

**SAGUACHE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION MEETING**  
**TUESDAY, SEPTEMBER 1, 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  
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.
- 2.

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

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

Reading and Approval of Minutes:

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE MINUTES OF THE  
AUGUST 18, 2020 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: 09/01/2020

1. **Upper Gunnison River Water Conservancy District** sent an agenda for the Monday, August 24, 2020 Regular Meeting at 210 West Spencer Avenue, Suite B, Gunnison CO 81230. (Received August 20, 2020)
2. **Upper Arkansas Water Conservancy District** sent minutes for the August 13, 2020 Enterprise Committee Meeting at 339 East Highway 50, Salida CO 81201. (Received August 20, 2020)
3. **Rio Grande Water Conservation District** sent the 2020 Ground Water Table Measurements. (Received August 21, 2020)

Introduction of Guests:

Bill McClure  
Rebie Hazard  
Richard Drake  
Joseph Buckley  
Virginia Adams  
Kyle Denardo  
Marcus Catlin  
Drew Murdzo  
Marlene Crosby  
Sherman Berry  
John Costentino  
Glenda Holcomb  
W. Barnes  
Lynne Thompson  
Lana

Public Comment:

**COMMISSIONER REPORTS:**

**Jason Anderson**

**8/24** – I was notified by the United States Forest Service Resource advisory council, that the meeting to review proposals will be held. on September 15, 2020.

Received notice of the CCI Meeting that will be September 4, 2020

**8/25** – Attended the work session, we also reviewed the proposed pay scale.

**8/ 26** – Attended the meeting of the Eastern San Luis Valley Trails Coalition with Wendi Maez, they are very close to getting things moving.

Spoke with WSB, some of their updates are throwing my computer off.

**Tim Lovato**

**8/20** – I spoke with Commissioner Glover from Rio Grande County on the advertisement for a Public Health Director.

**8/21** – I spoke with OEM Director, Bobby Woelz, on the availability of reusable masks from Homeland Security and the funds received from FEMA for housing of COVID related issues for private companies.

**8/24** – I attended the SLV Regional Update via telephone and drove several county roads.

**8/25** – I attended the work session at the courthouse, the commissioners were given a public lands update and then the commissioners attended the salary scale presentation by the elected officials and department heads. I also spoke with Erin Glenn on maps for the 1041 Regulations.

**8/27** – I met with Dr. Arnett at the Saguache Clinic to discuss the restoration of the east end of the building. Dr. Arnett had paint samples taken and tested for asbestos and lead content. The samples showed there was not any asbestos in the paint but there was some lead in the paint, which isn't surprising for the age of the building. There will be a company that specializes in lead restore the front to the original time period. Dr. Arnett will be giving a presentation to the commissioners in the future.

**8/31** – I attended the SLV Regional update via telephone in the morning and then the Sub District 5 meeting in the afternoon by phone as well.

**Ken Anderson**

I left the 19<sup>th</sup> to go to Denver to have board meetings up there.

Met with Governor Polis.

Was supposed to have a Senior Citizens meeting, but it was changed to Monday and Tuesday. Attended the work session, and did department head evaluations.

The power was out in Center for a couple of days.

Received a call about the tower that may go up on Road L.

**BEN GIBBONS, COUNTY ATTORNEY**

Gibbons stated he is waiting for the court to decide on the Moffat Annexation. The Court has not requested any additional information. There isn't a specific statute that states an opinion has to be issued in a given time period.

There will be a jury trial on Thursday for Social Services.

**MOTION BY COMMISSIONER KEN ANDERSON TO MAKE CHANGES TO THE AGENDA BECAUSE OF ISSUES THAT WEREN'T PRESENTED TODAY AND TO MOVE THE AGENDA FORWARD**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**WENDI MAEZ, COUNTY ADMINISTRATOR, Report Attached:**

1. Review and possible approval Carolyn Hetzel contract for DSS services.

Maiez is going to hold off on this contract until she can get more information.

2. Review and possible approval of Valley Lock and Security – Panic button installation for Public Health and Social Services buildings.
3. Social Services deputy discussion.

The Board would like to hire a director prior to hiring a deputy.

4. Review and possible adoption of "On-Call" policy. Policy will be emailed to the Board.
5. Pay Scale discussion and possible adoption.
6. Small Business Development Center update.

7. Northern Saguache County Library District Board appointment. The NSCLDB has had a board member move and they have advertised for the vacancy on their board. They have recommended Ina Anderson from Saguache as the appointee for the vacancy. This term will expire on December 31, 2020.

**MOTION BY COMMISSIONER JASON ANDERSON TO APPOINT INA ANDERSON TO THE SAGUACHE COUNTY LIBRARY DISTRICT BOARD**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

8. Presentation of 2020 Sales Tax Grants Cycle #2.

Returned from Break at 10:00 A.M.

Public Health Report:

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

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER TIM LOVATO TO ENTER INTO THE STEPP CONTACT WITH RIO GRANDE COUNTY**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

Janet Beiriger stated that Harvest Fresh had an outbreak and 7 people are in isolation. Randy stated he will anchor the overhang in Center.

Increase in wage for Gloria to \$21.00. The grant allows for it.

**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**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER KEN ANDERSON TO INCREASE THE WAGE TO \$21.00 FOR THE CTC COORDINATOR**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 2**

**VOTES AGAINST: 1**

**MOTION CARRIED**

The dentist office is planning on moving in October.

Beiriger would like to get a Purple Air Monitor in Center.

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

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**DEPARTMENT HEAD REPORTS:**

EVAN SAMORA, HOUSING DIRECTOR

**MOTION BY COMMISSIONER JASON ANDERSON 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 TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**RANDAL ARREDONDO, ROAD & BRIDGE SUPERVISOR:**

Arredondo presented three bids for vehicles for Public Health.

Town and Country Alamosa - \$24,102

Town and Country Salida - \$24,502

Johnson Auto Plaza Brighton - \$24,771

**MOTION BY COMMISSIONER JASON ANDERSON TO ACCEPT THE BID FROM SALIDA TOWN AND COUNTRY IN THE AMOUNT OF \$24,502 FOR A 2021 CHEVY EQUINOX TO COME FROM CARES ACT FUNDS**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**PETE GARCIA, COUNTY MAINTENANCE**

Garcia requested to match a Road and Bridge employees pay to hire him in the maintenance department.

**MOTION BY COMMISSIONER TIM LOVATO TO OFFER \$14.25 SALARY AND AFTER 90 DAYS OFFER \$14.75**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**DAN WARWICK, COUNTY SHERIFF**

Warwick asked the Board what they were wanting to pay someone who has a lot of experience.

**MOTION BY COMMISSIONER KEN ANDERSON TO HIRE AT \$39,000 AND THEN LOOK AT THE PAY SCALE AT THE BEGINNING OF THE YEAR**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

This Portion of the Meeting was held at Saguache County Road and Bridge

Returned from Lunch at 1:35 P.M.

**AMBER WILSON, LAND USE ADMINISTRATOR, Report Attached:**

- 1. Gerald J. & Tammy S. George / Industrial Tower West - Viaero Wireless – Appeal – Wireless Communications Facility – 45481 Co. Rd. L – S1/2SW1/4 11-42-7**

The Land Use Office has received an appeal from Industrial Tower West, LLC/Viaero Wireless, regarding the denial of the Communications Facility.

The appeal was previously sent but is regarding the Conditional Use request for the Wireless Communications Facility located at the above property.

Since then, the Land Use Office has sent a letter to the Barnes, who were the concerned neighbors, letting them know the date and time the appeal would be taking place.

Glenda Holkin stated once you allow one tower there will be many more put up. We have good service now and want it left that way.

Lana Whitten stated that there isn't a Starbucks nearby and to go shopping it's an hour away "and we like it that way." There are a lot of retired people out there who have worked hard to get there. No one who lives there is not going to benefit from the tower.

**MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE TOWER PRESENTATION**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 2**

**VOTES AGAINST: 1**

**MOTION CARRIED**

Returned from Break at 2:29 P.M.

**2. Barry Stangline / Deanna Berry – Variance request – 1985 Mobile Home – 45551 Six Mile Lane, Gunnison – Colorado Mountain Ranches, South 35 Acres of Lot 19**

The 1985 Mobile Home was illegally brought into Saguache County from Gunnison County. The Berry's contacted our office in September of last year and got information from our office about vacant property and what process they would need to go through to have a residence put on the property. Our office went through all the necessary paperwork and processes that they would need to go through regarding a Variance, Construction, Septic and Physical Address application and also letting them know that the property owner, Barry Stangline, needed to sign all paperwork. They eventually submitted the applications periodically for physical address, and septic, but the check came back with insufficient funds for the septic and the office had already given their physical address. Our office tried numerous times to get them to come into the office and pay for their septic application and to submit their Variance and Construction Permit application (with the property owner's signature). Deanna Berry eventually emailed the Variance application but never came in to pay for their applications.

Eventually our office was tipped off in May of this year that they had moved an older mobile home onto the property in October 2019 and was staying on the property with no septic being installed, blight and other complaints on the property.

Our office sent out 3 separate violations to Stangline and the Berry's letting them know they were in violation of illegally bringing in a 1985 mobile home onto the property without going through the Variance process and getting Saguache County approval, no septic being installed and for blight. The letters stated they needed to come into our office immediately and that they had to cease and desist the property until they come into compliance with our County regarding the septic for health and safety reasons.

They came in and applied for all applications but overstayed their cease and desist time and were still on the property without a septic installed. Mrs. Berry stated they couldn't install a standard septic system due to the installers being back up for 2 years so they have installed a compost toilet for their septic and got County approval. In our Variance regulations in Article VIII.4.6 it states that "Approved Adequate sewage, existing and ready to connect into before any mobile home can be occupied on property." The Berry's were living in the 1985 Mobile home for 9 months without any type of septic system on the property.

Our office sent out letters to landowners for the Variance request and we started to receive calls after calls regarding the request. We told them to get us complaints in writing and at some point, they all hired an attorney to take the case. While this is happening, our office received letters from the Gunnison County Assessor's Senior Appraiser Analyst with their Assessor's Office regarding that they illegally moved the trailer out of Gunnison County with no moving permit or taxes being paid when they did move it out of Gunnison County (since then they are now paid) and Gunnison County Public Works Director stated the Berry's cut down fences while moving the trailer in, traveling near the Gunnison Sage Grouse leks that is currently an endangered federal species, and are in violation with the US Fish and Wildlife, etc. Please see attached letters in your packet.

- Present use of property is Agricultural/Residential
- Proposed use will be Agricultural/Residential with 1985 Mobile Home Used as a residence
- Physical Address is 45551 Six Mile Lane
- Total amount of acreage 35 acres
- Transportation Access is Six Mile Lane (they enter on Highway 50, and then onto Gunnison County Road before hitting Saguache County's County Road.

Our office has received 8 letters of concern.

Gunnison County has contacted our office and they will be at the meeting as well.

The Saguache County Planning Commission **recommended DENIAL** of this Variance request with a **UNANIMOUS vote** with the reasons that the 1985 RB Mobile Home was brought into Saguache County illegally, knowing a Variance request needed to be approved before moving the structure in, the composting toilet was supposed to be only temporarily used and septic system shall be installed in a timely manner, application was incomplete, the dates on the application do not match. The Gunnison Sage-grouse is a federally endangered species that could have been affected with the 1985 RB Mobile Home being moved in illegally, and in the Saguache County Land Development Code VIII 4.6. "Approved Adequate sewage, existing and ready to connect into before any mobile home can be occupied on property." Meaning the 1985 RB Mobile Home was being lived in for approximately 10 months before a septic system was applied for and approved with Saguache County.

After formally recommending the denial of the Variance request a motion was made to recommend to have the property vacated and the 1985 RB Mobile Home be removed from the property immediately and was approved with a unanimous vote.

Multiple neighbors shared their concerns with the board, stating the Berry's moved this Mobile home illegally, cut fences, destroyed the road, and have no respect for any of the neighbors.

**MOTION BY COMMISSIONER TIM LOVATO TO NOT ALLOW THE VARIANCE FOR THE MOBILE HOME AND THAT IT BE REMOVED**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER TIM LOVATO TO GIVE THEM 45 DAYS TO REMOVE THE MOBILE HOME**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**3. Eric John Maki & Yuwipi Sierra Tsunka / Nick Nevares – Special Event request – Crestone Energy Fair – 19850 Camino Del Oro – Baca Grande, Ranchette, Tract 7**

Nick Nevares, who is one of the representatives for the Crestone Energy Fair, is requesting to have their event held at the above location. The event will take place on Saturday, September 12<sup>th</sup> from 10:00 a.m. to 10:00 p.m. They sent out their own certified letters and turned in the receipts for them along with a copy of the letter.

- Set Up will be from Wednesday, September 9<sup>th</sup> to Friday, September 11<sup>th</sup> and break down and clean-up will be Sunday September 13<sup>th</sup>, to Tuesday, September 15<sup>th</sup>.
- Parking- Camino De La Plata on the road easement
- Map has been provided for their event
- Insurance – the certificates have been provided and Saguache County Commissioners are named as additionally insured.
- Sanitation – 2 Port-o-John units will be brought in by Brown's septic
- Trash will be maintained by a crew as well as having bear-proof containers for trash
- Total amount of acreage is 40 Acres

Our office has not received any letters of concern

**MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE SPECIAL EVENT FOR CRESTONE ENERGY FAIR**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**4. Timothy Wallace & Deborah Wallace – Violation – 25789 Hazard Circle – Lazy KV Estates, Block R, Lot 32**

The Wallace's are in violation of having 2 additional RVs on their property that are being lived in by two separate family members and their families. They also have their residence on the property that they live in, making a total of three residences on one property and only approximately 1 acre.

The Land Use Office has sent out 3 Notices of Violation to Mr. and Mrs. Wallace on June 30<sup>th</sup>, 2020, August 6<sup>th</sup>, 2020 and August 19<sup>th</sup>, 2020.

Our office has not received any type of response from either one of them. Myself and Mr. Gibbons spoke about the violation and he suggested that we put it on the agenda to get direction from the Commissioner's. Amber will send the Code Enforcement officer to this property tomorrow.



**5. Planning Commission Board Appointments**

The Land Use Office has received 3 letters of interest for the Crestone/Baca area. One member and one alternate will need to be selected.

The three letters came from:

- Kairina Danforth
- Joseph Buckley
- Tricia Toney

The Board feels they don't have a clear outline of who these people are. The Board requested Amber ask for more of a biography from each of them.

**6. Njal Douglas Gorge Schold – Consolidation request – Baca Grande, Chalet Unit Two, Lots 4301 and 4302**

- Present use of property is Residential
- Proposed use will be Residential
- Water – Baca Grande Water and Sanitation
- Septic – Baca Grande Water and Sanitation
- Transportation Access – Fallen Tree OL
- Combined Acreage if approved will be 1.088
- New Lot Number if approved will be 4301-C

Our office has not received any letters of concern.

The Saguache County Planning Commission recommended approval of the Consolidation request with a unanimous vote.

**MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE LOT CONSOLIDATION OF BACA GRANDE CHALET UNIT II LOTS 4301 AND 4302 TO BE NOW KNOW AS 4301C FOR NJAL DOUGLAS GORGE SCHOLD**

**SECOND BY COMMISSIONER TIM LOVATO**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**7. Laura M. Miles and James J. Woosley – Consolidation request – Baca Grande, Chalet Unit One, Lots 156 and 157**

- Present use of property is Residential
- Proposed use will be Residential
- Water – Baca Grande Water and Sanitation
- Septic – Baca Grande Water and Sanitation
- Transportation Access – Moonlight Way
- Combined acreage if approved will be 1.036 acres
- New Lot Number if approved will be 156-C

Our office has not received any letters of concern.

The Saguache County Planning Commission recommended approval of the Consolidation request with a unanimous vote.

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE LOT CONSOLIDATION FOR LAURA MILES AND JAMES WOOSLEY FOR LOTS 156 AND 157 IN BACA GRANDE CHALET UNIT I TO BE NOW KNOWN AS 156C**  
**SECOND BY COMMISSIONER KEN ANDERSON**  
**VOTES IN FAVOR: 3** **VOTES AGAINST: 0**  
**MOTION CARRIED**

**8. Saguache County Land Development Code changes – Article XVI.8**

The Land Use Office has not received any written comments regarding the Land Development Code changes for Article XVI.8.

Saguache County Land Development Code Changes

**MOTION BY COMMISSIONER TIM LOVATO TO APPROVE THE CODE CHANGES OF ARTICLE XVI.8 TO PUT A MEMBER AND ALTERNATE FROM THE CRESTONE/BACA AREA ONTO THE PLANNING COMMISSION BOARD**  
**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:

*Dominique White*

DOMINIQUE WHITE FOR  
TRISH GILBERT, CLERK & RECORDER

DATE MINUTES APPROVED: September 15, 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