

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, MAY 19, 2020

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Jason Anderson, at 9:02 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 requested an Executive Session for Legal during his time
2. Ben Gibbons requested an Executive Session for housing if needed

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE AGENDA AS AMENDED

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE MINUTES OF THE MAY 5, 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: 05/19/2020

1. **Upper Arkansas Water Conservancy District** – sent the Board an agenda and a notice that the regular monthly meetings of the Upper Arkansas Water Activity Enterprise Committee and the Upper Arkansas Water Conservancy District Board scheduled for Thursday, April 9, 2020, has been cancelled. (Received May 11, 2020)
2. **Crestone Peak Community Housing** – sent the Board a letter, thanking the Board for your financial support for *Living Wisdom Village*. (Received May 11, 2020)

3. **Rio Grande Headwaters Land Trust** – sent the Board a newsletter. (Received May 12, 2020)
4. **San Luis Valley REC** – sent the Board a notice that the regular annual meeting of SLV REC for 2020 has been changed to a virtual online business meeting. The meeting will be held Tuesday, June 9, 2020. (Received May 12, 2020)
5. **Colorado Division of Reclamation, Mining and Safety** – sent the Board a Notice of Consideration of a “111 Construction Materials Reclamation Permit Application” for an area at or near Section 33, Township 41N, Range 10 East. Permit documents, can be found at <http://dnrweblink.state.co.us/drms> (Received May 12, 2020)
6. **Tristram Post, with the Rio Grande National Forest** – sent the Board an email with the 2020 Land Management Plan. (Received May 15, 2020)

Introduction of Guests:
Sandia Belgrade

Public Comment:

Sandia Belgrade asked if the variance is accepted, would the towns have the right to not open? Attorney Ben Gibbons stated there is only one health department in Saguache County, the towns are legally required to follow regulations until there is a variance. So no, they do not get to make that decision on their own.

COMMISSIONER REPORTS:

Jason Anderson

5/6 – Sat in on the Senator Bennet meeting.
5/7 – Had a meeting with the Secretary of State.
5/8 – Attended the CCI Southern District Meeting.
5/12 – Attended the Board of Commissioners work session.
5/15 – Sat in on two CCI Meetings.
Attended the Special Meeting to approve the Variance Request.
Had a second CCI meeting concerning recreation.

Tim Lovato

5/6 – I took part in a phone conversation with Senator Bennet on the impact that COVID-19 is having and other concerns that are impacting Colorado. Topics that were brought up were the prices consumers are paying for daily products that were an issue before the pandemic, and the lack of internet access in rural areas. Senator Bennet was thanked for the support he has given on PILT, SRS.
5/7 – I took part in a phone conversation with my fellow commissioners and the Secretary of State.
5/11 – I listened to the SLV- COVID update and heard about the price that restaurant owners are paying for hamburger. They are paying around 9-10 dollars a pound.
5/12 – I attended the Work Session at Road and Bridge; the commissioners received the numbers from the fund balance and the number that was generated from the 1.5 sales tax for Public Safety. We discussed applying for a variance from the state so restaurants can open up on a limited basis.
5/13 – I received a call from Melissa Evans from Tomichi Creek Trading Post, she asked if there was any progress in allowing restaurants to open up. I received complaints on drug transactions that are still taking place on County Road T. I listened to the SLV-COVID update and met with the VSO.

5/14 – I participated in the discussion on Saguache County 1041 Regulations with Cleve Simpson, Rio Grande Water Conservation District Manager, Gerald Dahal, Attorney at Law, Amber Wilson, Saguache County Land Use Administrator, and Wendi Maez, Saguache County Administrator. Discussion was held on reviewing and updating Saguache County’s Land Use Regulations. I also had a conversation with Mr. Woelz, Saguache County Emergency Manager.

5/15 – I participated in the Sub District #5 Meeting from 2 p.m. to 3:30 p.m. The newly formed subdistrict is looking at acquiring property and water rights to help in meeting their depletions and impact to Saguache Creek Senior surface water rights. At last count, there are around 180 irrigation wells that need to replace their depletions to Saguache Creek, San Luis Creek and the Rio Grande. The Subdistrict is vague in how they will operate and how much water will be needed to offset their impact to the streams. Attended the Special Meeting on the Variance.

5/18 – I attended the weekly SLV COVID-19 update.

Received a call from Clayton Bondurant, he requested to be on the work session agenda on the 26th, in regard to placing a gate on a County Road.

Ken Anderson

5/7 – Had a discussion with the Secretary of State.

Had a conversation with the Commissioners from Rio Grande about combining the Public Health and having one director. It is something we should think about.

Attended the Special Meeting to discuss the Variance.

5/12 – Attended the Work Session to discuss the budget with Financial Edge.

County Road B has a speed sign knocked down.

MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE MINUTES OF MAY 15, 2020 SPECIAL MEETING AS AMENDED

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Returned from Break at 10:00 A.M.

LINDA WARSH, DIRECTOR OF SOCIAL SERVICES

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

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 2

VOTES AGAINST: 0

MOTION CARRIED

Warsh presented the reports the state sends on behalf of all the programs.

Warsh stated that everything is currently being done via phone and items are being delivered, to refrain from contact.

Warsh informed the Board that each employee is receiving \$100 for an incentive to be used at local business, it is being funded from HICPA.

MOTION BY COMMISSIONER TIM LOVATO TO COME OUT OF THE BOARD OF SOCIAL SERVICES

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

BOBBY WOELZ, EMERGENCY MANAGER, Report Attached

Woelz requested the Commissioner's approval of the bylaws for the San Luis Valley Regional Committee.

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE BYLAWS FOR THE SAN LUIS VALLEY REGIONAL COMMITTEE

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

The Board agreed to review Woelz hours and time during the next work session.

DEPARTMENT HEAD REPORTS:

RANDAL ARREDONDO, ROAD & BRIDGE SUPERVISOR

Arredondo asked for an update on County Road 25-TT.

EVAN SAMORA, HOUSING DIRECTOR

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

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO COME OUT OF THE BOARD OF HOUSING

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

TRISH GILBERT, COUNTY CLERK & RECORDER, Report Attached

1) Gilbert would like to request an extra phone line to our office. According to WSB, we have the ability to add two more lines at no cost from them. The extra line will be set up as a roll-over line to the clerk's main line. Cost would be an additional \$50 ("ish") per month per line from the phone company.

a. We are receiving a high volume of calls due to COVID-19

b. Customers are upset when the line is almost constantly busy

2) Gilbert is planning to use personal vehicles during the election process.

a. New emergency rules from the SOS require election judges to be in separate vehicles

b. Avoids scheduling both county cars for an extended period of time

c. Saves time from sanitizing before and after each use

d. Mileage will be paid

2) We are tracking election expenses directly related to COVID-19 for possible reimbursement from SOS grant funds.

- 3) Would like to see mandatory mental health training for employees dealing with COVID-19 in the workplace. We are beginning to see negative effects in our office.
- 4) Would like to request an increase in salary for Rebecca Pacheco. She has passed the probationary period. There is money in the budget. She is already State certified in elections, trained in motor vehicle titling and registrations and trained in recording. Gilbert is requesting to take Pacheco up to \$27,300.05 (annual salary).

**MOTION BY COMMISSIONER KEN ANDERSON TO INCREASE THE SALARY TO \$27,000
 SECOND BY COMMISSIONER JASON ANDERSON**

VOTES IN FAVOR: 2

VOTES AGAINST: 1

MOTION CARRIED

- 5) Clerk's office will be using a new texting software that was developed to prevent voters from having to stand in line next to others who might unknowingly have the Corona Virus. This system is compatible with all cell phones. Voters can check wait times from anywhere before arrival. They could then scan a QR code on arrival – only if there is a wait.
 - a. Voters will receive an immediate text message with their place in line and estimated wait time
 - b. They will then receive a text message when "It's your turn to vote!"
 - c. The voter's text address is purged as soon as they leave the VSPC facility

This system is a free service while the COVID-19 restrictions are in place.

- 2) Coordinating with Mountain Valley School and the Town of Saguache (Community Building) as back-up locations to run elections in an emergency situation (especially with regards to COVID-19).
- 3) Seeing a decrease in SOT revenues of 24.2% to date.
 - a. Vehicle sales down
 - b. Late fees waived, etc.
- 4) LAT is scheduled for May 21st. WSB is putting together an estimate for setting up a Virtual LAT Process.

**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 KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Returned from Executive Session at 12:15 P.M.

PETER PETERSON, ASSESSOR

Peterson stated they are working on appraisals.

The office is focusing on the marijuana properties as of January 1st.

Peterson is meeting with realtors to monitor rentals.

Returned from lunch at 1:00 P.M.

AMBER WILSON, INTERIM LAND USE ADMINISTRATOR, Report Attached

1. HighJinx, LLC- Yearly Review – 3610 Co. Rd. 58 – N1/2SW1/4NW1/4, W3/4S1/2SW1/4NW1/4
 13-41-9
 - Facility has been up and running with them making their first payment for 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 TIM LOVATO TO APPROVE THE YEARLY REVIEW FOR HIGHJINX LLC

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

2. Lastrup, LLC – Yearly Review – 60810 Co. Rd. AA – E1/2 5-44-10

- Facility has been up and running with them paying their 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 ACCEPT THE REVIEW FOR LASTRIP LLC

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Land Use Office Update

- Packets ready to go for our Planning Commission meeting as well as agendas and guidelines for all surrounding neighbors that received certified letters
- Starting to receive applications now that the Moratorium is lifted
- Currently doing site visits for our yearly reviews
- Attended meetings by Zoom
- All applications have picked up now that we are having nice weather and into our busy times

3. Land Use Clerk Position

Now that our office is picking up drastically, Wilson would really like to start advertising for a Land Use Clerk position. The Land Use budget has the potential to have 3 full time employees and 1 part time employee. We could really use someone who can take some of the load off of the office by answering the

phone, helping with minor duties and getting them trained for all the applications, procedures, Land Development Code, etc. Our office has detailed information that takes time to learn. Previously, we have never had to interview for a Clerk's position. We can take all precautions necessary to hire.

The Board directed Amber to advertise for the position.

4. Code Enforcement Position

With a lot of issues that are needing enforcement and need to move forward quickly with some matters, I would like to advertise for the Code Enforcement position. I would like to start the pay at \$14.50, as this position has its challenges and I think it would be hard to get this position filled with just minimum wage. The Board agreed to advertise for the position and will do the hiring.

Executive Session for Personnel Issues –

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

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE PENALTIES FOR VIOLATIONS CODE, TO BECOME EFFECTIVE IMMEDIATELY BASED ON HEALTH, SAFETY AND WELFARE

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

WENDI MAEZ, COUNTY ADMINISTRATOR, Report Attached

1. Saguache County Tourism Council, has sent an Emergency Sales Tax Grant request as directed by the Commissioners during the last meeting in the amount of \$6,840 as the amount of the 20% County Share of the Charging Station state grant. Board approved this grant as requested.
2. Steve Dossenback, President of the Baca Grande Property Owners Board of Directors sent a letter asking for assistance in the demolishment of the improvements located at Lot 1190 Baca Grande Grants (1190 Beaver Road). They have been granted a judgement by the District Court to demolish the residence, outbuildings and remove all materials from the property. They would like to ask if Saguache County can support the judgement in the use of equipment, operators and abatement of dump fees. Commissioners denied this request, as there is no way for the County to recoup and costs incurred. The Board agreed to not support the judgment.
3. The Saguache Clinic is in need of the handicap ramp that was put in last fall to be removed and upgraded. Pete Garcia submitted an estimated cost of the upgrade for the meeting.

MOTION BY COMMISSIONER KEN ANDERSON TO ALLOW GARCIA TO MOVE FORWARD ON THE WORK ON THE HANDICAP RAMP AT THE SAGUACHE CLINIC

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO INCREASE JARED HELMICK AS HE HAS PASSED THE PROBATION PERIOD

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

4. The carpet in the boardroom has been removed and the board room has been painted, we need to decide on a carpet type. A bid has been received from Right Carpet & Interiors in the amount of \$2,559.91 which includes removal of the existing carpet that has already been removed. The bid amount for the installation (carpet removal and removal sales tax) will be \$2,089.55. A carpet choice will need to be made of which pictures will be submitted for the board to choose from.
5. Pete Garcia would like to request the old desks in the board meeting room be donated to the Northern Saguache County Fire District, with board approval. Board advised Garcia to check with the VSO before donating all of the tables.
6. Mark Talbot has sent an email concerning the website. Jacob Chavez has been in contact with SIFA, State of Colorado website provider. A website through the state that is free of charge. Maez has informed Mr. Talbot of this possible discussion. Maez will continue to move forward with the State website.
7. The Treasurer was notified that part of the budget cuts are the senior and veteran's property tax exemption. Trujillo requests the board or sign a resolution opposing the homestead exemption.

MOTION BY COMMISSIONER TIM LOVATO TO ADOPT THE RESOLUTION OPPOSING THE SUSPENSION OF THE SENIOR CITIZENS HOMESTED EXEMPTION AND DISABLED VETERANS REAL PROPERTY TAX EXEMPTION

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO SIGN THE EPR GRANT TO COME INTO COMPLIANCE WITH THE STATE

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE FOREST SERVICE MOU WITH THE SHERIFF'S OFFICE

SECOND BY COMMISSIONER TIM LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER TIM LOVATO TO ACCEPT THE RESIGNATION OF LYNETTE GRANT, THE PUBLIC HEALTH DIRECTOR, AS OF MAY 28TH

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

The Board directed Maez to advertise for the Public Health Director position.

BEN GIBBON, COUNTY ATTORNEY

Regarding the Town of Moffat, Gibbons stated this situation isn't something the judge is very familiar with and the judge is reviewing all aspects of the case.

Gibbons stated FED is going forward to June 3rd.

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

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 3:28 P.M.

RESPECTFULLY SUBMITTED:

D White
**DOMINIQUE WHITE FOR
TRISH GILBERT, CLERK & RECORDER**

DATE MINUTES APPROVED: June 2, 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**

