session at 11:40 A. M. Pace seconded the motion. The vote was three Ayes.

Joseph moved to approve revised Conditional Use permit request and Parking and Traffic Mitigation Plan for Human In Unity (HIU) with the following amendments: No amplified outdoor music allowed, limited to four special events per year, name and contact information of a contact person to direct complaints, adequate on site parking will be provided for 10 cars, no street parking allowed, HIU will notify the neighboring land owners a minimum of two weeks before any special events, no local advertising of retail services, a review of permit in six months, and then again every year. Final terms and conditions will be established by the attached resolution. Pace seconded the motion. The vote was two Ayes and one Nay.

- Decision - Human In Unity Conditional Use request – Lots 4458C, 4460C, 4472 and 4511C. Board discussed the application and asked questions of the parties involved. The Board approved the application with additional changes to the recommendations by the Planning Commission:
 - No amplified outdoor music.
 - Limited to four events per year.
 - No local advertising of a retail services.
 - Name and contact information of a contact person to direct complaints.
 - Adequate onsite parking will be provided.
 - HIU will notify the neighboring land owners, a minimum of two weeks before events.
 - Review of permit in six months, and then again every year.

Adjourned for Lunch at 12:05 P. M

Resumed meeting at 1:05 P. M.

Randal Arredondo – Road & Bridge Supervisor and Land fill report:

- Town of Center has not yet come up with final numbers on the parking lot paving project.
- There is still \$200.00 in funds for coyote bounty. Will carry funds over to next year.
- Capital outlay purchases are almost complete . One patrol car still needs to be purchased.

Pace moved to approve the grant application for Camino Chamisa, (road into Great Sand Dunes National Park from the boundary of the Baca Grande), funds from Public Lands Highways Discretionary Program FY 2009 Project Application. Spearman seconded the motion. The vote was three Ayes.

- Arredondo has filled out a grant application for funding construction of Camino Chamisa, (road into Great Sand Dunes National Park from the boundary of the Baca), funds from Public Lands Highways Discretionary Program FY 2009 Project.
- Has received a request from Center School to asphalt two parking lots. Arredondo has worked up a bid which is cost plus 5%.
- Will be putting up the sign posts for the Old Spanish Trail on some County roads.
- Free dump day brought 475,000 pounds of trash, which means a much cleaner county.
- The Town of Crestone expressed interest in an arrangement with the County to maintain their paved roads, but they want to keep control of the timeline. Arredondo needs to determine timing and does not support this request.
- Spearman mentioned several County roads that are very narrow and the road material drifts over and eventually buries fences. Arredondo will school the grader operators to scrape some of the materials back onto the road.
- Needs to review the access permit for Old Cow Town.

Spearman moved to convene as the Social Services Board at 1:30 P.M. Pace seconded the motion. The vote was three Ayes.

Jeannie Norris - Social Services Director

- There were ten active TANF cases during the month of March with three cases pending, and nine child-only cases. Food assistance cases continue to rise, with 400 cases as opposed to 383 during February. March figures showed aid-to-the-needy-disabled cases holding steady at 29. Old age pension cases rose to 114 from 109. The CHEERS training center has four TANF clients, and two adult basic education students.
- The LEAP season is winding down, and has served 569 households in Saguache County with two applications currently pending. The total payroll year to date is \$327,998.67. We received notification on April 22 that there would be a supplemental payroll bringing the average benefit to \$581.00. Todd Jorgensen apologized for the late notice, but in his memo noted that the State severance tax funding had been unclear until recently.
- The IV-D Unit statistics remained static this month with collections having decreased by one percent. Unemployment and worker's compensation intercepts have increased sharply over the prior year, and I.R.S. and bank account intercepts have fallen as expected.
- The Child and Adult Protection Unit has received the "screen out" review results statewide for large, middle sized and the balance of the state counties. The review team checked whether the referrals should have been screened out, and on what basis. They examined information entered into the Trails system to determine if there were safety concerns requiring further research or follow-up, and checked to see if these determinations were based upon face to face contact. The review is

yet another tool to examine whether everything possible is being done to assure safety. Saguache County did very well in this review.

- The Statewide Financial Sub-Pac Committee has been given the task of serving as the Allocation Methodology Work Group for county administration for the next five year cycle. This group met in Denver on April 28, and worked through the formula for funding based upon Health Care Policy and Financing statistics as well as the workload study data of two years ago. Upon collection of the adult protection data, the formula can be complete and ready for presentation to the Department and the Legislature for presentation to the JBC for consideration.
- Care and Share delivered supplemental commodities in addition to the TEFAP distribution items. We received over 60 cases of eggs, and fresh produce consisting of potatoes, apples, and frozen chicken and pork patties. We were able to give these items to people in Center, Saguache and Crestone last Thursday, and completely distributed the food in two hours.
- Pete Garcia has completed the painting and finish work after the heating/air conditioning project was finished. In the course of his work, he discovered that the floor on both sides of the front entrance to the Courthouse Annex had sunk somewhat. Attempts to raise the flooring back to level were unsuccessful, as rot has degraded the integrity of the floor. April has contacted CTSI to see if any of the repairs would be covered under our insurance for the floor or potential roof repairs.
- Our Department has heightened awareness of the potential for flu outbreak by providing hand sanitizer in all work areas, and gloves and masks for all workers in the event client contact is required with someone who is ill.
- The Child Care Program at DSS continues to expand as we search for new licensed providers to serve Saguache County. We have never fully expended our available allocation. The “Little Learners” day care in Saguache continues to increase, and hopefully will be able to expand the hours they are open.

Pace moved to approve the contract for the Child Care Assistance Plan, Child Support Enforcement Purchase of Legal Services Agreement, and Agreement for Legal Services. Spearman seconded the motion. The vote was three Ayes.

- Several State contracts were signed.

Pace moved to adjourn the Social Services Board and return to regular meeting at 2:01 P.M. Joseph seconded. The vote was three Ayes.

Andrew Archuleta – USFS/BLM

- Discussed the RAC structure and hiring of a part time employee as coordinator of the RAC, through the County.
- The Baca Tract management plan needs to be finished before the USFS can apply for Federal Funds to build the Camino Chamisa road through the Park, Archuleta is looking for it to be done by July.

- Tom Malachek, John Alves – Area Biologist from the division of Wildlife and Barry Wiley came to talk to the commissioners concerning the Rio Grande Cut Throat, Sucker and Chub Trout recovery plan. La Garita Creek and Sand Creek are ideal habitat to re-establish cut throats, which meets the criteria for the recovery plan. This would involve killing off of current fish stock and restocking with the desired species. Malachek stated that the project would impact the public fishing on the creeks, no fishing for 4 to 5 years and then with restrictions which would allow the threatened species to recover.

Break

Daniel Johnson - Moonglow Enterprises:

- Title III request tabled to a future meeting as the Board has several questions concerning this request.

Wendi Maez – Land Use Administrator report:

Pace moved to appoint Diane Dunlap as the CBPC member representative for the Baca Grande Property Owners Association. Spearman seconded the motion. The vote was three Ayes.

- Baca Property Owners Assn. CBPC board appointment. Maez have received a letter from John Loll, Chairman of the BGPOA requesting appointment of Diane Dunlap to the CBPC as the BGPOA representative.

Pace moved to approve the revocation of Jim Zetsche Conditional Use permit for a Consignment Sales Yard, north of Hooper, and approve the levying of fines if the property is not remedied in 10 days. Spearman seconded the motion. The vote was three Ayes.

- Jim Zetsche – Approved Conditional Use violation - Tract of land located within the SE1/4 33-41-10 containing 8.5 acres. A Conditional Use permit was issued on November 21, 2001 for a Consignment Sales Yard. At this time there are SEVERAL piles of junk and several junk vehicles that have been on the property for the past 6 months. A letter was sent to Zetsche on April 1, 2009 requesting the property be brought into compliance. As of April 29th the property has not been brought into compliance, therefore Maez is requesting that the CUP be revoked.

Pace moved to approve the revocation of the Mobile Home Variance on a 1972 MZT on a tract of land within the SE1/4 33-41-10 containing 2.11 acres; the mobile home must be removed. Spearman seconded the motion. The vote was three Ayes.

- Lew and Tanya Inman – Approved Variance violation – Tract of land located within the SE1/4 33-41-10 containing 2.11 acres. A variance was issued for a 1972 MZT mobile home on January 20, 2004. At that time several conditions were set on the variance. At this time the conditions have not been met. Therefore at this time Maez is requesting this Variance be revoked.

Joseph moved the appoint Lynn Zimmer as the Saguache County Blue Peaks Advisory Council representative and Wendi Maez as the alternate. Pace seconded the motion. The vote was three Ayes.

- There is still no one to volunteer that has requested appointment to serve on the Blue Peaks Advisory Board to replace Morgan Queal. Wendi Maez and Lyn Zimmer are willing to serve until someone else can be found.
- Solar regulations discussion tabled to the next meeting.

Pace moved to adjourn at 4:13 P.M. Spearman seconded the motion. The vote was three Ayes.

Respectfully Submitted,

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved May 12, 2009

Chairman of the Board

Attest

Commissioner

Commissioner