

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, JUNE 11, 2019

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Ken Anderson, at 9:00 A.M., with the Following members present:

Ken Anderson, Commissioner, Board Chair
Jason Anderson, Commissioner
Tim Lovato, Commissioner
Glen Simpson, County Administrator
Wendi Maez, Co-County Administrator/Land Use Administrator, arrived at a later time
Ben Gibbons, County Attorney
Dominique White for Trish Gilbert, Clerk to the Board

PLEDGE OF ALLEGIANCE:

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

Additions/Deletions to the Agenda:

1. Ben Gibbons requested an Executive Session for Legal Council
2. Randy Arredondo requested an Executive Session for personal during his time
3. Trish Gilbert will not be in attendance today
4. Wendi Maez requested an Executive Session for personal

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE AGENDA AS AMENDED
SECOND BY COMMISSIONER JASON ANDERSON**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

**MOTION BY COMMISSIONER JASON ANDERSON TO ACCEPT THE MINUTES OF THE
MAY 21, 2019, REGULAR SESSION MEETING AS PRESENTED
SECOND BY COMMISSIONER TIM LOVATO**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: 06/11/2019

1. **San Luis Valley REC** sent an invitation to attend their annual meeting on Tuesday, June 12, 2019 (letter says Tuesday June 12th but the meeting is Tuesday, June 11th) at 5:30 P.M. at the Colorado

National Guard Readiness Center located at 1877 Old Sanford Road, Alamosa CO 81101.
(Received May 23, 2019)

2. **Mineral County Courthouse** sent an invitation to attend the Grand Opening and Dedication for the Courthouse Renovation and Expansion on June 17th from 10 A.M. to 12 P.M. at 1201 North Main Street, Creede Colorado. (Received May 28, 2019)
3. **Homestake Mining Company** sent a letter in regards to filing an amendment for DRMS Permit No. M-1977-004 for their final reclamation and closure plan. (Received May 30, 2019)
4. **La Puente Home** sent a letter of gratitude for assisting families and individuals Azteca of the San Luis Valley, when moments in life can seem the darkest. (Received May 30, 2019)
5. **Jenny Nehring and Cary Aloia, of Wetland Dynamics, LLC** sent notice that the Wetland Dynamics, LLC in partnership with the BLM, CPW, USFWS, NRCS, USFS, Intermountain West Joint Venture, Bird Conservancy of the Rockies, Ducks Unlimited, and the SLV Chapter of Trout Unlimited have recently completed an extensive document on wetland and wildlife values and conditions in the SLV entitled, San Luis Valley Wetland and Wildlife Conservation Assessment, Historic and Current Distribution of Wetlands and Riparian Areas: Recommendations for Future Conservation. (Received June 3, 2019)
6. **SRTS (Safe Routes to Schools) Coalition** sent an invitation to attend their meeting Monday, June 10, 2019 at 12:00 P.M. at Azteca De Oro Restaurant located at 980 S Broadway Street, Center CO 81125 (Received June 3, 2019)
7. **My SLV Connect.com** sent an invitation to attend a free lunch Thursday, June 6, 2019 at 12:00 P.M. through 2:00 P.M. at the Calvillo's Mexican Restaurant located at 400 Main Street, Alamosa CO 81101. (Received June 3, 2019)
8. **Xcel Energy** sent a letter to share the news about Xcel Energy's Natural Gas Regulatory Rate Review, which they recently submitted to our state regulators for their consideration. Xcel's natural gas system stretches 24,000 miles across the state, serving nearly 1.4 million Colorado customers. The plan they put forward revises and updates rate schedules based on a proposal previously approved by the Colorado Public Utilities Commission; however, it does not request any additional revenue for the company. (Received June 3, 2019)
9. **The Food Banks of the San Luis Valley** sent a letter about the upcoming community meetings that will revolve around the food banks in their respective communities. You are invited to attend their meeting June 11, 2019 at 1:00 P.M. at 401 Lincoln Avenue, Moffat CO 81143. (Received June 3, 2019)
10. **Kit Hopkins, County Road EE** sent a letter requesting the Commissioner's consideration of the maintenance of County Road EE. (Received June 3, 2019)

Introduction of Guests:

Sandia Belgrade
Virginia Drake
Kit Hopkins
John Skelton
Leidy Rivero
Idelfonso Rivera
Justin Trouard
Brian Intrary
Greg Thorsen

Public Comment:

Virginia Drake stated that the Moffat School District is very grateful for Saguache County. She thanked the Saguache County Commissioners, by stating that the commissioners helped make a difference in school students for the 2018-2019 school year by expanding P.E.; expanding the arts program by providing a kiln; improving the uniforms for the athletes; and expanding the after-school program with a writing club.

DAN WARWICK, SHERIFF, Report Attached

Warwick stated that the average number of inmates housed per day through the year so far is 13. The transfer switch for backup generator has been replaced, but during a power outage the generator did not work. There are two sensors that are not working and they have been ordered and will be installed soon. If no bids have been received for the architectural plans for the new jail, Dan suggests accepting the bid from F&D International and move forward with getting the information needed for total costs. The rifle that was requested has been picked up. The pay increases for the staff have been started but will not be complete until such time that the pay increase is earned.

The Crestone Office is still being worked on. The computers and camera system have been ordered by WSB. The internet service has been ordered and should be installed by the end of June. Behavioral Health has donated some workstations, file cabinets, chairs and tables for the Crestone office space. Warwick asked that the Board of County Commissioners send Behavioral Health a letter of thanks, as he plans to do the same from the Sheriff's Office.

Dan currently has a way to safely and properly destroy unwanted medications. Warwick will also get units to County Coroner Perrin so that medications he collects can be destroyed.

The part time deputy that was hired for the west side of the county is working and has been issued a patrol unit and gear.

COMMISSIONER REPORTS:

Jason Anderson:

5/22 - Attended the work session on water for public question/comment of the proposed Renewable Water Project in Saguache County.

5/22 - Was notified by Glen Simpson that the Crestone Town Board approved their meeting room for Commissioner's office hours on the second and fourth Fridays of the month.

5/28 - Attended an on-site visit to the proposed Conditional Use Application area on County Road 56 and U.

5/30 - Attended the last day at Moffat school.

Spoke with Carolyn Brown of Crestone concerning an application for Title 2 Funds to protect sensitive areas that are being heavily impacted in the Willow/South Crestone trailhead parking area.

Spoke with a resident from the Center area concerning the road conditions to the Church in La Garita.

Spoke with residents and emergency personnel from the Crestone area concerning any flood risk from runoff in the Sangres.

6/3-6/4 - Attended the CCI Summer Conference.

6/6 - Attended a meeting With Senator Cory Gardner's office, subjects included:

- Funding for federal lands maintenance backlog.
- BLM Resource Advisory Council appointments.
- Funding for recreation impacts.
- High healthcare costs for small/local government.
- Details of the Farm Bill.

6/6 - Attended a meeting with Senator Michael Bennet's office, subjects included:

- Funding for federal lands maintenance backlog.
- BLM Resource Advisory Council appointments.
- Funding for recreation impacts.
- High healthcare costs for small/local government.
- Details of the Farm Bill.

Received a question and responded to Cathy Garcia of Senator Gardner's office concerning the effectiveness of the Valley's VSO's.

Tim Lovato:

5/11 - Attended the Renewable Water Presentation for the public at the Road & Bridge meeting room. Approximately 68 residents were present at the meeting. The presentation was almost the same as the one given to the commissioners on April 9th, with a few changes such as fee structure and 1-2 billion-acre feet of water that is available at 600'.

5/23 - Attended the Courthouse Security Commission Meeting in Denver, the Commission awarded 52 counties funding for their courthouse security. A total of 3.25 million was awarded to the 52 counties during the State Fiscal Year. A rough breakout of 70% Personal, 15% Equipment Cost, and 5% Emergency Funding.

5/24 - My wife and I went to Chicago and Crestone Cemeteries and picked up the Wreaths Across America that were put out in December, most of them had been picked up by family members. Also checked on the North Crestone Creek for flooding and the condition of the spillway.

5/30 - Went on a tour with several people from the SLV Ecosystem Council and commissioners from Mineral and Alamosa Counties. We visited five facilities. One in Poncha Springs, Canon City, two in Colorado Springs and one in Divide Colorado. It was a great learning experience. Recycling needs to be at home as the labor and expenses increase if a person does single stream. A statement was made at the Waste Management Facility by the manager when asked about the cost of a transfer station, he stated; "The cost of a transfer station is three times as much as a landfill".

6/3-6/5 - Attended the CCI Conference in Keystone. Attended several sessions from sales tax issues to developing Opportunity Zones.

6/7 - Met with several employees from Road & Bridge and they worked on cleaning out the spillway so that if needed, water could be diverted down and away from the town of Crestone. Also visited with Dr. Arnett about the revitalization of the front of the clinic on 4th Street.

6/10 - Visited with Richard Nagley from the Veterans Collation about the transportation for Mr. Green to get him to his appointment for heart surgery in Colorado Springs.

Spoke with Saguache County Emergency Manager Bobby Woelz about the conditions of North Crestone Creek, he will be visiting the site and speaking with several people from the town of Crestone.

Glen Simpson, Saguache County Administrator, and I drove to the Town of Sargents and visited with several people about concerns they had with street conditions, high water, and issues with the Forest Service.

Attended the Saguache Town Board Meeting and once again listened to Mr. Sean Tonner from Renewable Water Resources give his presentation on water exportation. This time they are going to pump from 2000' from the confined aquifer. The Town Board of Saguache passed Resolution 2019-E against the exportation of water from the Rio Grande Basin.

Ken Anderson:

5/28 - Went on a site visit to Mammoth Farms, LLC.

6/2 - Had good rain and hail go through the Center area, it did damage some of the crops.

Drove to Crestone to look at the creek. The Crestone Campground was flooding.

6/4 - Went to hemp processing center, they have about 100 employees, and they were currently planting seeds.

Had phone calls about County Road 42 regarding the traffic and the culvert.

Drove up Canero Creek and they are concerned of all the log trucks traveling that road.

There is a hole on County Road L that needs to be filled.

Back in session from break at 10:07 A.M.

LYNETTE GRANT, PUBLIC HEALTH DIRECTOR, Report Attached

MOTION BY COMMISSIONER TIM LOVATO TO GO INTO THE BOARD OF HEALTH

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Grant stated that Public Health is doing a CPH Assessment that is mandatory for all counties. Public Health hired a generalist.

Public Health received two additional dog bites and one bat bite which was negative for rabies. Got out some information to veterinarians as well as citizens for information on bites. Attended the Neonatal Symposium.

MOTION BY COMMISSIONER TIM LOVATO TO ENTER INTO THE EPR CONTRACTS FOR THE REGIONAL HEALTH CARE COLLILATION

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO COME OUT OF THE BOARD OF HEALTH SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

DEPARTMENT HEAD REPORTS:

BEN GIBBONS, COUNTY ATTORNEY

MOTION BY COMMISSIONER TIM LOVATO TO GO INTO EXECUTIVE SESSION FOR LEGAL PER C.R.S. 24-6-402(4)(b)

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

RANDAL ARREDONDO, SUPERVISOR, ROAD AND BRIDGE, Report Attached

- KIT HOPKINS, Road Maintenance Request

Hopkins said that County Road EE has never been maintained; every road around has fewer people than County Road EE. In March there was a lot of rain that caused 7-inch deep ruts. This is a safety hazard.

The Board of County Commissioners decided to go and look at the road before any final decisions are made.

Arredondo stated that they hauled \$30,000 worth of gravel to County Road PP. The Town of Sargents had some flooding, Road and Bridge went and built a dam. They are finishing up the measurements for the landfill. There are three bids for fencing the whole property at the landfill.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE BID FROM HIGH COUNTRY FENCE OUT OF RYE COLORADO IN THE AMOUNT OF \$101,234.34 WHICH INCLUDES THE REMOVAL OF THE EXISTING FENCE.

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

CONNIE TRUJILLO, COUNTY TREASURER

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE RESOLUTION CANCELING TAXES DETERMINED TO BE UNCOLLECTIBLE

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

A parcel in the Lazy KV Estates went delinquent back in 2006. There was a lienholder on it that had paid those taxes back in 2006. In 2008, the taxes were erroneously input and instead of the taxes being \$112.51 they were input as \$112,152.66. Trujillo cannot cancel these without the Board approving it. Trujillo will get a Resolution printed for the Board to sign.

PETER PETERSON, COUNTY ASSESSOR

Peterson stated that the assessor's time has been spent with reappraisals. The NOV's were mailed out by May 1st, they have until June 1st to protest and the office has had about 47. The Notice of Determination will go out by the end of June. People will have until July 15th to appeal. Two staff members are going to be attending a four-day class in August to.

Randy Arredondo

MOTION BY COMMISSIONER TIM LOVATO TO GO INTO EXECUTIVE SESSION FOR PERSONNEL PER C.R.S. 24-6-402(4)(f)(I)

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Back in session from Lunch at 1:00 P.M.

WENDI MAEZ, LAND USE ADMINISTRATOR:

1. Mammoth Land Holdings, LLC/ Greg Thorsen (Northern Gateway Holdings, LLC) applicant. Lots 3,4,5, and 8 N1/25W1/4, N1/2SE1/4, SW1/4SE1/4 Section 2 and Lots 1,2, and 6 Section 3 Township 43 North Range 8 East.

This request is for 4 (four) commercial marijuana grow facilities located within the approved 40 acres for Mammoth Land Holdings, LLC (Justin Trouard) of which 7 acres will be used for this project.

This is a Tier One License for 1,800 plants times 4 licenses for a total of 7,200 plants.

The "Harvest House" will be a two-story structure which will be 120' x 60'.

The Green house will be 30' x 120'.

As before, each license must have a physical address associated with them. We have issued 4 addresses for this request; 52140, 52142, 52144 and 52146 County Road U. The access to be used for these will be the same access used by Mammoth Land Holdings.

One letter of concern was received with request of additional information.

Saguache County Planning Commission recommended the following conditions during their regular meeting held on April 25, 2019.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE ALL FOUR APPLICATIONS FOR 7,200 PLANTS AS REQUESTED

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 2

VOTES AGAINST: 1

MOTION CARRIED

2. John Carl Skelton, Marijuana Variance Request - Lot 20 Block XX, Lazy KV Estates; 60 plants requested. All permits and documents required are on file with the Land Use office.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE 60 PLANT COUNT FOR JOHN SKELTON

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

3. Brian Intrary, applicant, Craig McMillian, landowner, Marijuana Variance Request – Circle Z Estates Tract 2; 75 plants requested. All permits and documents required are on file with the Land Use office.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE REQUEST FROM BRIAN INTRARY FOR 75 PLANTS

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

4. Idelfonso Rivero, Marijuana Variance Request - Lot 4 Block AAA, Lazy KV Estates; 75 plants requested. All permits and documents required are on file with the Land Use office.

5. Leidy Rivero, Marijuana Variance Request - Lot 4 Block AAA, Lazy KV Estates; 75 plants requested. All permits and documents required are on file with the Land Use office.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE MARIJUANA VARIANCE REQUEST FOR IDELFONSO AND LEIDY RIVERO LOT 4 BLOCK AAA, LAZY KV ESTATES WITH A TOTAL OF 150 PLANTS

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

6. Lot Line Adjustment/Subdivision Exemption/Lot Consolidation

MOTION BY COMMISSIONER KEN ANDERSON TO REMOVE 15.30 ACRES FROM THE ANDERSON TRACT

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO ADD 14.18 ACRES TO BE KNOWN AS THE SPEARMAN TRACT

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

7. County Owned lot bids:

MOTION BY COMMISSIONER TIM LOVATO TO ACCEPT THE BID SUBMITTED BY JD WADE IN THE AMOUNT OF \$4,001 BACA GRANDE CHALET I, LOT 205

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

CHAD STEWART, JERRY KRUGER - Acting Forest Supervisor, GMUG National Forest Service
Stewart and Kruger gave an update on the GMUG.

Stewart stated that they are working on getting the forest plan out to the public. They are always wanting feedback from the commissioners as well as the public, to make it successful.

GLEN SIMPSON COUNTY ADMINISTRATOR, ADMINISTRATIVE REPORT, Report Attached

1. Contingency Sales Tax Grant Request for the purchase of the cargo trailer for Saguache County Commodity delivery in the amount of \$5,419.00.
2. Contingency Sales Tax Grant Request for the Ecosystem Council/Chris Canaly for the Landfill clean-up in the amount of \$3,105.62.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE BOTH EMERGENCY SALES TAX GRANT REQUESTS EXCEEDING THE \$5,000 CAP IN THE AMOUNT OF \$5,419.00

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

3. The Center Consolidated School District has requested payment of \$12,500 for 2019 and \$12,500 for 2018 for the Saguache County Library located in the Center School Library. \$12,500 for both years 2018 and 2019 have been budgeted but the 2018 payment was not requested by the school district; therefore, Mr. Simpson is requesting that the 2018 payment also be made in 2019.

MOTION BY COMMISSIONER TIM LOVATO TO APPOINT NICOLE ROCKEY TO REPRESENT THE SAN LUIS FAIR BOARD

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Back in session from break at 2:34 P.M.

**MOTION BY COMMISSIONER TIM LOVATO TO GO INTO EXECUTIVE SESSION FOR
LEGAL PER C.R.S 24-6-402(4)(b)**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Seeing no further business, Commissioner Ken Anderson adjourns the meeting at 3:26 P.M.

RESPECTFULLY SUBMITTED:

D Whit

DOMINIQUE WHITE FOR
TRISH GILBERT, CLERK & RECORDER

DATE MINUTES APPROVED: June 25, 2019

Ken Anderson
KEN ANDERSON, COMMISSIONER,
BOARD CHAIR



Jason Anderson
JASON ANDERSON, COMMISSIONER

Tim Lovato
TIM LOVATO, COMMISSIONER

Jane Whitten
ATTEST *Deputy Clerk*
TRISH GILBERT
CLERK & RECORDER