

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, FEBRUARY 4, 2020

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Jason Anderson, at 9:01 A.M., with the Following members present:

Jason Anderson, Commissioner, Board Chair
Ken Anderson, Commissioner
Tim Lovato, Commissioner
Wendi Maez, County Administrator
Ben Gibbons, County Attorney
Dominique White, for Trish Gilbert, 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. Ben Gibbons will leave at noon.
2. Ben Gibbons Requested an Executive Session for Legal and Personnel Counsel.
3. Trish Gilbert will not be in attendance today.

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

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

**MOTION BY COMMISSIONER TIM LOVATO TO ACCEPT THE MINUTES OF THE
JANUARY 21, 2020 REGULAR SESSION MEETING AS PRESENTED
SECOND BY COMMISSIONER KEN ANDERSON**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: 02/04/2020

1. **Pike National Historic Trail** sent their newsletter. (Received January 21, 2020)
2. **Richard Nagley** sent an email with an obituary attached of SLV Veteran Kenton Goodge. (Received January 21, 2020)
3. **Upper Gunnison River Conservancy District** sent an agenda for their Monday, January 27, 2020 Board of Directors Meeting starting at 5:30 PM at 210 West Spencer Avenue, Suite B, Gunnison Colorado 81230. (Received January 21, 2020)
4. **Great Outdoor Colorado** sent their Annual 2020 Report. (Received January 23, 2020)

5. **Greenbacker** sent a letter regarding the agreement between Monte Vista Solar 2 CSG LLC and Saguache County, dated April 5, 2019. (Received January 27, 2020)
6. **Bureau of Land Management** sent a letter regarding BLM updating their grazing regulations. The BLM would also like to invite the board to participate during the scoping comment period. Announcements and documents pertinent to this proposal and the public scoping comment period are available at the BLM's ePlanning website at: <https://go.usa.gov/xyMqb>. (Received January 31, 2020)
7. **Northern Saguache County Fire Protection District** sent a 2020 Special District "Transparency Notice". (Received January 31, 2020)
8. **Colorado River District** sent an email regarding the Colorado River District webinar for February 19, 2020 at 12:00 PM. (Received January 31, 2020)

Introduction of Guests:

Robert L Tafoya
Tony Jennings
Terry Gillette
Mica Gross
Connor Oman
Beau Xiang
Ernest Gonzales
Wu Mai Li
Svetoslav Iotcholovsvz
Bisser Berkovsei
Diane Irwin
Justin Trouard

Public Comment:

Robert Tafoya had concerns about a green house that was lit up at night. Maez stated she would talk to the Code Enforcement Officer about the lights in the greenhouse.

Commissioner Jason Anderson complimented Tony Jennings and Robert Tafoya for their involvement and putting time into local government.

COMMISSIONER REPORTS:

Jason Anderson

1/13 – 1/24 – Attended the CCI Steering Committee meeting, 50 pieces of legislation were reviewed. Of particular note to Saguache County.

HB-20-1163 Prohibits single-use plastics in retail food establishments, forbids local government from making lesser regulations (SB-20-010 repeals language, prohibits local governments from banning plastics).

HB-20-1004 Establishes a wildfire program through DOLA for homeowners. Included are income tax deductions for mitigation.

HB-20-1094 Allows for counties to set their fees for Wastewater treatment systems to higher than the existing cap.

HB-20-1151 Expands authority for regional transportation improvements including charges, fees and with voter approval, visitor sale and use tax.

HB-20-1059 Allows energy storage to be assessed for valuation for property tax as other renewable energy infrastructure.

SB-20-109 Short term rentals property tax. HB-20-1093 allows the local government to tax and regulate short term rentals.

HB-20-1001 Nicotine product regulation.

HB-20-1089 Employee protection for off duty activity Activities.

SB-20-104 Powers of Bureau of Animal protection agents.

HB-20-1150 Repeal penalties for drug possession.

1/23 – Attended the Governor’s reception at his formal residence.

1/24 – Attended legislative breakfast at the Capitol.

1/27 – Attended the Valley Wide Commissioners Meeting.

1/27 – Met with the Baca/ Crestone Planning Committee to discuss joining with Saguache County Planning Committee.

1/28 – Attended Commissioners Work Session and lunch with Department Heads.

1/30 – Attended the Great Sand Dunes Strategic Meeting on elk management.

2/3 – Met with Kevin Flewell of the Baca POA to discuss a joint information presentation for a public forum.

2/3 – Attended office hours in Crestone.

Tim Lovato

1/22 – Attended the Saguache County Security Meeting in Saguache, present at the meeting were chief judge Michael Gonzales, Court Executive Christina Gallegos, Saguache County Court Clerk Brandie Taylor and from the sheriff’s office Ken Wilson. There was some discussion on security personnel and scheduling with the court clerk. Discussion on the elevator proposal, there was a recommendation that Saguache County should apply for Under Funded Grant Funds to help defray the cost.

1/23 – Drove the portion of Saguache County west of Saguache checking on roads and their conditions.

1/27 – Attended the San Luis Valley Commissioners Meeting in the morning. In the afternoon, I attended the Census Meeting and we were given an update and banners were given to the counties that had not picked theirs up. In the evening, I attended the San Luis Valley All Hazards Meeting, we did have a

quorum so business was conducted. In February, the Executive Board will be meeting to discuss and vote on grant requests.

1/28 – Attended the Commissioners Work Session, we met with the HRRMC staff and heard the update on what they are doing with the Saguache Clinic. Later in the morning, we met with elected officials and department heads on their concerns and they will be giving a draft and changes to the employee handbook. Received a message from Ken Frye regarding the Old Spanish Trail, I returned his call.

1/29 – Drove to Denver and sat as a commission member for the Court Security Commission, the commission oversees the cash funded Court Single Point Entry Security Grant. Several recommendations were given to the board on requests to fund or not fund projects. Approximately three million is in the annual budget to fund the single point security position and equipment.

1/30 – Attended the West San Luis Valley Transit Coalition Meeting on working to add and improve ridership and possibly add more routes.

2/3 – Met with several residents from the Center area. In the morning, I drove County Road AA, 61,63, and 64. Maintenance was being done on County Road AA. The roads were in good condition.

Ken Anderson

1/27 – Attended the San Luis Valley Board of Commissioner Meeting in Alamosa. We met the new District Attorney.

Attended the COG and DRG Meeting, there is some money available for mini grants.

Attended the Commissioner Work Session.

1/29 – 2/3 – Went to Denver, and attended a Board Meeting. We talked about AG issues and went over a lot of policies. Donald Valdez was in attendance.

Met and fed some legislatures some potatoes, I took Rockey Farms. There are 400 bills in the legislature.

Returned from break 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

VOTES AGAINST: 0

MOTION CARRIED

Public Health is currently working on the Coronavirus and learning what action to take.

The STEPP grant balance is at \$20,874.09.

CTC is looking to give gift card stipends to the youth, instead of employing them.

Grant has submitted the budget to the State and has not heard anything back from them yet.

A lot of the public is reaching out to Grant asking her to be a nurse at multiple schools. Grant has turned them down, because she doesn't meet the qualifications nor is it her job.

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE VACCINES FOR CHILDREN POLICY AND PROCEDURES

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO COME OUT OF THE BOARD OF PUBLIC HEALTH

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

BEN GIBBON, COUNTY ATTORNEY

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

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Returned from Executive Session at 11:10 A.M.

DEPARTMENT HEAD REPORTS:

ROBERT WOELZ, OEM DIRECTOR

Woelz responded to the Decker fire disaster resistance center and is part of their recovery committee.

Responded to the Moffat Fire, the Center power outage.

Woelz went through a lot of training, and will be hosting ICS training for Elected Officials in Alamosa on April 7th.

Woelz submitted bids for an OEM vehicle.

RANDAL ARREDONDO, ROAD & BRIDGE SUPERVISOR

Arredondo received bids for a roller pad to go on the back of a motor grader to compact the roads. This will cut down time used to maintain the roads. The Board asked Randy to bring this request back to them at the next meeting.

Commissioner Jason Anderson stated that he had a meeting with the director of the POA, who produced two lists of roads in the Baca that are County maintained. Anderson asked Randy to clarify with him.

CONNIE TRUJILLO, COUNTY TREASURER

Trujillo presented the year end reporting for the Public Trustee. Trujillo shared that foreclosures have stayed down, and there was only one new foreclosure in the last 5 months. The office is doing a lot of releases.

Trujillo is pleased with the tax side of things. 26% of taxes have been paid. They are seeing more full payments instead of half payments.

Trujillo Thanked the board for the grant money for Wreaths Across America. Wreaths were laid on every grave at Home Lake which was 1800, and about 333 in Saguache County. The high school students are now picking up the wreaths.

PETER PETERSON, COUNTY ASSESSOR

In 2018, the certified value was \$73,250,784.

In 2019, the certified value was \$77,668,371.

Which was an increase of \$4,417,587.

Peterson stated they are continuing field visits and are now working with all the weed and hemp processing facilities.

The auditor will be here at 8:00 AM on the 13th.

Terry Gillett – Property Taxes

Gillette stated that from the time he brought properties here, there has been a huge increase in taxes.

Gillett's property was changed from commercial to residential in 2018, and feels his taxes should have gone down in price, not increase by 50%.

Commissioner Jason Anderson stated that Peterson is an elected official, the state of Colorado and the Voters have the say. "You can protest with the Board of Equalization, but as the Board of Commissioners there isn't much say to levy taxes".

Returned from lunch at 1:00 P.M.

AMBER WILSON, INTERIM LAND USE ADMINISTRATOR, Report Attached

1. Evergreen Naturals, LLC, 58301 Co. Rd. Z, SW1/4 1-44-9 – Yearly Review

- Facility has been up and running with them paying their monthly excise tax.
- Our office has received complaints about this location regarding light pollution. Code Enforcement contacted them 3 separate times on November 21, 2019, December 11, 2019, December 12, 2019 to come into compliance. Finally, he gave a red tag on December 17, 2019 notifying them that if the problem isn't fixed in 48 hours that they will have to stop operations until they come into compliance. On Monday, January 13, 2020 we received an anonymous call stating their lights were on all weekend. I also witnessed this that same weekend. Our Code Enforcement officer notified them and worked nights on January 17 and 18, 2020 and they were not on. Since then we haven't received any complaints or witnessed them being on. They stated they are manually shutting their blackout curtains and do have appointments scheduled to get this problem fixed. They have been notified that if they have this problem again and our office gets complaints or Code Enforcement observes the problem, that we will go through the correct channels to get them to stop all operations until they are fully in compliance.
- Buildings are in the correct location according to the sketch plan
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room is installed and up and running.
- Lighting (shading) is installed
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE YEARLY REVIEW FOR
EVERGREEN NATURALS LLC LOCATED AT 58301 COUNTY ROAD Z
SECOND BY COMMISSIONER KEN ANDERSON**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

2. Evergreen Naturals, LLC, 58239 Co. Rd. Z, SW1/4 1-44-9 – Yearly Review

- Facility has been up and running. We haven't received excise tax from this facility yet. There was a product that was drying and getting trimmed.
- Our office has received complaints about this location regarding light pollution. Code Enforcement contacted them 3 separate times on November 21, 2019, December 11, 2019, December 12, 2019 to come into compliance. Finally, he gave a red tag on December 17, 2019 notifying them that if the problem isn't fixed in 48 hours that they will have to stop operations until they come into compliance. On Monday, January 13, 2020 we received an anonymous call stating their lights were on all weekend. I also witnessed this that same weekend. Our Code Enforcement officer notified them and worked nights on January 17 and 18, 2020 and they were not on. Since then we haven't received any complaints or witnessed them being on. They stated they are manually shutting their blackout curtains and do have appointments scheduled to get this problem fixed. They have been notified that if they have this problem again and our office gets complaints or Code Enforcement observes the problem, that we will go through the correct channels to get them to stop all operations until they are fully in compliance.
- Buildings are in the correct location according to the sketch plan
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are somewhat unsatisfactory due to some of the cameras not working at the time of the Code Enforcements visit, but were in the process of getting the issues resolved.
- Lighting (shading) is unsatisfactory. An employee of Evergreen Naturals, LLC stated that they should have the issue resolved in 3 weeks due to booking issues.
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE YEARLY REVIEW OF
EVERGREEN NATURALS LLC LOCATED AT 58239 COUNTY ROAD Z
SECOND BY COMMISSIONER TIM LOVATO**

VOTES: 3

VOTES AGAINST: 0

MOTION CARRIED

3. IKAR, LLC, 14003 N. Hwy 17, SW1/4SW1/4 20-43-10 – Yearly Review

- The M.E.D. released their facility for concerns and the facility has been up and running. There are three greenhouses that have plants currently in them, along with plants that are drying and trimming occurring.
- Buildings are in the correct location according to the sketch plan

- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are installed and running
- Lighting (shading) is installed
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE YEARLY REVIEW FOR IKAR LLC LOCATED AT 14003 N. HIGHWAY 17

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

4. Modern Medicine, LLC, 18750 Co. RD. 65, N1/2N1/2NW1/4 31-44-11 – Yearly Review

- Buildings are in the correct location according to the sketch plan
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are installed
- Lighting (shading) is
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE YEARLY REVIEW OF MODERN MEDICINE LLC LOCATED AT 18750 COUNTY ROAD 65

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

5. Mammoth Farms, LLC, 50562 Co. Rd. U, 17337 Co. Rd. 52, Lots 3, 4, 5, 8, N1/2SW1/4, N1/2 SE1/4 2&3-43-8 – Yearly Review

- Facility has been up and running with them paying their monthly excise tax.
- Buildings are in the correct location according to the sketch plan. Also, greenhouses are currently being constructed that have been approved and have a construction permit.
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are installed and up and running
- Lighting (shading) is installed
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service
- Code Enforcement did ask about Northern Gateway Holdings since their yearly review isn't up until June. Crops are currently not being grown. However, there was a product

transferred to their facility in Pueblo, in October of 2019. Since Northern Gateway Holdings is leasing from Mammoth Land Holdings, Mammoth Land Holdings does not see any of the financial sides, as Northern Gateway Holdings are their own business. The owner of Mammoth Land Holdings did say they would contact Northern Gateway Holdings and get the excise tax issue corrected.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE YEARLY REVIEW FOR MAMMOTH FARMS LOCATED AT 50562 COUNTY ROAD U

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

6. Green Resources, LLC, 6748 Hwy 17, SE1/4NW1/4 33-42-10 – Yearly Review

- Facility has been up and running with them paying their monthly excise tax.
- They had product growing, and product packages waiting to be sold
- Buildings are in the correct location according to the sketch plan
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are installed and up and running
- Lighting (shading) is installed
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE YEARLY REVIEW OF GREEN RESOURCES LLC LOCATED AT 6748 HIGHWAY 17

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

7. GreenView Farm, LLC, 6754 Hwy 17, NE1/4NW1/4 33-42-10 – Yearly Review

- Facility has been up and running with them paying their monthly excise tax.
- They had product growing, and product packages waiting to be sold
- Buildings are in the correct location according to the sketch plan
- The square footage of buildings matches the sketch plan
- Site plan is being followed with the current Conditional Use
- Water meters are installed
- Security and DVR Room are installed and up and running
- Lighting (shading) is installed
- Parking was in the correct location according to the sketch plan.
- Septic has been installed and County approved.
- Does have adequate telephone and internet service

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE YEARLY REVIEW FOR GREEN VIEW FARMS LLC LOCATED AT 6754 HIGHWAY 17

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

8. Crestone/Baca Planning Commission Update

- Commissioner Jason Anderson and I attended the Crestone/Baca Planning Commission Work Session to discuss the possible dissolution of their Planning Commission. He spoke about how he knows their area is important but the applications that they only see are Consolidations with very few other applications. He explained that they are missing out on issues with the rest of Saguache County and think it's important for them to be included and making decisions County wide and not just in their area. Two out of the three members were in favor of this and one had questions/concerns. With that, I believe Mr. Anderson is possibly going to move forward and bring this to you all as a Board and go through the proper channels.
- The Planning Commission Policies will have to be updated but it is my understanding that by State Statute C.R.S. 30-28-103O (1) that we can only have 9 seated members on a Planning Commission Board. Please see the attached Statute. Of course, we can have alternates which can take place if a member is absent. With that being said, we currently have 8 seated members on the Planning Commission and 1 alternate.
- Wilson has also researched on Lexis Nexis for the Colorado Revised Statutes on how to dissolve a Planning Commission and has found that you, as the Commissioners can motion to have it dissolved or you may also have a petition for that area and then go through public hearings. Please see attached Statute C.R.S. 30-28-119(6).

MOTION BY COMMISSIONER KEN ANDERSON TO DISSOLVE THE CRESTONE/ BACA PLANNING COMMISSIONER, ADDING ONE ALTERNATIVE TO THE SAGUACHE COUNTY PLANNING COMMISSION

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 1

VOTES AGAINST: 2

MOTION FAILED

The Board agreed to advertise for public comment first.

Pete Garcia stated the heater went out in the DSS building. Garcia was going to have Steffens come and put the heater in because they are reliable and always come when there is a problem.

The Board agreed to have Pete call for three bids after the bids are received. Maez will contact the Board for their choice of installers.

WENDI MAEZ, COUNTY ADMINISTRATOR, Report Attached

1. Received a request from Kairinia Danforth to be re-appointed to the Saguache County Tourism Council. As by-laws state the Tourism Council has to recommend any appointments to the council. Email from Tourism Council Chair Vivia Lawson will be emailed for the Board to review. The Board advised Maez to advertise for appointment to the Tourism Council prior to making any appointments to the Tourism Council at this time.
2. SLV 2020 Census Outreach grant –We will receive \$2,000 in grant funds to fund this project.
3. Western Colorado University has emailed asking if Saguache County is interested in participating with the COSI Matching Student Scholarship Program this year. We gave Adams State University \$14,472 in 2019. Adams State University is on the March 24th work session agenda to request

participation also. The Board agreed that Western Colorado University already receives funding from Energy, and wants to hear from Adams State for the COSI Scholarship Program.

4. Northern Saguache County Ambulance District annual certification. All paperwork is in order for the Board to review and approve.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE RENEWAL OF THE SAGUACHE COUNTY GROUND AMBULANCE LICENSING PERMIT

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

5. Maez has spoken with Eric with Tyler Technology about the financial system for Administration. As soon as a bid is received Maez will place on a work session agenda for board review.
6. Discussion concerning the possibility of hiring an additional part time position for Maintenance as a cleaning person/fill in person. There are 2 full time positions in the budget now along with the part time position that cleans the Center Haskin building. This would most likely be about 4/5 hours per day cleaning 20/25 hours per week. Maez will check budget figures for the possibility of this part time position.
7. The requested letter of support for the Hwy 285 Street grant has been written.

Seeing no further business, Commissioner Jason Anderson adjourns the meeting at 2:19 P.M.

RESPECTFULLY SUBMITTED:

Duets

DOMINIQUE WHITE FOR
TRISH GILBERT, CLERK & RECORDER

DATE MINUTES APPROVED: February 18, 2020

Jason Anderson

JASON ANDERSON, COMMISSIONER,
BOARD CHAIR



Ken Anderson

KEN ANDERSON, COMMISSIONER

Tim Lovato

TIM LOVATO, COMMISSIONER

Trish Gilbert

ATTEST
TRISH GILBERT
CLERK & RECORDER