

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, NOVEMBER 5, 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
Wendi Maez, Acting County Administrator
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. Jason Anderson requested an Executive Session for Legal Counsel.
2. Randy Arredondo will not be in attendance today.

**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
OCTOBER 15, 2019 REGULAR SESSION MEETING AS AMENDED
SECOND BY COMMISSIONER TIM LOVATO**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: 11/05/2019

1. **Lower Ark Watershed** sent an invitation to attend 2018 Farm Bill CRP General Signup Informational Meeting, November 13, 2019 from 1:00 P.M. to 3:00 P.M. at 560 Bent Ave. Las Animas, CO. (Received October 15, 2019)
2. **Saguache County Landfill** sent a Tonnage Report for September 2019. (Received October 16, 2019)
3. **Daniel S. Johnson** sent a letter stating they have received their funding check on September 21, 2019. (Received October 18, 2019)

4. **U.S. Department of the Interior Bureau of Land Management** sent a letter about BLM seeking public comment on a proposal to convey 0.21 acre of public land to Lucky 3 Inc. in a direct sale. (Received October 18, 2019)
5. **Rio Grande Water Conservation District** sent a report with the 2019 Ground Water Table Measurements. (Received October 18, 2019)
6. **Upper Gunnison River Water Conservancy District** sent an agenda for their Monday, October 28, 2019 Board of Directors Regular Meeting taking place at 210 West Spencer Avenue, Suite B Gunnison Colorado. (Received October 21, 2019)
7. **Adams State University** sent an invitation to attend the Donor and Student Recognition Dinner to honor the support of Adam State University. (Received October 21, 2019)
8. **Smith Currie, State of Colorado** sent a \$19,728.00 check payable to Saguache County. That is the County's total PILT underpayment in fiscal years 2015 – 2017 less the pro rate shares of attorney fees and reimbursable awarded by the court. (Received October 21, 2019)
9. **CRG Mining LLC** sent an application to the Colorado Division of Reclamation, Mining and Safety (DRMS) to conduct prospecting in Saguache County. (Received October 22, 2019)
10. **Office of the State Auditor** sent a letter to notify the County of Saguache has not filed an annual audit report with the State Auditor as required by Section 29-1-606, C.R.S. for the year ended December 31, 2018. (Received October 24, 2019)
11. **The Royalty Trust** sent a letter regarding a letter received from Laura Taylor of the Saguache County Assessor's Office dated October 15, 2019, informing The Royalty Trust that the terms and conditions of The Royalty Trust have been breached and unauthorized county employees have taken the above referenced parcel out of a valid trust. The action represented in this letter appear to constitute fraud on the part of the Assessor's Office. (Received October 24, 2019)
12. **Town of Saguache** sent a letter stating that the trailer occupying the back portions of 430 and 440 Pitkin Ave will be charged a monthly rate starting January 1, 2020. The trailer will be charged for regular monthly water and sewer charge of \$68.00 per month. (Received October 24, 2019)
13. **Board of Assessment Appeals State of Colorado** sent a notice of hearing regarding several cases scheduled for hearing at 8:30 A.M. You are required to appear for your hearing at 8:30 A.M. on February 6, 2020 at 1313 Sherman Street, Room 315, Denver CO 80203. (Received October 24, 2019)
14. **Joe Michalak** sent a letter regarding the great job of the cleanup and general improvements at the Saguache County Landfill. (Received October 29, 2019)
15. **The Saguache County Landfill** sent the July through September 2019 Tonnage report. (Received October 16, 2019)
16. **Gunnison Conservation District** sent an email notifying there is an opening on the Gunnison County Farm Service Agency Committee. (Received October 31, 2019)
17. **CTSI** sent a notice of positions that are up for election at the upcoming membership meetings. (Received October 30, 2019)
18. **Rocky Mountain Region** sent a Forest Order for the USDA Forest Service Rio Grande National Forest. (Received November 1, 2019)
19. **Colorado Department of Public Health & Environment** sent a letter in regards to no further action for Compliance Order on Consent Number 19-03-18-01 Saguache County Landfill. (Received November 4, 2019)
20. **Linda Stagner** sent a letter to oppose a new request for an additional annexation to the Town of Moffat. (Received November 4, 2019)

21. Bob & Kay Adams sent a letter to the Board of County Commissioners voicing their concerns with the direction Saguache County is moving. (Received November 4, 2019)

Introduction of Guests:

Sandia Belgrade
Shawn Quick
Carlos Silva
Francisco Silva
Luis G Gutierrez
William Rotella
Virgil Tafoya
Susan Tafoya
Patricia Reigle
Whitney Justice

Lisa Cyriaks
Teresa L Bennis
Michael Biggio
David Strickdim
Claudia Ramos
Vilma Hernandez
Carlos Gonzales
Nikita Christensen

Public Comment:

Shawn Quick presented her concerns regarding the Town of Moffat Annexation.

COMMISSIONER REPORTS:

Jason Anderson

10/16 – Attended the first meeting of the Crestone Freedom Project Board. The organization is still trying to acquire the J Kyle Braid Ranch in Northern Saguache County. Funding is being proposed by the Colorado Southern Ute Tribe.

10/17 – Spoke with Akia Tanara of the Crestone Living Wisdom Foundation. With the help of the County Sales Tax Grant they have been able to begin the proceedings of acquiring land for their Senior Housing project in the Town of Crestone.

10/21 – Attended the Valley Wide Commissioners Meeting to finalize the Valley Wide Budget.

10/22 – Attended the Commissioners Work Session and Retreat to review and edit the 2020 County Budget.

10/23 – Attended the SLV Hemp Conference at Adams State. The event was put on by the State for comment on the creation of a State Hemp Plan.

10/24 – Attended interviews for the position of County Administrator.

10/31 – Attended interviews for County Administrator.

11/1 – Met with Johnathan Huacke, Gunnison County Commissioner, concerning an attempt to revive the scenic bi-way from Saguache to Gunnison to Chaffee Counties.

11/4 – Attended office hours in Crestone. Subjects brought forward were:

- Lack of road maintenance on some of the more obscure county-maintained roads in the Baca.
- Better information on lack of a quiet title and possible difficulty in acquiring said title to bidder of County Lots.
- Blight in the Baca.
- Questions about if it is time for some sort of building code.

Tim Lovato

10/16 – Received an update from OEM Director Robert Woelz on the Town of Moffat fire.

10/17 – Attended the meeting at the Town of Moffat on the status of the fire and designating a portion of the town as a disaster area, which would open up the towns ability to apply for grants for the cleanup.

Present at the meeting were: Mayor Patricia Regal, Town Secretary Ms. Van Horn, Fire District Chief Wes Moores and OEM Director Bobby Woelz.

Attended the CTC Collation Meeting in Saguache, topics discussed were how to improve and recruit more citizens for the program.

10/18 – Attended the Mountain Valley School Dedication for the new school, there were around 200+ attendees.

10/21 – Attended the San Luis Valley Commissioner's Meeting in Alamosa on the proposed budget for the Valley Commissioners.

10/22 – Attended the Commissioner Work Session. Mr. Alvarez gave a presentation on the upcoming Census count and the timeline for when the project is going to kick off. Official Census Count Day is April 1, 2020.

Attended the Commissioner's retreat on the budget.

10/24 – Participated in the interview process for the County Administrator, there were five applicants and one of the applicants withdrew her name from the process prior to the interviews.

Received a call from a constituent on the proposed Moffat Annexation.

10/28 – Attended the BEAR Meeting in Salida given by the US Forest Service on the study they conducted on the burn scar and what the potential impact from erosion and the status of the solid impacted by the burn. BEAR stands for Burn Area Emergency Response Assessment.

Received another call from a Moffat Resident on the proposed Moffat Annexation.

10/31 – Participated in the interview process for one of the applicants that couldn't attend the process on Thursday October 24th, as there was confusion as to the time of her interview.

Received a letter from Shawn Quick regarding her concerns on the Town of Moffat Annexation.

11/4 – Attended the Adam State Donors Dinner in Alamosa.

Ken Anderson

Attended an Extension Meeting in Monte Vista to go over an MOU. The last MOU was done in 2001.

Attended the San Luis Valley Board of Commissioners Meeting to review the budget.

Attended the DRG Meeting in Alamosa.

Attended the interviews for the Administrator position

Received a call from a person from DSS. Spoke with Warsh about it.

Stopped at the airport, and they did trim the weeds, it looks good.

Returned from break at 9:43 A.M.

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

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Returned from Executive Session at 10:05 A.M.

LYNETTE GRANT, PUBLIC HEALTH DIRECTOR

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

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

Grant stated the TB case left to California. Two dog bites have been reported. Ms. Quintana will be attending a mandatory OBH training. CTC is moving along, by January CTC will be in line with the other Counties. The CEO of the Heart of the Rockies is requesting Public Health go to his clinic once a week to dispense their pharmaceuticals at no charge. Grant stated that it seemed unrealistic.

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

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

DEPARTMENT HEAD REPORTS:

BEN GIBBONS, COUNTY ATTORNEY

**MOTION BY COMMISSIONER JASON ANDERSON TO ENTER INTO THE MOU
REGARDING AMBULANCE SERVICES AND INSPECTIONS
SECOND BY COMMISSIONER TIM LOVATO**

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

**MOTION BY COMMISSIONER TIM LOVATO TO GO INTO THE BOARD OF DSS
SECOND BY COMMISSIONER KEN ANDERSON**

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

**MOTION BY COMMISSIONER TIM LOVATO TO ENTER INTO THE CONTRACT FOR
SERVICES CENTER FOR RESTORATIVE PROGRAM FOR FAMILY SUPPORT PARTNER
SECOND BY COMMISSIONER JASON ANDERSON**

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

**MOTION BY COMMISSIONER TIM LOVATO TO ENTER INTO THE CONTRACT FOR
SERVICES FOR STATE FISCAL YEAR 2019 – 2020 WITH THE CENTER FOR
RESTORATIVE PROGRAM FOR THE WRAP AROUND FACILITATOR
SECOND BY COMMISSIONER JASON ANDERSON**

VOTES IN FAVOR: 3
MOTION CARRIED

VOTES AGAINST: 0

Town of Moffat Presentation of Annexation Impact Report (Report Attached)
Town of Moffat Mayor Patricia Reigle presented the impact report as well as maps.
The Board agreed to do a site visit on November 7, 2019 at 1:00 P.M.

Returned from lunch at 1:00 P.M.

Hinkle and Company 2018 Audit Review

Mr. Chris Parker with Hinkle and Company presented the 2018 County Audit. The Board agreed to review the Audit on November 12, 2019 after Hinkle & Company fixes the mistakes that were found.

WENDI MAEZ, LAND USE ADMINISTRATOR, Report Attached

1. Blooming Budz yearly Conditional Use Review – Claudia Ramos

MOTION BY COMMISSIONER JASON ANDERSON THAT THE BOARD OF COUNTY COMMISSIONERS TO EXTEND THE YEARLY REVIEW OF BLOOMING BUDZ LLC TO MARCH 15TH 2020 WITH THE REQUIREMENT THAT THERE BE ELECTRICITY, A GREENHOUSE AND ONE STORAGE CONTAINER ON THE PROPERTY AT THAT TIME TO SHOW FORWARD PROGRESS AND AVOID TERMINATION OF THE CONDITIONAL USE PERMIT

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

2. Brian J Buckner, Lot Consolidation Request, Baca Grande Chalet Unit Two Lots 3644 & 3645. Crestone/ Baca Planning Commission recommended unanimous approval of this request during their Regular Meeting on October 30, 2019.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE LOT CONSOLIDATION FOR LOTS 3644 AND 3645 BACA GRANDE CHALET UNIT TWO NOW KNOWN AS 3644C

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

3. Justin Pullen, Lot Consolidation Request, Baca Grande Chalet Unit One Lot 1806 thru 1810. Crestone/ Baca Planning Commission recommended unanimous approval of this request during their regular meeting on October 30, 2019

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT CONSOLIDATION FOR 1806, 1807, 1808, 1809 AND 1810 FOR JUSTIN PULLEN, BACA GRANDE CHALET UNIT ONE NOW KNOWN AS LOT 1806C

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

4. Elena Levy, Lot Consolidation Request, Baca Grande Grants Lots 1179 & 1180. Crestone/ Baca Planning Commission recommended unanimous approval of this request during their Regular Meeting on October 30, 2019

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE LOT CONSOLIDATION FOR ELENA LEVY LOT 1179 AND 1180 BACA GRANDE GRANTS NOW KNOWN AS 1179C

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

- Jean Pierre Lewis and Cynthia Eiden, Lot Consolidation Request, Baca Grande Grants Lots 1512 & 1513. Crestone/ Baca Planning Commission recommended unanimous approval of this request during their Regular Meeting on October 30, 2019.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE LOT CONSOLIDATION FOR LOTS 1512 & 1513 BACA GRANDE GRANTS, NOW KNOWN AS 1512C

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

County Owned Lot Bids

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT BID FOR BACA GRANDE GRANTS UNIT ONE LOT 345 IN THE AMOUNT OF \$4,050 FROM MATTHEW LANARD

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER JASON ANDERSON TO REFUSE THE BID FROM TIM KEMNETZER FOR LOT 1322 BACA GRANDE PENDING A PROPER LEGAL DESCRIPTION LOCATION ON THE BID FORM

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

WENDI MAEZ, ACTING COUNTY ADMINISTRATOR, Report Attached

- We have received several Baca Grande Property Owners Election Ballots. How does the Board want Administration to handle the ballots?
- Tammy Keiser, who is one of the Tourism Council liaisons, would like to resign as the county financial liaison. Ben Gerade, the other liaison is willing to accept the financial portion of this appointment. Amber Wilson has also agreed to help Gerade learn what needs to be done.
- Presentation of a Resolution to Clarify Appropriations approved thus far for 2019. We will need this resolution to add all of the additional items approved by the Board in 2019, (Mobile Home, Fence and Cell at Landfill etc.). This will correct the order in which the resolutions were filed, as they were filed out of order.

FUND	Original Budget	Supplemental #1	Supplemental #2	Adjusted
General	\$5,860,097.01	\$14,472.00	\$223,235.00	\$6,097,804.01
Road & Bridge	\$3,413,544.96			\$3,413,544.96
Public Health	\$621,241.83			\$621,241.83
Social Services	\$4,092,888.60			\$4,092,888.60
Conservation Trust	\$35,000.00			\$35,000.00
Tourism	\$58,800.00			\$58,800.00
Sales Tax Grant	\$252,750.00			\$252,750.00
TOTAL	\$14,334,322.40	\$14,472.00	\$223,235.00	\$14,572,029.40

MOTION BY COMMISSIONER TIM LOVATO TO ADOPT THE RESOLUTION CLARIFYING

**THE APPROPRIATIONS APPROVED FOR 2019
SECOND BY COMMISSIONER JASON ANDERSON
VOTES IN FAVOR: 3
MOTION CARRIED**

VOTES AGAINST: 0

Nikita Christensen, Center Conservation District – Weed Control Update
Christensen stated they budgeted for \$35,000 and only spent \$21,000. They sprayed 572 acres (108 miles). Christensen presented maps of the areas that were sprayed.

Saguache County Land Development Code Changes – Public Hearing
Article VIII, Variance from Regulations (Report Attached)

Board Chair, Ken Anderson Opened the Public Hearing at 3:00 P.M.

A citizen stated that he objects to the variance regulations because he feels it is wrong that he has to suffer because other people have abused the rules. He stated that he has paid his taxes and has abided by the rules and should be able to grow what his doctor has prescribed. He stated that he really needs the plants to make stuff to help with his seizures.

Board Chair Ken Anderson Closed the Public Hearing at 3:27 P.M.

**MOTION BY COMMISSIONER TIM LOVATO TO ADOPT THE CHANGES ON THE
MEDICAL MARIJUANA TO A MAXIMUM OF 24 PLANT MEDICAL COUNT PER PARCEL
WITH THE CHANGES IN ARTICLE VIII**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER TIM LOVATO TO MAKE THE LAND DEVELOPMENT CODE
CHANGES EFFECTIVE DECEMBER 4TH 2019**

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 3:40 P.M.

RESPECTFULLY SUBMITTED:



DOMINIQUE WHITE FOR
TRISH GILBERT, CLERK & RECORDER

DATE MINUTES APPROVED: November 19, 2019



KEN ANDERSON, COMMISSIONER,
BOARD CHAIR



JASON ANDERSON, COMMISSIONER



TIM LOVATO, COMMISSIONER



ATTEST
TRISH GILBERT
CLERK & RECORDER