

**Town of Saguache
Board of Trustees
Regular Session
August 15, 2011**

The Town of Saguache Board of Trustees met for a Regular Session on August 15, 2011, with Trustees being present as follows:

Mayor Milton Jones	Present
Mayor Pro-Tem Dario Archuleta	Present
Ruth Horn, Trustee	Present
Lyn Miles, Trustee	Present
Tina Serna, Trustee	Present
Carla Quintana, Trustee	Present
Kate Vasha, Trustee	Present

Town of Saguache employees present as follows:

Therese Garcia, Town Clerk	Present
Johann McKee, Deputy Clerk	Present
Dan Pacheco, Public Works	Present

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present
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Citizens in Attendance, as follows: Kim Smoyer, ScSEED; Mike Norris, Saguache County Sheriff; Jackie Stephens, Saguache Recreation Board; Chuck Tidd, Solar Garden Institute; Greg Terrell; Pat Miller; Cynthia Surface; and Kathleen Ochs

Call to Order: Mayor Jones called the meeting to order at 7:00 p.m.

Moment of Silence and Pledge of Allegiance: was led by Mayor Jones.

Additions and Deletions to the Agenda:

Add Under Clerk's Report: 2010 Audit Report

Add Under Downtown Revitalization: Sales tax relief for downtown businesses

Add Under Legal Report: Clarification of the rules regarding skateboards on roads

Add Under Old/Unfinished Business: Fire ban and water restrictions

Review/Approval of Board Meeting Minutes: The minutes for the Regular Session held on July 18, 2011 were reviewed by the Trustees.

MOTION by Trustee Serna; Second by Trustee Miles

Trustee Serna moved to approve the minutes for the Regular Session held on July 18, 2011 as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – abstain

VOTE: 6 – Aye; 0 – No; 1 – Abstain

Review/Approval of Bills: The August List of Bills were reviewed by the Trustees. There were no questions or corrections.

MOTION by Mayor Pro-Tem Archuleta; Second by Trustee Horn

Trustee Archuleta moved to approve the August List of Bills as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye
VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*
Clerk Garcia mentioned that voucher 11-349 for SLV Earth Movers would be discussed under the maintenance report.

Participation of Citizens:

Joy Hughes – Solar Garden Institute: Update on solar gardens. Chuck Tidd came on behalf of Joy Hughes. He explained that the Solar Garden Institute is close to defining a plan and developing financial requirements. The current expectation is that they will put the installation at the Old Dump, building only on previously undisturbed ground. There were questions from the Board. The Solar Garden Institute wants use of the land from the town, with a long-term lease. If the Board were willing to make it a low-cost lease, that would help the project. Beyond that, the Town will be invited to participate in the project, as will residents. There is no expectation of other financial commitment on the part of the Town of Saguache. Xcel Energy has recently completed its guidelines for solar gardens, and the Solar Garden Institute is expecting to be ready to submit their plan to Xcel in October. They will have a booth at the Fall Festival in Saguache. Jackie Stephens agreed for the Recreation Board to give the Solar Garden Institute the booth for free.

Greg Terrell – Circulate a Petition in regard to the Town adopting an official flower: Greg Terrell brought a petition asking the Board to adopt the hollyhock as Saguache’s official flower. There was discussion about the history of the hollyhock, and whether it is considered a noxious weed.

MOTION by Trustee Horn; Second by Trustee Miles

Trustee Horn moved to designate the hollyhock the official flower of the Town of Saguache, provided that it does not appear on any noxious weed lists.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Cynthia Surface - Feral cat control and spay/neuter clinics for pet cats: Mrs. Surface reported on her actions toward controlling the feral cat population in Saguache. She has gotten about ten cats fixed and has taken half a dozen kittens to a shelter in Fort Collins. She found a vet in Durango who does mobile clinics, and is discussing with her the possibility of doing quarterly spay/neuter clinics in Saguache. She is considering doing haircuts for donations at the Fall Festival, with the money to go toward the feral cat project. Mayor Jones thanked her for her efforts. He suggested that the Community Building might be suitable for the spay/neuter clinics, if they get set up. Mrs. Surface asked to borrow the town’s traps the following day, and Public Works Director Dan Pacheco told her to come by the shop to pick them up.

Downtown Revitalization Project:

Trees on Fourth Street: Kim Smoyer reported that the Visioning Committee is divided over whether to have trees on Fourth Street. Business owners and residents of Fourth Street are also divided. There was discussion of the problem of deer eating the trees, difficulty with watering, and a long-term commitment for maintenance. The Board decided that Public Works can water the trees, and the Tree Board can help take care of them.

MOTION by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to plant three trees per side per block in the downtown, for a total of twelve trees.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye; Trustee Vasha – no; Trustee Horn – abstain

VOTE: 5 – Aye; 1 – No; 1 – Abstain

There was discussion of allowing for flags on Fourth Street. The Board agreed to have flag hangers on the lamp posts.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved to get the flag hangers that mount on the light posts.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye; Trustee Vasha – abstain

VOTE: 6 – Aye; 0 – No; 1 – Abstain

Tax relief for businesses on Fourth Street: Trustee Vasha said that she had been approached about the possibility of the Board granting sales tax relief to the businesses impacted by the roadwork on Fourth Street. Business-owner Greg Terrell explained that he came to understand that the business owners don't pay the sales tax, they only collect it, and so there is no tax burden to relieve. The subject was dropped.

Review/Discuss/Approve Resolution 2011-D: A Resolution to Support the GOCO Grant to Purchase the SDRP 4th Street Pocket Park: Ms. Smoyer explained that although ScSEED is currently under contract to buy the park, if GOCO money is to be used for the purchase, the Town of Saguache must actually be the purchaser. There was discussion.

MOTION by Trustee Horn; Second by Trustee Miles

Trustee Horn moved to adopt Resolution 2011-D: A Resolution to Support the GOCO Grant to Purchase the SDRP 4th Street Pocket Park.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Review/Discuss/Approve Resolution 2011-E: A Resolution of the Town of Saguache Adopting a “Conflict of Interest” Policy: Clerk Garcia explained that this and the Fair Housing Proclamation are items required for the CDBG Grant.

MOTION by Trustee Horn; Second by Trustee Vasha

Trustee Horn moved to adopt Resolution 2011-E: A Resolution of the Town of Saguache Adopting a “Conflict of Interest” Policy as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Review/Discuss/Approve Fair Housing Proclamation:

MOTION by Trustee Horn; Second by Trustee Vasha

Trustee Horn moved to adopt the Fair Housing Proclamation as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Discuss Saguache County design of Asphalt: Mayor Jones explained that the Head of Saguache County Road and Bridge was unhappy with a request to design asphalt for the paving project. He also said that requiring it would increase the cost of the paving, and pointed out that other roads in town which were paved by the County have held up very well. Since the design is not a requirement of the grant, **by consensus**, the Trustees wish was to not request it.

Extension for Contractor: Mayor Jones reported that the contractor has asked for a two-day extension on the contract. He, Engineer Bob Williams, and Public Works Director Dan Pacheco agree that they do not want to give an extension now. The Board agreed, feeling that the contractor should try harder to get the work done on time.

Philanthropy Days Volunteer: Ms. Smoyer discussed volunteers for Rural Philanthropy Days. The Forest Service and BLM will allow their employees to volunteer, and asked that the Town do the same. It was agreed that Public Works will remove trash from the trash cans throughout the event, and the Town Clerk and Deputy Clerk will set up and clean up for the breakfast that will be held in Town Hall.

Ms. Smoyer told the Board that the Town of Saguache has a scholarship to send one person to Rural Philanthropy Days. The Board agreed that they would send someone, with the person to go to be chosen at a later time.

Saguache Recreation Update:

Review/Discuss Vendor Insurance Sheet and Other Event Forms: Jackie Stephens of Saguache Recreation Board presented the forms for Fall Festival vendors. There was discussion of the insurance requirements for vendors. Ms. Stephens explained that extra insurance is required from food vendors because there is a greater possibility of liability when selling food items. Clerk Garcia explained that the \$10.00 fee for insurance came from a quote by CIRSA, given in the past when the Town was investigating the possibility of providing insurance for all vendors. The Board asked her to verify with CIRSA that the \$10.00 fee will still be sufficient if only food or all booths are insured. The Clerk will check with Caroline Irwin to see what vendors are currently signed up, and then will check on the fee for coverage for the vendors.

Vista Grande Update:

Mayor Pro-Tem Dario Archuleta and Trustee Kate Vasha: Volunteer Clean-up Day: Mayor Pro-Tem Archuleta and Trustee Vasha reported on their progress in getting another clean-up day at Vista Grande. The current plan is to bring students from Adams State College. The Town of Saguache would have to supply a lunch and portable bathrooms, as well as trash removal. The plan is to hold the clean-up on September 24, and the volunteers would work most of the day and then attend the Pow Wow. Mayor Pro-Tem Archuleta and Trustee Vasha said they believe that this effort will get nearly all of the rest of the clean-up done, and reminded the Board that if they wish to get planning grants, they need to show that they are making progress in developing the site. There was discussion of the cost, which is estimated at around \$900. Mayor Pro-Tem Archuleta suggested that money set aside for spraying weeds at Vista Grande could be used for the clean-up instead. Clerk Garcia reminded the Board that funds from the Conservation Trust Fund can only be used for certain things. Those funds could not be used for buying lunches for workers. The Board asked her to determine which costs can be covered with the Conservation Trust Fund monies.

MOTION by Trustee Horn; Second by Trustee Miles

Trustee Horn moved to hold the clean-up day, with the Town covering the costs from appropriate funds.

Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Mayor Jones – aye; Trustee Quintana – no; Mayor Pro-Tem Archuleta – abstain; Trustee Vasha – abstain

VOTE: 4 – Aye; 1 – No; 2 – Abstain

Sheriff's Report:

Sheriff Mike Norris presented the Sheriff's Report on enforcement activities in the Town of Saguache over the last month. Trustee Horn mentioned that she had been approached by a resident regarding law enforcement vehicles going at high speed on Pitkin Avenue. Sheriff Norris reported that he does not allow that, and said he would take care of it. Trustee Serna asked if youths are allowed to ride skateboards on the roads in Town. The Sheriff said that it is fine on the side streets, although not on Fourth Street or the highway. Bicycles are allowed on the roads. Resident Cynthia Surface asked about night foot patrols, wondering if they indicated problems occurring. Sheriff Norris said that they do night foot patrols because the deputies are able to travel undetected that way, whereas if they patrol in a car their location is always known.

Legal Council Report:

Review/Discuss/Approve Ordinance 2011-3: An Ordinance Repealing Existing Ordinances Relating to Dogs Within the Town of Saguache and Enacting New Regulations Relating Thereto:

Attorney Farish pointed out changes in the ordinance from the last meeting. Attorney Farish mentioned that Paragraph 7 was supposed to be deleted. Trustee Vasha asked about dogs running at large and that in one section it speaks of impounding and another it speaks of court and fines. Attorney Farish explained that either or both could happen. Trustee Serna mentioned that there are typos in the document, these will be corrected.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved to adopt Ordinance 2011-3: An Ordinance Repealing Existing Ordinances Relating to Dogs within the Town of Saguache and Enacting New Regulations Relating Thereto. With the deletion of paragraph 7 and correction of typing errors.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha - aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones - abstain

VOTE: 6 – Aye; 0 – No; 1 – Abstain

Review/Discuss/Approve Ordinance 2011-4: An Ordinance to Amend Ordinance 2002-3 (An Ordinance Adopting a Fire Ban, Burning Ban, Ban on the Sale of Fireworks, and Ban on the Use of Any and All Fireworks within the Corporate Limits of the Town of Saguache: Attorney Farish explained that this ordinance allows the Mayor or, in his absence, the Mayor Pro-Tem to impose or remove fire bans.

MOTION by Trustee Serna; Second by Trustee Miles

Trustee Serna moved to approve Ordinance 2011-4: An Ordinance to Amend Ordinance 2002-3 (An Ordinance Adopting a Fire Ban, Burning Ban, Ban on the Sale of Fireworks, and Ban on the Use of Any and All Fireworks within the Corporate Limits of the Town of Saguache as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

MOTION by Mayor Pro-Tem Archuleta; Second by Trustee Serna

Mayor Pro-Tem Archuleta moved to lift the fire ban currently in effect.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

MOTION by Mayor Pro-Tem Archuleta; Second by Trustee Horn

Mayor Pro-Tem Archuleta moved to lift the watering restrictions currently in effect.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Clerk's Report:

Written Report: The Clerk reported that the citizen who wished to speak to the board about the water/sewer payment did not show up. She was explaining a late fee which arose because a payment did not cover a late fee from the previous month. According to Board guidance, checks are applied to the oldest invoice first, which meant that the payment in question paid the outstanding late fee and most of the current month, but left \$10 unpaid, which generated another late fee. The Board confirmed that payments are to be applied to the oldest invoice first, and that any balance left unpaid will generate a late fee. So the resident in question must pay the accumulated fees, and the clerks should keep applying late fees to her account whenever there is an outstanding balance.

The Clerk reported that there were, as of the time of the meeting, three residents facing shutoff if they did not pay at least two months of charges by 4:00 p.m. on the following day, August 16th. One of the three had brought a check which was post-dated until August 19th and asked that it be considered sufficient to prevent shutting her water off, since she would get paid on August 19th but will not have the money before then. The Board reluctantly decided, **by consensus**, that there cannot be special treatment of some residents, and so the rules about paying to prevent shut-off must apply to her as well. The Board also told the Clerks to never give exceptions to the late fees—they are to be applied in all cases, even when the person in question is going through personal difficulties.

The Clerk mentioned that two letters were received from residents offering to serve on the Tree Board. Questions were asked by the Board to Greg Terrell and Patricia Miller who were present.

MOTION by Trustee Miles; Second by Trustee Horn

Trustee Miles moved to appoint Greg Terrell and Pat Miller to the Saguache Tree Board.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Clerk Garcia reported that the School Garden had requested a letter of support to be used in the process of applying for grants.

MOTION by Trustee Serna; Second by Trustee Vasha

Trustee Serna moved that the Town of Saguache write a letter of support for the Saguache Community Garden.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Trustee Quintana mentioned that if the Town adopts the hollyhock as its official flower, she would like to receive hollyhock seeds. Mr. Terrell said that, if it is adopted, the school children will collect seeds and plant them in the school garden, and could distribute seeds to the residents.

Community Building rental: The Board approved **by consensus**, the use of the Community Building by Rural Philanthropy Days.

File Cabinets: Clerk Garcia reported that Mr. Barandes has a filing cabinet at a reasonable price that the Town could perhaps use. The Board asked her to look at it and determine if it is suitable.

Town Population numbers: Clerk Garcia informed the Board that the latest Census figures show a marked decrease in population in the Town of Saguache. The 2000 Census showed the population at 578, and the 2010 Census has the population at 485. Since certain funds received from the State of Colorado are determined partly by population, this will mean a decrease in Town funding. She asked if the Board wished for the Clerks to attempt to determine how many people actually lived in town on April 1, 2010 in order to possibly challenge the Census figure. After discussion, the Board decided that the figure might be accurate simply because there are fewer children in Saguache now, and that it would be too difficult to determine an accurate figure, so the clerks should not attempt to challenge the figure.

Source Water Protection Meeting: Clerk Garcia reminded the Board that the Source Water Protection Plan meeting would be on Monday, August 22.

News From Town Hall: The changes to the News from Town Hall included mentioning that watering restrictions have been lifted, but reminding residents that we are still in a drought and to conserve water, and also that the fire ban has been lifted.

Appoint Budget Officer for 2012 Budget: The Board discussed that the only person in a position to act as Budget Officer is Clerk/Treasurer Garcia.

MOTION by Trustee Vasha; Second by Mayor Pro-Tem Archuleta

Trustee Vasha moved to appoint Clerk Garcia as the Budget Officer for the 2012 Budget.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Vasha – aye; Mayor Pro-Tem Archuleta – aye; Mayor Jones – aye;

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Note: Trustee Horn was out of the room when this vote was done, so she did not participate in the vote.

2010 Audit Visit: Clerk Garcia and Trustees Miles and Trustee Quintana reported on the Auditor's visit and report. There was discussion on the audit report given to the Town. The Town of Saguache is in good shape financially.

Maintenance Report:

Written Report—Dan Pacheco brought up the proposed hole for placing a Christmas tree in the center of the intersection on Fourth Street. He is not against having a place for a tree, but has heard discussion of a sixty-foot tree, and pointed out that the Town would be unable to decorate anything taller than twenty feet. He also felt that the proposed hole was too deep. Greg Terrell mentioned that the Visioning Committee didn't have a specific height of tree in mind. The Board agreed that the goal is to have a tree that is ten to twenty feet high, and that the hole for the tree should be less deep.

Source Water info: Mr. Pacheco reported that Tim Lovato has sent a proposed boundary for Source Water Protection that he considers too small. After discussion, the Board agreed **by consensus**, that the boundary should remain at three miles.

State Reports: Mr. Pacheco and Clerk Garcia have been working with Fred Hand, Water and Sewer Operator for the Town, to develop a water distribution plan and monitoring plan to submit to the State by October. Mr. Hand recommends on getting an engineering report.

Water Tests: Water samples were tested for lead and copper. They all came back clean.

Weed Overgrowth: Letters were sent to homeowners telling them to remove the overgrowth of weeds on their properties and adjoining right-of-ways. About six of the property owners have not taken care of the problem and have not responded to the letter in any way. There was discussion of how these situations can be handled. Clerk Garcia reported that the County Assessor says that a lien to pay for the remediation by the Town must be a mechanical lien, which is only paid when the property is sold. She also wondered about whether the Town has the right to enter someone's property to do remediation. The Board asked her to try to determine whether the Town can enter private property to correct a nuisance violation.

Vehicles Discussion: Trustee Quintana mentioned that there are old cars in town that are not attractive. Mayor Jones said that the Board's previous decision was that they would not do anything about vehicles on private property, and that any vehicle with current licensing can be parked on the streets. They also mentioned that perhaps at some point they should revisit those policies.

4th Street Project: Mr. Pacheco reported that he and Bob Williams, the engineer, would be on Fourth Street the next day. They are hoping to get a meeting together to get the work back on track. There was discussion of Voucher #11-349, from SLV Earth Movers. The invoice included the application of Class 6 material, which has not happened yet. The Board agreed that the check should not be released until the Town has more confidence that SLV Earth Movers will cooperate and complete the project as they agreed.

Old /Unfinished Business:

Schedule Workshop for Town Board Rule & Regulations—this was tabled until the next regular meeting.

Schedule Workshop Water and Sewer rates – Businesses—this was tabled until the next regular meeting.

New Business:

Rural Philanthropy days: U.S. Forest Service/BLM staff involvement—this was discussed earlier in the meeting.

Review/Discuss/Approve Letters of Interest for Tree Board—this was discussed earlier in the meeting.

Executive Session, if needed: There was none was needed.

Adjourn: There being no further business; the meeting was adjourned at 9:18 pm.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk