

**SAGUACHE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION MEETING**  
**TUESDAY, FEBRUARY 18, 2020**

**MINUTES**

**CALL TO ORDER:**

The Meeting was called to order by Board Chair, Jason Anderson, at 9:00 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, arrived @ 10:43 a.m.  
Rebecca Pacheco, 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 need and executive session for legal and personnel.

**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 ACCEPT THE MINUTES OF THE FEBRUARY 4, 2020 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: 02/18/2020**

1. **Makie and Jane Harris** sent a Thank You Letter for Saguache Fire Wise Programs work on their property in Crestone. (Received February 6, 2020)
2. Colorado River District sent a Board News Summary for January 2020. (Received February 10, 2020)
3. **Gunnison Conservation District** sent an email inviting the Board to their Annual Banquet and Meeting on March 5, 2020 at 5:30 P.M. at the Fred Field Center. 275 S. Spruce Street, Gunnison 81230. (Received February 12, 2020)

4. **Colorado River District** sent an email with webinar dates and times. (Received February 13, 2020)
5. **Rio Grande Water Conservation District** sent the 2020 Ground Water Table Measurements. (Received February 14, 2020)

Introduction of Guests:

1. Sandia Belgrade
2. Shawn Quick
3. Robert Tafoya
4. Tony Jennings
5. Kimberly Specht
6. Todd Rohr
7. Barbara and Michael Musich
8. Teresa Benns
9. Ernest Gonzalez
10. Xun Hui Zey
11. Cassandra and Leo Baldwin
12. Brandon Rogers
13. William Brown and Margaret Anderson-Brown
14. Bill McClure
15. Kyle Grote
16. Justin Trouard
17. Eduardo Duran
18. David Trunky
19. Tristram Post
20. Melissa Garcia
21. David Trounquet
22. Edwardo Duran

Public Comment:

Todd Rohr and Kim Specht live together on County Road 41-G and their neighbors Barbara & Michael Musich. We have lived out there for about twenty months now and we are having an issue. There are constantly nails on the road. We had three new tires put on last week and yesterday we had another flat. It's not just one nail, its multiple nails. We have had fifteen flat tires in less than a year. We call the Sheriff's Office, at first, they were in our drive way, and then went out into the road. The police came out and took a report and they said that it was happening to multiple people, so they where doing an open investigation. So, again, when we would have nails, we would call the Sheriff, the deputy would come out, and he would say, "Who could it be? It's not who you think it is, it's whatever." Regardless let's find out what is going on. It's very expensive. It's also kept us from going to medical appointments. Todd is the guy that got shot by my neighbor and I'm the girl with cancer at the same time. This is concerning, causing us to not even be able to leave sometimes. We have had multiple vehicles down at one time, and I know neighbors have had multiple vehicles down at one time. On February 5<sup>th</sup> we had seven nails in one tire. At the same time, we had a friend rent a car, that came in from Colorado Springs and got three nails in one tire. I called the Sheriff and told them what's going on. They tell me they are not coming out. They say I need to call road and bridge. Randy Arredondo came

out and we actually walked the road. Somebody had literally drove down the road and poured a five-gallon pale of nails down the road. They are roofing nails. I said, "hey, this is a public road. It's very busy. There's forest service, county, medical, people that live there, hunters, fishers, campers, loggers." It's usually condensed between our house and the third house down. There's a lot of suspicion that's been cast, because the family that shot Todd is constantly retaliating. They have been doing this for almost two years now and we haven't been able to get any kind of intervention or help. They shoot at us. We have recordings. It not average shooting, it's military style, tactic shooting. We have security cameras and them coming down our driveway using an electronic device to disable my security cameras. Why? So, this has cast a lot of suspicion on the neighbors. Is this retaliation from the neighbors or is it someone trying to make it look like retaliation from the neighbors? Regardless, I don't have the job authority or the title or the resources to do my own investigations. Yes, we are putting up security cameras. Yes, WiFi is difficult out there. Is there a lot of interruptions? Yes. So, not having regular internet poses a problem to try and catch somebody and to try to report it. Those fifteen tires, are very expensive. Who is going to reimburse me for living on the public road? This public road was actually a private road that each homeowner actually owns in front of there house. There's an easement in each one of our leases for county/government vehicles, as long as it's being maintained properly. What is considered maintained properly? If this is a breach of contract and can it no longer be used by the county? The only thing we can do is put up a wall for our safety. We use the ranch for veterans for rehabilitation. We are under attack from all angles, we can't get any kind of law enforcement to come out. You as the victim have to spend all this money out of your pocket and there is no remorse. There is no justice. So, I want to know what is proper road maintenance, who is responsible and why can I not get reimbursed if this is a public road and this is happening to me?

Commissioners- Is there any construction what so ever going on over there?

Todd/Kim- The nails are not being dumbbed out of the back of a truck.

Randy Arredondo- I have been up there and there are nails from there place down the road about a quarter of a mile. Todd gave me a sack full of nails that were picked up. Someone is taking the time to spray paint the nails brown and then put them on the road.

Barbara and Michael Musich that live two miles west of Todd and Kim have only gotten three flat tires. This is the equivalent to a barrier, it's making it difficult to leave the house and difficult for forest service, and the others that use that road. Another neighbor is 76 years old and just had spinal surgery and can't change a tire. He has to call someone to come and do it for him.

Kim- The sheriff says they are investigating it, but how come I can't get a report? How come all these months later there isn't an investigation and now its Randy's problem. An email was sent to Randy about it and he came up the same day. Asked why the sheriff's office wasn't called and it was stated that they were called, they just don't want to deal with it. After, the sheriff says that CBI is involved. I got an email that verified that CBI was going to take over and someone will call by the end of January and that didn't happen. We are not getting help, are people lying? We are all at risk adults due to age or disability, the only one who is not is the one that shot Todd. Can we pave the road? Who is responsible for that road?

Commissioners- Road and Bridge is. Kim- To Randy: "Do you think that we need more material on that road.

Randy- Yeah, I think you do, but you know there are so many county roads to maintain. Not only your road is in need of help.

Kim- Can we put a sign up that says private road next twelve miles, stay on road, don't stop.

Commissioners- It's a county road, I can walk down the middle of that road and I have full right. Have any cameras/ game cameras been placed to see who is doing this?

It sounds like we have some personal stuff going on here.

Kim- We had a shoot out on Sunday, our neighbors started shooting at our place. Then the neighbors on the other side start shooting. I got on an ATV and drove out in the middle of the field, and sit and video tape you here, lets see who's doing what? It ceased and everyone dispersed. We have had explosives thrown at our house, we have bullets in the side of our house, in our fence, Todd has a bullet in him.

Randy- I forwarded a bunch of emails to Wendi.

Commissioners- everything that you are telling us you have told the sheriff?

Kim- yes, attorney general, department of justice, FBI, CBI, no body is going to do anything because the sheriff has the supreme power of the land.

Todd- He has not forwarded one report to the DA's office.

Commissioners- You guys do realize the Sheriff of this county is an elected official? Sometimes people get this idea that the commissioners are the parents of everybody else.

Kim- Yes and I would like to recall him and I would like to talk about that next.

Commissioners- You need to talk to the clerk about that. What you have to understand is that we control the purse strings, but other than that all of the other elected officials sit on par with us. We lived in a time where people would say okay I'm going to do what I want on my land and you do what you want on your land. We are seeing a lot of people moving here from a more urban areas and a high amount of service. We are adjusting to a population that was not the traditional population. It sounds like we have a vandalism issue. It sounds like there is more to this story and it seems like a lot of it has to do with clashes of neighbors. Our concern begins and ends with that road. Do we have a magnetic roller for a grader? The answer is no. We will have a road grader up there tomorrow to plow the road and get some fill on it.

Shawn Quick- Did Ben Gibbons get the motion filed on Friday? Is he going to file a motion on annexation 2? How the county brought in the marijuana money last year (about \$225,000) how was it earmarked or how would you be able to use this in the marijuana issue?

Commissioners- Gibbons filed one of the motions last Friday, for the second annexation he is in a time crunch and we can use a portion for code enforcement and youth services and used to balance the general funds.

Shawn- Part of the Colorado Municipal League Guide of 1965 talks about how you can disregard county roads but if you do annex the road you have to annex the entire road.

Commissioner Jason Anderson- There was a bill that would provide counties more rights around annexations and it died in committee.

Robert Tafoya- If there is the money would like to see the code officers get very certified because there is a lot of stuff going on down there. This is the third weekend that I have come from church to the skies lit up by grow lights.

Mike Wheeler - Green Paradox- north of 420- signed a contract with the son for work on the property, mom buys the property and gets her son into something he knows. The mom is financing her son and is being controlled by the father.

Commissioner Jason Anderson- sounds like a civil matter.

### **COMMISSIONER REPORTS:**

#### **Jason Anderson-**

2/5 attended the Crest Academy middle school class to coach on speaking skills.

2/10 attended a Transportation Strategy Roundtable for Colorado.

2/11 Attended the Commissioners work session, topics included revisions to the policy manual and interviewed for a Veteran's Service Officer.

2/11 Attended a community meeting in Crestone to review energy policy and strategy.

2/13-2/14 Attended the CCI Steering Committee meetings. Topics of consequence to Saguache County include:

SB20-139 Authorizes a county to lend money to a government entity that is created by or located within the county for infrastructure projects.

HB20-1093 County authority to regulate short term rentals-moved to Senate.

HB20-1019 Prison population reduction and management. Interim study committee.

SB20-130 Back country search and rescue funding.

SB20-161 Requires each judicial district to implement a pretrial release assessment within 24 hours.

Secretary of State Jenna Griswold on election security.

Lieutenant Governor Primavera, public health insurance option.

Commissioner Lovato questioned if there was any discussion on HB 20-1117 that would be the misbranding of meat. Commissioner Jason Anderson informed that there was no discussion on that bill.

#### **Tim Lovato**

2/6 received information from Ken Frye for the old Spanish Trail, I presented this to the commissioners at the last work session.

2/6 I took the check down to Davis Plumbing for the heater for DSS.

2/8 I Spoke with Kathleen Curry on legislative information

2/9 I attended the Museum Board meeting; they are slowly working on getting the parade going for Memorial weekend.

2/10 Attended the Census meeting in Alamosa. We will be putting out flyers in student backpacks on/around the fifteenth of March. Wendi has been helping to get that done. We have ordered four new banners that we will be placing out in the various towns.

2/11 Attended the work session, worked on the employee handbook and conducted Veteran's Service Officers' interviews.

2/12 Met with Mr. Sheeren our VSO

2/13 Worked on numbers from the budget information that I had.

2/17 Drove several county roads

**Ken Anderson**

Been keeping an eye on the electronics bill. Getting a little bit of support.

Haven't done much because of livestock.

Attended the work session, we did the policy review and updated it, so it's good for another couple years. We did the interviews for the VSO.

Yesterday went to a life screening, while down there saw an elevator at the Nazerene but couldn't get a name off it. It was big enough for a wheelchair.

Talked with someone yesterday about 41G, about the road being washboard. Not one thing was said about a flat tire.

No one has been seeing any sheriff's office cars in my area. I saw one for the first time in a long time just the other day. But you drive down into Rio Grande County and you will see one somewhere almost every day. Some of our deputies live south on 285 but you never see them come down 285. I think that we have a problem, but I'm not sure where it's at or how to fix it. Maybe we can have a discussion with the sheriff? But there is a lot of people out here complaining.

**Returned from break at 10:16 a.m.**

LINDA WARSH, DIRECTOR, SOCIAL SERVICES

**MOTION BY COMMISSIONER TIM LOVATO TO GO INTO THE DEPARTMENT OF SOCIAL SERVICES**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

Presented a copy of the expenditures that were made by the state on behalf of Saguache County clients for our programs.

Commissioners- work force clients should have a job; did they take into consideration the between May and November we have migrant workers?

Try to use an average, sometimes you can only go back maybe three months, there are different rules between programs. They usually try to go hand in hand when you apply for programs. They are trying to align those programs so that they look more alike and have the same rules. If you are eligible for one, you are eligible for all of them. The heater is working well. There is no longer hot water heat, its forced air.

**MOTION BY COMMISSIONER JASON ANDERSON TO COME OUT OF THE DEPARTMENT OF SOCIAL SERVICES**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**DEPARTMENT HEAD REPORTS:**

EVAN SAMORA, DIRECTOR, HOUSING, MINUTES ATTACHED

**MOTION BY COMMISSIONER KEN ANDERSON TO GO INTO THE BOARD OF HOUSING**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**  
**MOTION CARRIED**

**VOTES AGAINST: 0**

**MOTION BY COMMISSIONER TIM LOVATO TO COME OUT OF THE BOARD OF HOUSING**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

RANDAL ARREDONDO, ROAD AND BRIDGE SUPERVISOR

2003 model 148 motor grader- motor went out on it, has about 20,000 hours on it and have 3 estimates. Foley in the amount of \$50,361.79, Wagner \$ 60,353.53 and 4-Rivers \$47,712.97. A couple years ago about \$30,000 was paid to work on the transmission of this grader.

If that machine was running and had a running motor it would be worth \$30,000 to \$35,000 as a trade in, according to Caterpillar. Repairing it is more expensive than what the grader is worth. Would we want to repair it or try to get into a new lease purchase? Commissioner Jason Anderson - lets fix it and keep it in the fleet. Foley has the best warranty (3 years) but the machine would be going to Kolby, KS

Would be cheaper to go to Wagner or 4-Rivers. Would be cheaper to go to Pueblo and take it to 4-Rivers.

**MOTION BY COMMISSIONER TIM LOVATO ACCEPT THE BID WITH 4-RIVERS BID IN THE AMOUNT OF \$47,712.97 AND A 1 YEAR WARRENTY.**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 2**

**VOTES AGAINST: 1**

**MOTION CARRIED**

**MOTION BY COMMISSIONER KEN ANDERSON TO PURCHASE A WR 90 SERIES 3 ROLLER OSCILLATOR FOR ONE MOTOR GRADER.**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

Brian Lujan, Town of Center Manager – Property Annexation Impact Report Waiver request  
The Town of Center would like to request that the Annexation Impact Report be waived for the Consaul Property north of the Town of Center. The Town is not close to building or developing the property, infrastructure is also needed. Letters from the Center Sanitation District and school district, to explain if we would develop the property, would either of them be able to handle an influx of people. Both are fully capable. Property has been surveyed and laid out. First step would be to improve the sewer with the sanitation district, the sanitation district has received a grant from DOLA.

Commissioner Jason Anderson- what is the reluctance of doing an impact report?

Brian- Not a reluctance, the Town Attorney Mike Trujillo was just looking at how far we are in the annexation process, trying to get the property annexed in that way we can entice some

developers. Letting them know that it's within the city limits. Just don't have the infrastructure yet. We know that housing is needed and plan to participate in the survey being done in the San Luis Valley.

Commissioner Jason Anderson- We need to stick to doing things properly, Tim and Ken agree.

Commissioner Ken Anderson- What is the entrance situation?

Brian- Would like to have another street entrance off of Hurt Street and the county road.

WENDI MAEZ, COUNTY ADMINISTRATOR, Report Attached

1. National Park Service has requested the approval of 16 signs to be erected within Saguache County. The signs will be 24"x36". The signs will be provided to Saguache County for Saguache County to install.

**MOTION BY COMMISSIONER TIM LOVATO TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICES TO POST SIGNS FOR THE DESIGNATION OF THE OLD SPANISH TRAIL AND SAGUACHE COUNTY WILL INSTALL THEM**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3 VOTES AGAINST: 0**

**MOTION CARRIED**

2. Presentation of a resolution to proclaim National Census week as March 29, 2020 to April 4, 2020.

**MOTION BY COMMISSIONER KEN ANDERSON TO DESIGNATE THE WEEK OF MARCH 29, 2020 TO APRIL 4, 2020 AS THE PROCLAMATION FOR THE NATIONAL CENSUS WEEK.**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3 VOTES AGAINST: 0**

**MOTION CARRIED**

3. Tyler Financial software discussion. Contract for the Tyler Financial System has been received. The total amount for the software will be \$126,305, with recurring fees of \$16,162 yearly. There is a possibility we can use the server that was purchased for the Treasurer's office can be used by both departments. The server figure is not included in the Tyler quote, that figure will come from WSB. They are requesting \$20,000 that will be billed in March 2020. That amount can possibly come from Sheriff's office 1.5 sales tax \$10,000 and \$10,000 from the Road and Bridge department. The remainder of \$45,000 will be billed in October. The other fees will be billed as they are incurred throughout the year. I have forwarded the contract (same contract as last year) to Attorney Gibbons for his review.
4. A "Form of Estoppel Certificate" has been received from Monte Vista Solar for the subscription as amended last fall. This will need board approval and signatures. Attorney Gibbons will review and discuss with the Solar company.
5. Discussion concerning the purchase of the budgeted vehicle for Emergency Services. Woelz has presented 3 amounts for vehicles, (one of which has now sold). We also need to discuss whether or not OEM can take the vehicle to his residence in Chaffee County. Commissioner Lovato will be taking the black truck from the Assessor's office after the meeting.



6. A grant request in the amount of \$2,000 has been applied for to purchase items and advertise for the 2020 census.
7. A grant request in the amount of \$5,000 has been applied for from DRG for the door correction at the Saguache Clinic, replace the gutters/roof at the Admin/LU building and carpet for the commissioner's room Pete Garcia get bids to remove the door/windows in the finance office to be replaced by a window. This will help with the heat in that office as the door is not sealed very well and hopefully help with the lighting in that office.
8. The new heater has been delivered and installed at the DSS building. A check in the amount of \$2,000 was cut and delivered to Hollmer-Davis Plumbing and Heating on February 6, 2020. The remainder of \$1,899.35 will be paid when heater is completely installed and up and running.

**Returned from lunch at 1:00 P.M.**

AMBER WILSON, INTERIM LAND USE ADMINISTRATOR, Report Attached

1. Sacred Valley Medicine, LLC, 61187 County Road T, NE1/4 5-43-10 – 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
  - 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 KEN ANDERSON TO APPROVE THE YEARLY REVIEW**

**SECONDED BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

2. Primo, LLC – Sacred Valley Pharmacy, LLC 34132 US Highway 285, Villa Grove, Block 2, Lots 9 and 10 – Yearly Review
  - Store has been up and running.
  - The building is in the correct location according to the sketch plan
  - The square footage of the building 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) – this is not a grow but they do have security lighting outside.
  - 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 PRIMO, LLC, SACRED VALLEY PHARMACY**

**SECONDED BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

3. Expanding Earth, LLC 59568 County Road T, Tr. 17 7-43-10 – Yearly Review
- The facility has been up and running. There was only one greenhouse that currently had plants growing, along with the mother room. Other greenhouse didn't have plants inside.
  - 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 KEN ANDERSON TO APPROVE THE YEARLY REVIEW**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

4. Colorado's Kindest, LLC, 42023 US Highway 112, SW1/4SW1/4 32-41-7 – Yearly Review
- Store has been up and running.
  - There is a 14x45 shed on the property that sits approximately 15 feet closer to the store than what the sketch plan shows. All other buildings are in the correct location
  - The square footage of the building 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) – this is not a grow but they do have security lighting outside.
  - Parking was in the correct location according to the sketch plan.
  - Septic has been installed and is County approved.
  - Does have adequate telephone and internet service

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE YEARLY REVIEW WITH THE CONDITION THAT THE SITE PLAN NEEDS TO BE UPDATED TO SHOW THE MEASUREMENTS OF THE BUILDING WITH THE LAND USE OFFICE. MEASUREMENT WILL BE CORNER TO CORNER**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

5. Dune Valley Farms, LLC 56575 County Road AA, W1/2SE1/4 34-45-9 – Yearly Review
- Facility has been up and running with them paying their monthly excise tax.
  - There are not plants being grown inside the greenhouses but do have plants being packaged and trimmed inside the main facility.
  - 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**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 2**

**VOTES AGAINST: 1**

**MOTION CARRIED**

A variance needs to be filed before the modification is to be done.

On the original: the 1000 ft is not considered part of the recorded approval.

Commissioner Jason Anderson - doesn't seem that he needs a variance after all, seems he is in compliance.

6. Green Nation, LLC, 61997 County Road G, N1/2NE1/4SE1/4 33-42-10 – Yearly Review
- Facility has been up and running with them paying their monthly excise tax
  - They had plants currently growing in a unit
  - 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**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

7. William G. Brown III and Margaret L. Anderson-Brown – Consolidation Request, 33690 Big Tree Ln. – Elk Horn Ranch, Lots 17, 19 and 20

- Present use of lot 19 is Residential/Agricultural and lots 17 and 20 are Agricultural. There is currently a residence on Lot 19. Lots 17 and 20 are vacant.
- The residence was applied for by a contractor and built in 2008.
- The septic was applied for by the contractor and installed in 2008 and does have County approval.
- Water well permit number is 277864
- Telephone services are with CenturyLink
- Electricity is with Xcel
- Transportation Access is Big Tree Lane

Planning Commission recommended with a unanimous vote to approve the Consolidation Request as presented, with the conditions that the address shall be posted better at the entrance of the property.

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT CONSOLIDATION REQUEST FOR WILLIAM G. BROWN III AND MARGARET L. ANDERSON- BROWN FOR ELK HORN RANCH AND WILL NOW BE KNOWN AS LOT 20A**

**SECOND BY COMMISSIONER KEN ANDERSON  
VOTES IN FAVOR: 3                      VOTES AGAINST: 0  
MOTION CARRIED**

8. Leo and Cassandra Baldwin – Variance Request – 25533 Hazard Circle, 1996 Mobile Home, Lazy KV Estates Subdivision, Block R, Lot 4
- Present use of property is residential and currently there is a residence on the property that they have applied for and have been living in.
  - Proposed use of property if this Variance request gets approved, they will use this mobile home as a residence and turn their current home into a shed. The landowners gave us a letter stating this and will have Code Enforcement out there and check, if approved, to make sure the shed is no longer a residence.
  - At this time, there is a septic system that has been installed and has been County Approved Permit # 1553, electricity that will be provided by SLVREC, telephone service is cell phone, water is through Lazy KV.
  - Mobile Home was purchased through Home Finders, Inc. out of Pueblo, Colorado. They do have the Certificate of Title, and all electrical is up to date.
  - No letters of concern were received. The office did have several calls to ask about the application and they were happy that the Baldwins were upgrading their home for their family.

The Planning Commission recommended with a unanimous vote to approve the Variance Request as presented.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE VARIANCE REQUEST FOR LEO AND CASSANDRA BALDWIN FOR A 1996 MOBILE HOME IN LAZY KV ESTATES SUBDIVISION BLOCK R LOT 4**

**SECOND BY COMMISSIONER TIM LOVATO  
VOTES FOR: 3                              VOTES AGAINST: 0**

**MOTION CARRIED**

9. Dune Valley Farms, LLC – Conditional Use Modification – 56575 County Road. AA – W1/2SE1/4 Section 35, Township 45, Range 9 – to add additional buildings and to go to Tier 2.

- This request is to add additional buildings onto the property. Specifically, a 5,000 square foot building and 2 to 4 additional greenhouses at 5,040 square foot each to be up by the end of 2020 and if not to be completed at 2021. Total amount of acreage to be used is staying the same which is 8 acres.
- They plan to upgrade to phase 3 electrical capacity. Water is still contracted and supplied by Kelly Smith. Water meters have been installed and they have been reporting their water usage to DWR.
- They plan to tier up their plant count from 1,800 plants to 3,600 plants.
- There has been one letter of concern received.

The Planning Commission recommended approval with a unanimous vote for the Conditional Use Modification Request as follows; approval of the water storage building, approval of a tier two to bring 1,800 plant count to a 3,600 plant count, approval of additional one green house and additional one warehouse in 2020, approval and not to exceed 5 additional greenhouses in 2021 and shall add additional security lighting that are motion detected and shielded and pointed down.

Applicant agreed if Code Enforcement or MED are called for smell or for any reason, applicant will comply with conditions set by code enforcement and MED.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE  
CONDITIONAL USE MODIFICATION FOR DUNE VALLEY FARMS, LLC  
SECOND BY COMMISSIONER JASON ANDERSON  
VOTES IN FAVOR: 2                      VOTES AGAINST: 1  
MOTION CARRIED**

10. Mammoth Farms, LLC – Change of Ownership/Structure of Business – 17337 County Road 52, 50562 Co. Rd. U, Lots 3, 4, 5 and 8, N1/2SW1/4, N1/2SE1/4, SW1/4SE1/4 2-43-8, Lots 1, 2, 6 3-43-8

Mammoth Farms, LLC has 5 current licenses with the State and County, so these will be 5 change of ownership/Structure of Business applications.

- Kwinn Varney – Chief Marketing – 5%
- Colby Ward – Chief Operations Officer – 5%
- Mike Gollnick – Chief Procurement Officer – 7.5%
- Justin Trouard – Chief Executive Officer – 82.5%

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE CHANGE OF  
OWNERSHIP/STRUCTURE OF BUSINESS  
SECOND BY COMMISSIONER KEN ANDERSON  
VOTES FOR: 3                              VOTES AGAINST: 0  
MOTION CARRIED**

41G - February 5<sup>th</sup>, Code enforcement was out with Deputy Clark and Deputy Vasquez, neighbors have shot her boyfriend in the arm and is going to have to have his arm amputated. Has had over 14 flat tires. They have lights pointed at their house; cameras pointed towards their house. Code enforcement was advised to not touch their fence or he will get shot. Code enforcement can only take care of the lights. She has talked with the sheriff's office and the Sheriff told her CBI was involved. Commissioner Jason Anderson- I encourage you to stay within your parameters. The sheriff to stay within his parameters. Take care of the light pollution violation. Let the sheriff's office take care of everything else.

Peter Cline was sited 3 different times, he was issued a summons, Warwick was given a copy and the courts threw it out. James Jameson, had a summons issued and the courts threw it out as well. These items were thrown out of the court system due to the court system needing additional information from the County Attorney.

Commissioner Jason Anderson - as code enforcement you have the resource of the county attorney and he is the best option to properly bring people into court.

#### Public Lands Monthly Discussion

- Melissa Garcia, Eduardo Duran, David Trounquet, BLM Noxious Weeds program. Garcia showed the Board a letter of agreement for 2020 for continuing work with the BLM Noxious Weed program.

Trying to go through the protest period for the 18 grazing permits in the Poncha Pass area, we have a protest from Western Water Sheds. The permits run from Crestone north along the Sangre's and Nolan Gulch north on the west side and into Bonanza. 24 allotments and 18 permits.

Special use permits (recreation and right of way) are being worked on, will be out for public review in the next week.

30EA instalment- vegetation work, fuels treatments, vegetation work including in some of the Sage Grouse habitat.

Commissioner Jason Anderson- Senator Gardner has a bill that is kind of following the Rio Grande National Forest plan to move the wilderness down the Sangre's on the west side. Talked about an access road after the fire, people really are thinking that it is a need.

Commissioner Tim Lovato - would be moved north from Hayden Pass to almost to the Ox Cart Ranch.

Garcia - currently we don't have any wilderness on BLM, we would have to sit back and wait for congress to decide what they want to do. The road that accesses Dorsey Creek and the residents that are up there, needing a proposal to describe the road access situation up there. We are currently trying to get a reciprocal easement with the two residents that are on Dorci Creek road to get the public access to that road.

Commissioner Jason Anderson- With the growth of Penatente Canyon, trail management and illegal trails. Are you keeping up with the trails?

Melissa- no we are not

David Trounquet – weed discussion: the biggest invasion is cheat grass especially after the Decker Fire. People are the ones that transfer the weeds not animals. There has been a decline in invasions.

BLM will have 3 crews. The county will have 1 crew with longer times. The county has funded the program, have not set a crew yet.

On county roads with private land, the spraying is kept within county right-a-way. When there is BLM, National Forest, etc. spraying chases the weed.

Volunteer for Colorado, there were close to 50 people out pulling offside weeds, on a Friday, Saturday and a Sunday.

BLM would like to discussion another letter of agreement for weed control.

Attorney Ben Gibbons- concerned about the records portion of the BLM's proposal in the letter.

If someone wants to ask for records, we want to make it known that the county will release the records and not send them to BLM first.

This letter of agreement will be postponed till the next meeting at 11:30 and be discussed further.

**BEN GIBBONS, COUNTY ATTORNEY**

Did have a NONO-BAA hearing the Thursday after our last meeting. The appeal with the couple from Hawaii had a motion to dismiss. Will have another hearing coming up in April. Gibbons has been working with the Assessor's Office to make sure things are getting to where they need to be in a timely matter. The hearings are held at the County Courthouse.

Gibbons was asked about rendering some input on whether or not the Board would need to do an affirmative motion on C.U.P. reviews. Gibbons does not think that a motion would need to be done, but if that's a policy that the Board would want to adopt and then we would have to discuss if you were going to deny one, would need to know why it was being denied. Gibbons did not see anything statutorily or in the land use code to require you to adopt the policy.

Commissioner Jason Anderson- Suggested that C.U.P. reviews could be brought before the Board of County Commissioners if concerns have been received from the public or county staff members.

Attorney Ben Gibbons- Historically if something was written then those complaints would come before the board. Complaints need to be writing for land use complaints, they have always been written and signed.

**MOTION BY COMMISSIONER TIM LOVATO TO GO INTO EXECUTIVE SESSION FOR PERSONNEL AND LEGAL COUNCIL 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**

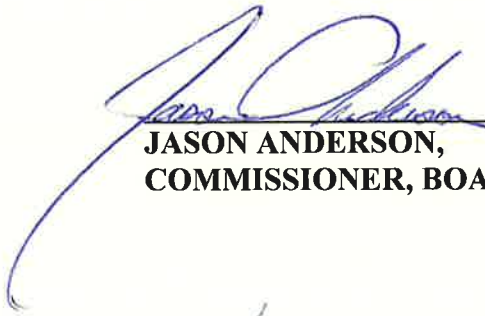
Seeing no further business, Commissioner Jason Anderson adjourns the meeting at 3:40 P.M.

**RESPECTFULLY SUBMITTED:**

  
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**REBECCA PACHECO FOR  
TRISH GILBERT, CLERK & RECORDER**

**DATE MINUTES APPROVED: March 3, 2020**



  
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**JASON ANDERSON,  
COMMISSIONER, BOARD CHAIR**

  
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**KEN ANDERSON, COMMISSIONER**

  
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**TIM LOVATO, COMMISSIONER**



*Trish Gilbert*

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**ATTEST  
TRISH GILBERT  
CLERK & RECORDER**

