

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, OCTOBER 18, 2016

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Jason Anderson, at 9:09A.M., with the following members present:

Jason Anderson, Commissioner, Board Chair
Ken Anderson, Commissioner
Tim Lovato, Commissioner
Wendi Maez, County Co-Administrator/Land Use Administrator
Lyn Lambert, County Co-Administrator
Ben Gibbons, County Attorney
Rhiannon Curry for Carla Gomez, Clerk to the Board

PLEDGE OF ALLEGIANCE:

Board Chair, Jason Anderson, invited those in attendance to join in reciting the Pledge of Allegiance.

Additions/Deletions to the Agenda:

1. Carla Gomez will be in at 10:30 with Judd Choate from the Colorado Department of State to address the BOCC during Department Heads time.
2. Yvonne Morfitt will be in at 1:45 to address the BOCC during Administration time.
3. Elvie Samora will be in for Randy Arredondo to give the Road & Bridge report.

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE AGENDA AS AMENDED.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE MINUTES OF THE OCTOBER 4, 2016, REGULAR SESSION MEETING AS AMENDED.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: Mail

1. **The Saguache Public Library** sent a thank you card for the sales tax grant funds.
2. **The Baca Grande Library** sent a thank you card for the sales tax grant funds.
3. **The Crestone End of Life Project** sent a thank you card for the sales tax grant funds.
4. **Colorado Department of Transportation** sent an email inviting the Board to an informational session about planned construction work in Region 5. The event will be held on Tuesday October 25th from 10:00A.M. to 1:30P.M. at the Region 5 Maintenance Facility in Durango. (10/7/16)
5. **The SLV Hemp Symposium** will be held on November 5, 2016 at Adam State University in Alamosa from 10:00A.M. to 5:00P.M. They are seeking sponsors/exhibitors/partners, etc., for the event as well.
6. **Mary Kalmes, CPA, Chief Accountant, Colorado River District**, sent summaries of the Proposed Amended 2016 Budgets, the Proposed 2017 Budgets and the Projected Budgets for 2018; for the Colorado River Water Conversation Districts, General Fund, Capital Fund, and Enterprise Fund. (10/11/2016)
7. **Cathy Garcia, IOM, Regional Director-Southern Colorado, Office of US Senator Cory Gardner**, sent an email regarding a Press Release from Sprint. Sprint Provides Free Wireless Devices and Service to 1 Million Disadvantaged Students. Sprint (NYSE: S) and the Sprint Foundation will help change the lives of 1 million high school students by giving them opportunities to reach their full potential. The 1Million Project is a multiyear initiative to offer free mobile devices and free high-speed wireless internet connectivity to 1 million low-income, U.S. high school students lacking a reliable source of internet access at home. (10/13/16)
8. **State of Colorado, Division of Property Taxation** sent a Final Determination for Pundarika Foundation and has granted the property tax exemption. (10/13/16)
9. **The Divide Ranger District-Del Norte Office** sent a memo in regards to proposing to salvage approximately 3,350 acres of dead and dying Engelmann spruce trees near Blue Park, northwest of South Fork, CO. (10/13/16)
10. **La Puente** sent a card asking for support. (10/13/16)
11. **Dorraine Gasseling, Director**, sent a thank you letter from the Saguache County Museum for the grant fund. (10/13/16)

Introduction of Guests:

Sandia Belgrade – Crestone Eagle
Faith O'Reilly – Tourism Council
Theo Boudreaux – Tourism Council
Vivia Lawson – Tourism Council
Berlin O'Butler – Stryker Industry
Merle W. D. Mossett- Castleguard Construction
Joan Waodby - SLVREC

Judd Choate – Colorado Dept. of State
Carla Gomez – Clerk and Recorder
Byron Boone – RES
Coner Goodson – RES
Luca Boldrini – Stryker Industry
Shanna DeBliss – Vanguard CD
Loran Howard – SLVREC

Public Comments: Sandia Belgrade asks if there are new marijuana regulations put in place. Commissioner Chair Jason Anderson comments that there have been new proposed regulations drafted. The BOCC has taken public comment once, and there will be another public comment session on the 19th of October at 1:00P.M. in the Road & Bridge meeting room.

Mrs. Belgrade also asked the BOCC for more information on the new Public Health Director as she would like to do an article about this. Commissioner Tim Lovato advises he will give a little more information when he does his report.

COMMISSIONER REPORTS:

Commissioner Jason Anderson:

10/06 – Met with Senator Cory Gardner and Commissioner Darius Allen to discuss economic development in the SLV. Was nice as Mr. Allen was only commissioner other than myself present. Also, able to discuss what was going on in Alamosa and what I would like to see happening in Saguache. Also, spoke of small business working with RWEACT to sell dead and dying lumber products.

10/06 – Attended the 50th Anniversary of the Nature Conservancy at the Zapata Ranch. They have quite a chunk of land they will be turning over to the Forest Service, thus becoming non-taxable.

10/08 – Attended the 12 hours of Penance Mountain Bike Race in Penitente Canyon. Team held on to Silver medal. There were no major injuries and was a great time.

10/11 – Attended the Commissioner Work Session concerning the budget.

10/12 – Attended the SLV Community Leaders gathering in Alamosa

10/12 – Attended the Eastern SLV Trails Coalition meeting.

10/13 – Attended the RWEACT Meeting and was voted in to fill the Saguache County Board seat. RWEACT is a group devoted to watershed protection and responsible forest use.

10/13 – Met with Mark Talbot to discuss updates to the Saguache County website. Two main topics discussed were the lack of ability to complete and submit forms directly on the website, as most counties have; and the inability to see properties in Saguache County on a map, on the Assessor's webpage. Co-Administrator Maez advises maps have been added on the Treasurer page of the website, and she will look into the forms.

10/14 – Filled out paperwork to fill the elected local government position on the Rio Grande RAC.

10/15 – Attended the Final Game of the Saguache peewee football season.

Commissioner Lovato:

10/10 – Met with Iris Garcia, the new Communities that Care coordinator for Public Health. Mrs. Garcia was the Office Manager for Saguache County Road and Bridge. Garcia previously worked as a prevention coordinator in 2005 and then became Office Manager for Road & Bridge. Ms. Garcia replaces Ilene Rivale who resigned in September who moved to Texas to be closer to family.

10/11 – Co-Administrator Lynn Lambert and I met with David Daboll, the newly hired Public Health Director and introduced him to the staff at Public Health. Later in the morning attended the budget workshop at Road and Bridge.

10/12 – Met with Sheriff Dan Warwick at the Sheriff's office and worked on updating the list of individuals who have key card access to the West door and the lower East door in the courthouse. We gave access to all employees, elected officials, and department heads, who work in the courthouse. Deactivated seven key cards.

10/13 – Approved and submitted the application for the Courthouse Security grant. The grant provides funds for the single point of entry and backfill positions for the court system. Requests were also submitted for additional cameras and for replacement of three non-working cameras around the courthouse. Mr. Daboll and I participated in a portion of CCI's presentation on how funding of grants are distributed to public health departments.

10/14 – Met with Mr. Daboll on answering some questions he had about Public Health.

Commissioner Ken Anderson:

10/06 – Travelled out to Leach Airport to discuss water wells.

10/10- Held office hours in the Town of Center. Was able to meet with the new Chief of Police, who is from Pueblo. Thinks this will be a good move for the Chief and the Town.

10/11 – Attended the Commissioner's Work Session. Met with a person from the State, and helped with the Election.

10/12, 10/13, & 10/14 – in Denver to attend the Farmer's Union meeting. Discussed HEMP, and received a hat made from this. Also discussed the changes around the old Stockshow stadium and colosseum. They will be demolishing some buildings to re-build and re-vamp the area. They will be putting up County flags in this area, so thinks it would be wise to get them at least our logo, to advertise Saguache County. Also discussed some of the upcoming propositions on the ballot.

10/17 – Met with the COG (Council of Governments) to discuss things going on. GOCO – and what is happening there. Attended the DRG meeting, it was interesting; they are still waiting on mini grants. Also met about the Rails and Trails, working on Railroad and Trails from South Fork to Creede. Spoke about broadband service, and getting everyone connected. The new director of DRG will be starting on November 1st. Also, spoke in regards to Solar projects happening, Federal issues, and things happening within our County.

DEPARTMENT OF SOCIAL SERVICES, LINDA WARSH: REPORT ATTACHED.

Linda Warsh reminded the BOCC that Pueblo County and the Child Welfare people from Pueblo County will be in town and attending the BOCC meeting on November 1st. Warsh will not have any reports that meeting, so she will just double them up for the next meeting. Warsh will be working with both Pueblo County and Child Welfare on their plan of action for our department.

Commissioner Lovato asks Mrs. Warsh if they still have an open position in the department. Mrs. Warsh comments that they have a previous caseworker they will be working into a higher position. They do have an application for a Caseworker I, so essentially that position can be considered filled.

LEAP season has not started yet, but money is beginning to be spent, so there will be LEAP reports at the next meeting.

They have also starting to spend money within the Child Care program as well.

Commissioner Chair Jason Anderson asks about confidential information contained in the reports they need to sign. He is unsure they should be signing or reviewing reports with confidential information such as client names. He prefers to review information given to him to sign, but is uncomfortable with confidential information. Mrs. Warsh comments that she gives the information directly to the Board for that reason, vs., including them in monthly reports. She also advises that the Auditors and State regulations require her to have the BOCC sign these reports. She agrees to go back to Auditors and the State and include Attorney Ben Gibbons on any correspondence, to see what if any suggestions they have in regards to how to handle this or any alternatives.

Mrs. Warsh advised the BOCC that she sent the Core Services Program to the State for approval. The State responded that the plan was great and they approved it to proceed. The plan is to sign off reports that explain how monies received are spent. The State does advise of how much is required for each category, but the money can be spent how DSS sees fit from there.

The Core Services program helps transition children in the Child Services Program out into the real world once they are of age.

Mrs. Warsh tells the BOCC that she will go over and introduce herself to David Daboll the new Director of Public Health, as there are programs that overlap between Social Services and Public Health.

Mrs. Warsh presented a bid for a new furnace that needs to be replaced in the building. Bid was for a little more than \$2500.00. She informs the BOCC that there is money within her budget for the year to be able to replace this. Commissioner Chair Jason Anderson questions if this has to be replaced or if it can just be fixed. Co-Administrator Maez confirms the leak in the current furnace has corroded the entire unit, and it now must be replaced. There is no way to fix the unit. It is currently shut down, as the unit was leaking carbon monoxide. Because it heats the bathrooms, etc., it has to be replaced. Commissioner Lovato questions why there are four furnaces in the building. Why they do not put in a system with one furnace that is run on zones. Mrs. Warsh is unsure of the answer, but agrees to question Stephens Plumbing who is the company that maintains the heating system and has given the quote. They designed the system currently in place when the boiler system went out previously. For years, the upstairs and the downstairs were not used, so the current system was designed around the outdated already installed system, and adding to it, vs. replacing the whole thing. Commissioner Ken Anderson expresses that there is no warranty or guarantee of the work mentioned in the bid, and he would like to see this addressed with Stephens Plumbing as well. Co-Administrator Maez suggests Mrs. Warsh solicit the help of Pete Garcia in Maintenance, as he has a clear understanding of the system, and could assist with the questions for the new quote.

Mrs. Warsh proposes to the Commissioners the possibility of having on-call time for Social Services. This would be for people who would cover the phones during their otherwise off hours.

It would be 1-2 hours per day with a maximum of \$12 per day. This would still go through payroll and taxes would still be deducted from this pay. If the on-call person ended up having to go out on a call, then the pay would be adjusted for regular work hours at that point. It would ensure that this on-call person was in the valley and able to take calls. Attorney Ben Gibbons questions if this time would be called on-call pay. Mrs. Warsh agrees and explains it is difficult to allow staff to use comp time, when the office is short staffed and much work to be done. It would be a total of 9 hours per week for whomever was on call. Her plan is comparable to what other counties are doing and paying for this service.

Commissioner Chair Anderson asks if they are comfortable paying someone to handle the phone rather than giving them comp time. Commissioner Lovato questions what the purpose of having comp time is. Mrs. Warsh explains that comp time is paid at each individual salary, and the on-call would be a set rate of pay, which could be less than one's salary. It would be more cost effective this way. Attorney Gibbons questions if the staff has the option to be on call or not? She explains that DSS does not have the option of not taking calls. If an employee wants to take vacation, etc., then that time has to be covered. They take turns being on call and covering any absences. Attorney Gibbons comments he would like to see her proposal in writing to get the full scope of what Mrs. Warsh is proposing. She agrees to send a written proposal to Mr. Gibbons for further review.

Mrs. Warsh reminds the BOCC that on November 11, 2016 there will be a Grand Opening of the Rainbows End Center. If one or more of the Commissioners could attend and say a few words, it would be appreciated.

TOURISM COUNCIL UPDATE:

Commissioner Chair Jason Anderson welcomes the Tourism Board, and expresses he has some questions for them, as it has been a while since have attended. The Tourism Board advises the BOCC that they continue to do their \$250 marketing events. Del Groan who owns the Lodge off County Road 50 and County Road G, showed interest in becoming a member of the committee. Because he is not in Saguache most of the year, they suggested he just attended meetings when he is here, rather than being a full member. The Saguache sign is in place near First Stop. They are still working with CDOT concerning a sign near the Crestone/Moffat area. There have been a few snags but it is still in progress. The Crestone Welcome Center is in progress as well. The Tourism Board feels this sign should be unique and special for this area, unlike anything else found in Colorado.

The Tourism Board was contacted by SLV Visitor's Association in regards to a billboard to advertise the SLV. The SLV Association was requesting \$2000.00 for this billboard; however, the billboard would be on I-25 and although it might help the valley, it would not directly help Saguache County. The Tourism Board opted to give them \$250.00 to support the SLV Visitor's Association.

The Tourism Board also wanted to discuss the State Tourism guide. It is an advertisement that has national and international recognition. They have paid for a small add for both Crestone and Saguache in the last couple of years. Eventually would like to increase the size of the ads but it is well over the tourism yearly budget. Would like to discuss BOCC's help with this in the future

The Tourism Board has also been working very hard on the Air B&B issues. They have felt for some time it is obvious that some people were paying the taxes for doing this, and some are not. They have contacted the Department of Revenue in regards to this issue, however the DOR feels it is a personal tax issue, and will not help with this. They did say the Tourism Board could forward any findings to them, and they would investigate from there. They have been researching the Air B&B's in the county and trying to figure out who is paying taxes, and who is not, and why? Often it is a renter, running the Air B&B out of the property, and the homeowner who lives out of state, is not even aware this is happening. Because the taxes are not being paid, the county is losing a substantial amount of money that could be earned.

Commissioner Chair Jason Anderson asks the Tourism Board about the website. People can go this one place to access information about the County. He advises the Tourism Council he has received emails in regards to the county web coordinator. The web coordinator is frustrated, as he has contacted the Tourism Council multiple times and has received no response. The Tourism Council comments that they understood they were to have a person to handle all the web issues, but that has not been happening. The Tourism Council has researched ways to handle the web page independently from the county website. This would allow them to update on their own in their own time. Co-Administrator Maez comments she does not see an issue with letting them run a website independently from the county. Commissioner Chair Jason Anderson suggests they do bids on the website. Tourism representative Mr. Boudreaux comments they have found "Word Press". This is available to them for only \$15 per month for someone to run, and allows the board to do most updates themselves. Commissioner Chair Anderson agrees, the Tourism Council should run the webpage themselves, as it would help both the county, and the tourism council.

Amber Wilson is only a liaison for the County to the Tourism Council, was not meant to be a fulltime web coordinator for the Council. This would free up time for her as well. Commissioner Chair Anderson does ask that we put a link to the Tourism new website, on the County website, so anyone going to the County website for tourism would be re-directed accordingly. The Tourism Council agrees.

DEPARTMENT HEAD REPORTS

BEN GIBBONS, COUNTY ATTORNEY:

Attorney Gibbons asks if the resolution for the Town of Iris is complete and recorded. He wants to ensure this is done and we can move on from the topic going forward. Co-Administrator Maez confirms this is complete.

Mr. Gibbons advises he will not attend the 2nd public comment of marijuana regulations on October 19th at 1P.M. at the Road and Bridge meeting room. He will be in trials all day. He advises that nothing has been filed yet in regards to the litigation happening in Colorado Springs on the 12-plant count limit. He believes the regulations currently on the table for Saguache County have a bypass mechanism for the 12-plant count, so doesn't see an issue with moving forward with these regulations.

SHERIFF, DAN WARWICK: REPORT ATTACHED.

Sheriff Warwick does not have much to report, he is still inquiring as to any further information about a building site at the airport. Co-Administrator Maez advises that she has not yet received a response. Sheriff Warwick also questions if a check has been cut for the vehicles being purchased from Yuma County. Co-Administrator Lambert requests a voucher for this. Sheriff Warwick will get with Lynn Miles in his office to obtain the voucher for Administration to process the check request.

Inmate numbers are at approximately 16 or 17 being housed. Of course, there were a few more today due to court appearances.

The new sink has been purchased and is sitting in the jail kitchen; it just needs to be installed. This will be trickier than originally anticipated. The old sink was a two-basin sink and the new, is a three-basin sink as per inspector requirements. The plumbing and placement of the new sink will need to be addressed before installation.

Commissioner Tim Lovato thanks Sheriff Warwick for the coordination of active and deactivated key cards to the Courthouse. Sheriff Warwick suggests once confirmation is received for the deactivated cards, that those cardholders are notified; and understand why they no longer have access.

CLERK AND RECORDER CARLA GOMEZ:

Carla Gomez was present and introduced Mr. Judd Choate from the Colorado Secretary of State's Office. Mrs. Gomez wanted to follow up with the Commissioners in regards to monies needed to assist with the current election. The monies are necessary for election judges that will be used to count ballots from October 24th through election day of November 8th. Republicans and Democrats must be equally represented in this position, and the figure would account for both party's representation. Judges will have to work from 8am-4pm Monday through Friday, four hours on two Saturday's, October 29th and November 5th, and then from 7am-7pm the day of the election. She does not have enough office staff to be able to accurately cover the other required duties in the office, as well as run these election hours. The approximate amount of monies required just for these judges, as per Clerk and Recorder Carla Gomez' count would be \$6,000.00.

Commissioner Chair Jason Anderson questions if this figure is on top of the \$15,000.00 already requested previously in the budget meeting. The Secretary of State has already sent someone down to help, as the office was overwhelmed with daily duties as well as preparing for the upcoming election. Gomez is still waiting for the figure for this person's salary from the Secretary of State's Office. Gomez comments that she has met all required state deadlines for the election, as difficult as it has been. She is adamant to stay in compliance and do the right thing with this election as there is so much scrutiny already. She wants to ensure all runs smoothly to avoid issues, or lawsuits, and so she can have a great election. Commissioner Lovato asks if the requested \$6,000.00 includes the salary for the Secretary of State (SOS) representative. In addition, why it is necessary for them to work two Saturdays. Clerk and Recorder Gomez, responds this amount would only cover

the cost of the election judges, and the Saturdays are required per State Legislation. Clerk and Recorder Gomez, admits, there is not much foot traffic on those days, however; because of legislation she has to have these judges available, and both a Republican and Democrat must be represented.

Commissioner Chair Jason Anderson is confused as to why all this is necessary now, when it has not been necessary previously. He asks if there is something different from previous elections. Clerk and Recorder Gomez responds that the previous staff who exited her office in July had a better knowledge of handling elections, and unfortunately, with the newer staff she has now, they are unable to handle the demands as they have in the past. SOS representative Choate comments that they are requiring that these judges be present. He cannot comment on procedures during previous elections but they are ensuring protocol be followed in this one. It is a requirement that these judges be present and are paid at least \$10.00 per hour for their service. Commissioner Chair Anderson comments his confusion is in regards to the amount. \$15,000.00 was previously asked for, now it is \$6,000.00. Now they are requesting \$15,000.00 and \$6,000.00. He just wants a clear understanding of what the full number of funds required are and what they are being used for. SOS representative Choate advises that the \$6K is what has been tallied for all hours for the election judges and all duties required of that position up to and after the election is complete. The other funds being requested are for Debbie Moody. She is a retired Secretary of State employee, and has full knowledge of the voter registration and management system. He comments the biggest issue he sees, was that no one on Gomez's staff had the knowledge of running an election, and or the software required that the previous employee had. The Secretary of State's office is able to see if a county is not doing things correctly within the software system. That being said, the Secretary of State's Office mandated that a State employee be sent to Gomez's office to assist with the remainder of the election. The SOS has estimated \$19,181.00 for her salary. They are willing to pay \$4,000.00 of this cost, so the Saguache County portion would be \$15,181.00.

Commissioner Lovato questions Co-Administrator Lambert as to how much money is left in the election budget. Lambert advises there is a total of \$24K left in the budget; however, it is a calendar year budget and will have to get Clerk and Recorder Gomez through the end of the year. There are several outstanding bills that will need to come out of this, and items that have not been billed for yet. She does not believe any funds in the election budget could be used to cover this additional expense. Commissioner Chair Anderson comments to SOS representative Choate, that it is unfortunate how the State puts legislation and mandates in place, but does not take into account if the smaller Counties within the State can actually afford to pay these. He is not a fan of unfunded mandates. In this State, it is not an issue of Republican or Democrat, but rather an issue of Urban or Rural. SOS representative Choate, stresses he does not make these laws however it is his job to enforce them, and the statute is clear that the County is responsible for paying for their elections. He truly believes that this County, specifically Gomez's office needs the SOS assistance with this election. There is significant training required to properly run an election, and unfortunately, only one employee was the only one in the County with that training.

Commissioner Ken Anderson comments it is an absurd amount of money for the few voters, under 4200, that we have in this County. Representative Choate ensures that the salary estimated, is a high estimate and should not go over the amount requested, and in fact could come in under. Commissioner Chair Anderson comments it is clear that the BOCC does not like it, and that as per the representatives' comments, they clearly do not have a choice. He adds to Clerk and Recorder Gomez, "You don't answer to us, you answer to your voters", that said he would have liked more of an advance warning that these funds would be needed. He does not understand when Hazard exited the office in July, why it has taken this long to realize that the election could not be run with the current staff. SOS Representative Choate assures the Commissioners that he only informed Gomez of the need for assistance two weeks previous. Gomez reluctantly admits one tends to rely on the assistance of their staff in these small office environments. She learned a very large lesson from this and will not rely on the knowledge of one person in this fashion again. Unfortunately, with the responsibilities and obligations of her office, this was not something that could be foreseen. The staff available has tried very hard to comply with all requirements to include coming in before and staying after normal business hours. Choate informs the BOCC this is not the first County to run into this issue. Several other Counties have had to do the very same thing. Unfortunately, you just cannot plan on an untimely exit.

Clerk and Recorder Gomez apologizes to the BOCC, and explains her with the assistance of her staff, did the very best they could. She approached the BOCC as quickly as she could once she knew they would not be able to handle the election on their own. She also comments the nature of the election, with 21 presidential candidates on the ballot, and one of those candidates already stating it is a rigged election, has only made it that much more difficult. She believes it has been a very large learning lesson for her and her department. Commissioner Lovato questions Co-Administrator Lambert if \$10K from the General Fund would cover the expenses Clerk and Recorder Gomez is requesting with the monies left in the Election Fund. Lambert comments it would be more like \$15-20K and that would be conservative. Commissioner Chair Anderson questions Representative Choate about seeing something where monies are refunded if they buy their election software. Representative Choate agrees he did see this, however it is in regards to software the County has not yet purchased, and it is too late in the year to do so. It would be something worth checking into next year. Commissioner Chair Anderson asks if a decision must be made today, and Attorney Ben Gibbons and Co-Administrator Lambert advise it does.

MOTION BY COMMISSIONER TIM LOVATO TO TRANSFER \$20,000.00 FROM OR TO?? THE GENERAL FUND TO ASSIST THE ELECTION BUDGET SHORTFALL WITH A REQUEST OF AN ITEMIZED ACCOUNTING OF ALL EXPENDITURES FOR THE 2016 ELECTION, AND A SUMMARY AT THE END OF THE ELCTION.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Co-Administrator Lambert questions if we vote and pass this motion if another amendment to the budget will need to be completed. Attorney Ben Gibbons comments that because funds are just being shifted and there are no monies being received, there should not be another budget amendment required. Commissioner Chair Jason Anderson advises Representative Choate he does not intend to shoot the messenger, but as the messenger, he would like him to pass on the SOS office, that they really need to work on a more equitable way of doing things. Commissioner Lovato questions when gifts and honorariums have to be turned in. Choate recommends logging in to their website and looking at Tracer. Also, suggests calling 303-894-2200, their office if there are any issues, and asking for Tracer. They are good folks always willing to assist.

RANDAL ARREDONDO, ROAD & BRIDGE SUPERVISOR:

Mr. Arredondo, able to attend in lieu of needing his assistant Elvie Samora attend, requests a discussion on the salary of his newly hired Office Manager. Rhiannon Curry, note taker for the BOCC and newly hired Road and Bridge Office Manager, as well. Commissioner Chair Jason Anderson agree, this is an awkward situation, and request an executive session.

MOTION BY COMMISSIONER KEN ANDERSON TO ENTER INTO EXECUTIVE SESSION FOR PERSONEL PER STATE STATUTE 24-6-402(4)(F)(I) AT 11:21A.M.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO EXIT EXECUTIVE SESSION AT 11:30A.M.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO START THE ROAD AND BRIDGE OFFICE MANAGER POSITION STARTING AT \$15.00 PER HOUR WITH A POSSIBLE \$1.00 PER HOUR RAISE AFTER 90 DAYS.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

Commissioner Chair Jason Anderson questions Mr. Arredondo as to if Rhiannon Curry will still be available to keep minutes for the BOCC. Mr. Arredondo agrees that Mrs. Curry can continue minutes until after the election, as it would only be more of a burden on Clerk and Recorder Gomez to find a replacement. Mr. Arredondo however would require Mrs. Curry's time once the election was over.

Mr. Arredondo questions the BOCC in regards to accepting tires in the Landfill. He would like to see them start taking tires again. He has noticed an increase in County citizens burning tires and

tires being disposed of on the side of the road. He does not want to have to turn people into the health department as it would be easier to start accepting tires again, at a per size charge. Mr. Arredondo believes this should be added as a line item to the budget and have it become part of the recycle program. Commissioner Lovato questions if they ever received phone numbers of anyone who could help dispose of the tires if the Landfill does accept them again. Mr. Arredondo agrees to look into that. He believes it would behoove them to consider taking them again with price point depending on tire size, i.e., \$3.50 per tire for smaller tires.

Commissioner Chair Anderson and Co-Administrator Maez, question Mr. Arredondo in regards to an Ecosystem Council bringing a visitor to the Landfill. Mr. Arredondo confirms that they would like to have the BOCC, himself and the visitors at the Landfill on November 8th, but he was unsure of a time that worked for the Commissioners. Co-Administrator Maez suggests meeting at 2:30P.M., as there are budget talks during the morning work session. Mr. Arredondo agrees he will call the representative and get it set up for the 8th at 2:30P.M.

Commissioner Lovato advises Mr. Arredondo that he received a call from the Town of Saguache in regards to the vehicle bids. They are questioning if we will re-advertise these. Commissioner Lovato believes we need to re-advertise and have all the vehicles in one location for people to be able to examine before bidding. Mr. Arredondo advises that the original advertisement was incorrect, and will need corrected before it goes out again. It should be one diesel engine truck and two gas engines. It was originally advertised the other way. Co-Administrator Maez will correct and re-advertise the vehicle bids.

LUNCH

WENDI MAEZ, LAND USE ADMINISTRATOR, AIRPORT ADMINISTRATOR:

1. Richard Ramstetter owner/Penitente Solar Energy, LLC applicant – Conditional Use request to install a 2.75 MVAC solar facility on approximately 24 acres that is located between 4 sprinkler quarters as shown on the location map located on County Roads C and 44, west of Center.
 - a. Saguache County Planning Commission recommended approval of this request as presented during their regular meeting on September 29, 2016.

Penitente Solar is working with SLVREC on this project. SLVREC will have an option to purchase this later, however currently they will only purchase the electricity. It is approximately 24 acres in size. Commissioner Ken Anderson asks, how far from the substation it is located. Penitente comments it is just South East of the substation. The distribution line will be buried on the North Side so it can eventually tie in to the solar facility. Commissioner Chairman Jason Anderson also asks if they have plans to bring solar into the Valley. Penitente comments they would love to do so. Commissioner Chair Jason Anderson comments he has racked his brain to get solar into the county, and even looked into putting solar in himself. Commissioner Chair Anderson really wants people to see that the BOCC is open too solar in the County. He expresses his appreciation for working on this. Commissioner Lovato asks about water usage. Penitente comments minimal water will be used, and only for dust cleaning and on an “as needed” basis. Commissioner

Chair Jason Anderson asks that they keep them updated on the project, and Penitente Solar agrees to do so.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE CONDITIONAL
USE REQUEST FOR PENITENTE RICHARD RAMSTETTER/LANDOWNER
AND PENITENTE SOLAR ENERGY, LLC PROJECT AS PRESENTED
SECOND BY COMMISSIONER TIM LOVATO
VOTES IN FAVOR: 3 VOTES AGAINST: 0
MOTION CARRIED**

2. Shauna DeMoss and Berlin O’Butler/Stryker Industry LLC– Conditional Use request -Medical Marijuana Cultivation and processing enterprise located on County Roads N and 45 south of Saguache. Detailed application provided with SCPC packet a few weeks ago.

- a. Saguache County Planning Commission recommended approval of this request as presented during their regular meeting on September 29, 2016.

Stryker Industry advises they are envisioning a large operation for both medical and retail marijuana. They will have green houses for cultivation and extraction as well. Due to State regulations, they are only before the BOCC today in regards to the medical facility. The State requires that Medical approval and Retail Approval be completely separate. Once they have the BOCC and State approval for the Medical side, they will come back before the BOCC for Retail approval as well.

Commissioner Chair Jason Anderson, advises Stryker Industry there are 2 things they have been telling all folks applying for Conditional Use requests for Marijuana. The first is that in November they are asking County citizens to approve a 5% excise tax. Commissioner Chair Anderson believes it is only fair they know this going in. Stryker Industry comments they are in full agreement of this, and glad the BOCC is trying to get this passed. They believe, the State has filled their coffers, but did not allow the counties to get their share. They are in full compliance, and are looking to build a partnership with the County. They want to give back to the County as much as they can. Commissioner Chair Anderson comments, he wants to be clear, “We don’t have an issue with legal cultivation in the County, we have issue with illegal cultivation”. The 2nd issue Commissioner Chair Anderson wants Stryker to be aware of, is that there is HEMP in the County, and they will not be stopping this either. Stryker Industry comments that the greenhouses they build are completely sealed with HEPPA filtration for airflow, so this will not be an issue for them either. Commissioner Chair Anderson comments he appreciates their information, as the argument over HEMP vs. Marijuana has been quite an issue in the County. Stryker responds they are always ready to bounce ideas off or answer any questions the BOCC might have.

Commissioner Chair Anderson asks Commissioner Lovato if he is comfortable with the water. Stryker Industry would love to address the water. They are working to purchase the water with San Luis Valley Water Conservancy District and get an

augmented well. They will purchase all the water that will be needed up front to finish phase 1 of the project. The augmented well will be obtained and metered in a later phase, to ensure they are putting back what they are taking out. The hope is to be able to reuse the water. Stryker advises they are from Colorado. They know and understand the water concern, and it is their desire to conserve as much as possible.

Commissioner Chair Jason Anderson questions what type of extraction they will be doing. Stryker advises they will do CO2 extraction. They are very excited to explore the Medical aspects of the product. They really want to be able to help people. Stryker feels it is only a matter of time before the Federal government will approve and some real research can be done. They plan on approximately 1000 plants per greenhouse. They believe there is a major shift from people who smoke to those who use topical, thus the extracting as well as the growing. Everything is complete and ready to proceed; they just need the approval from the BOCC.

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE CONDITIONAL
USE REQUEST FOR SHAUNA DEMOSS AND BERLIN O'BUTLER/STRYKER
INDUSTRY, LLC FOR MEDICAL MARIJUANA APPLICATION
SECOND BY COMMISSIONER KEN ANDERSON
VOTES IN FAVOR: 3 VOTES AGAINST: 0
MOTION CARRIED**

3. Bid for County Owned Property – Baca Grande Grants Lot 599.
Commissioner Chair Jason Anderson opens the bid from John Berard. The bid is for \$4000.00, which means the County minimum bid amount.

**MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE BID OF \$4,000.00
FROM JOHN BERARD FOR COUNTY, OWNED BACA GRANDE GRANTS LOT
599.
SECOND BY COMMISSIONER TIM LOVATO
VOTES IN FAVOR: 3 VOTES AGAINST: 0
MOTION CARRIED**

4. Lot Line Adjustment request for Shanda G. Serafin and Pamela J. Bustos/Jesse and Lenore LeBlanc III for Parcels 27LA and 21LA – Dageford Subdivision. Dageford Subdivision is located on County Road LL56.
 - a. This request is to change the boundary line between the two parcels to allow for the house that was constructed over the property line between the two parcels and to allow for better access for Parcel 27LA.

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT LINE
ADJUSTMENT REQUEST CONSISTING OF 10.8 ACRES FOR SHANDA G.
SERAFIN AND PAMELA J. BUSTOS/JESSE AND LENORE LEBLANC III FOR**

PARCELS 27LA AND 21LA IN THE DAGEFORD SUBDIVISION LOCATED ON ROAD LL56.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

5. Lot Consolidation request for Theodore Paul Wolf and Mary Ann Holtman Wolf – Baca Grande Grants Lots 825C, 859, 860, and 861C.
 - a. Crestone Baca Planning Commission recommended approval of this request during their regular meeting on October 12, 2016.

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE LOT CONSOLIDATION OF BACA GRANDE GRANTS LOTS 825C, 859, 860, AND 861C FOR THEODORE PAUL WOLF AND MARY ANN HOLTMAN WOLF

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

6. Lot Consolidation request for John L. Wall – Baca Grande Chalets Unit II Lots 4369, 4370 and 4371.
 - a. Crestone/Baca Planning Commission recommended approval of this request during their regular meeting on October 12, 2016

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE LOT CONSOLIDATION OF BACA GRANDE CHALETS UNIT II LOTS 4369, 4370, AND 4371 FOR JOHN L. WALL.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

7. Lot Consolidation request for T. Suomi – Baca Grande Grants Lots 1423CR, 1432, 1433 and 1434.
 - a. Crestone/Baca Planning Commission recommended approval of this request during their regular meeting on October 12, 2016.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT CONSOLIDATION OF BACA GRANDE GRANTS LOTS 1423CR, 1432, 1433, AND 1434 FOR T. SUOMI, NOW KNOWN AS 1423CRR.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

Co-Administrator Maez would like to get approval from the BOCC to have a mobile home removed from the Saguache County. The owners of the mobile home had originally filed for a variance. The Land Use Department has been working with the owners since July to bring the mobile home into compliance. The owner was given until the end of September to bring everything up to code

and deliver the paperwork back to the Land Use Department. The required paperwork was extended to October 14th, 2016 per the Saguache County Planning Commission, and the owner has not complied. It is the request of the Saguache County Planning Commission to the BOCC to issue the authorization to remove.

MOTION BY COMMISSIONER KEN ANDERSON TO DIRECT THE LAND USE DEPARTMENT TO TAKE ACTION TO REMOVE FROM THE COUNTY, THE MOBILE HOME BROUGHT INTO COUNTY ILEGALLY; BY ROBERT AND WIONA RICHARDS, ON LOT 8 BLOCK 16 LAZY KV ESTATES, CURRENTLY OWNED BY LAZY KV HOMEOWNERS ASSOCIATION.

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reporter Sandia Belgrade comments Co-Administrator Maez is a diamond with all that she handles. She does an amazing job. Commissioner Lovato agrees and thanks Mrs. Belgrade for her comment.

SAGUACHE COUNTY AIRPORT MANAGER'S REPORT – WENDI MAEZ:

1. Received the Merchant Statement from Heartland and we have sold a total of \$940.96 in fuel from 09/01/2016 to 09/30/2016 at Leach Airport.
Commissioner Chair Jason Anderson asks if this is still from the first amount of fuel purchased by the county. Airport Manager Maez confirms this.
2. Challenger Contacting has submitted a proposal to paint the Leach Airport lounge and hangar for \$3900.00.
3. Steffens Quality Plumbing and Heating has submitted a proposal for \$5,975.00 to install the radiant gas heaters and upgrade the plumbing and gas at Leach Airport lounge and hangar.
Airport Manager Maez advises this bid could be put off until next year. She has applied for several grants that would more than cover the cost of the two above bids.
4. New doors have been installed at Leach Airport lounge and hangar.
5. Saguache Airport has been bladed and paint has been upgraded.

**LYN LAMBERT, WENDI MAEZ, CO-ADMINISTRATORS ADMINISTRATIVE REPORT:
Administration Report for August 2, 2016**

1. Proposal concerning the furnace replacement at Social Services Building.
Discussed during the Social Services report above.
2. Bands have been purchased and will be installed for the chimney at Social Service Building.
Proof of Liability insurance has been received.
3. Co-Administrator Lambert has been working on budgets with individual departments.
4. Financial Report for the month of September was given to the BOCC as follows. General Fund is at 76% of revenue and 55% of expenditures. Transfers out is at \$33,900.00 with funds being transferred to Public Health. Road and Bridge is at 72% of revenue and 63% of expenditures.

Public Health is at 73% of expenditures and 72% of revenue; however, the revenue includes the \$33,900.00 of transfers from the General Fund.

5. Yvonne Morfitt was present to submit a request for sales tax grant funds outside of regular session for these funds. She explains they are hoping for help as they have already been approved for another 3-year cycle VISTA grant. They work on economic disparities in the community. They have coordinated a backpack snack program. This program gives children of the community a backpack with snacks. VISTA has also coordinated the geodesic dome and the community garden.

Mrs. Morfitt comments they lost the funding when the administration changed at the school. She is looking to make up the difference of the funding loss of \$4,000.00. Commissioner Chair Jason Anderson comments, that the next round of sales tax grants will not be until February, and that would be too late for what Mrs. Morfitt needs the funds for. Mrs. Morfitt confirms this is the case. She is asking now for all of part of the funds requested, and will continue to look for other funding if necessary. Commissioner Chair Anderson explains they can tap the contingency fund to cover these costs, but it would roll what is given into the spring sales tax grant cycle funds normally given to the school. Commissioner Chair Anderson comments he does not want to set a precedence that you can come in and request funding outside of the normal cycle.

MOTION BY COMMISSIONER TIM LOVATO TO MOVE \$4,000.00 FROM THE CONTINGENCY SALES TAX GRANT FUNDS TO MOUNTAIN VALLEY SCHOOL AND THE VISTA PROGRAM, WITH THE CONTINGENCY THAT THESE FUNDS WILL BE REPLACED IN THE NORMAL CYCLE FOR SALES TAX GRANTS IN FEBRUARY.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

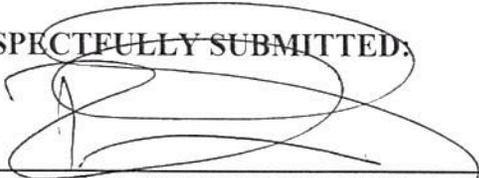
VOTES AGAINST: 0

MOTION CARRIED

BILL PAYING:

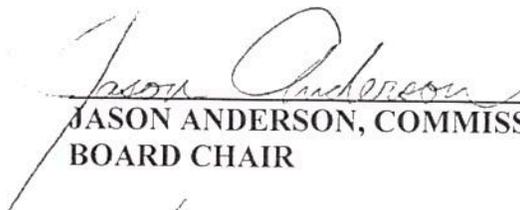
ADJOURN: There being no further business:

RESPECTFULLY SUBMITTED:

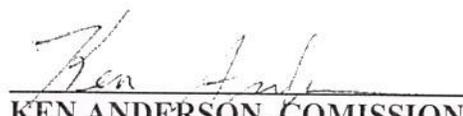


RHIANNON CURRY FOR CARLA GOMEZ, CLERK & RECORDER

DATE MINUTES APPROVED: November 1, 2014



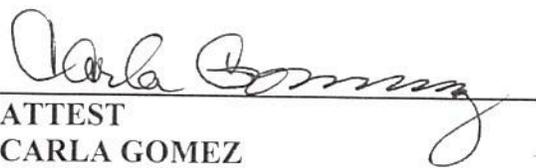
JASON ANDERSON, COMMISSIONER,
BOARD CHAIR



KEN ANDERSON, COMMISSIONER



TIM LOVATO, COMMISSIONER



ATTEST
CARLA GOMEZ
CLERK & RECORDER

