

**TOWN OF SAGUACHE**  
**Board of Trustees**  
**Regular Session**  
**November 21, 2011**

The Town of Saguache Board of Trustees met for a Regular Session on November 21, 2011, with Trustees being present as follows:

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

Town of Saguache employees present as follows:

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

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present - left at 8:47 p.m.
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Citizens in Attendance: Stan Murphy, Fire District; Kathleen Ochs and Cynthia Surface, feral cat program; Greg Terrell; Kim Smoyer of ScSEED joined the discussion by speaker phone during the Downtown Revitalization portion of the meeting.

**Call to Order:** Mayor Pro-Tem Dario Archuleta called the meeting to order at 7:00 p.m.

**Moment of Silence and Pledge of Allegiance:** was led by Mayor Pro-Tem Archuleta.

**Additions and Deletions to the Agenda:**

Add Under Downtown Revitalization Update: Trustee Quintana - recognizing Kim Smoyer

**Review/Approval of Minutes:** The minutes for the Regular Session held on October 17, 2011 were reviewed by the Trustees. There were no additions or corrections.

**MOTION** by Trustee Quintana; Second by Trustee Miles

Trustee Quintana moved to approve the minutes for the Regular Session held on October 17, 2011 as presented.

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

VOTE: 3 – Aye; 0 – No; 1 – Abstain

The Board reviewed the minutes from the Special Session held on October 20, 2011. There were no additions or corrections.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to approve the Special Session minutes for October 20, 2011 as presented.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Review/Approval of Bills:**

Clerk Garcia explained that there are two vouchers to add to the list. Voucher # 11-469 will reimburse Jackie Stephens for \$197.43 for expenses related to the Thanksgiving Community Dinner. The funds for that will come from the Saguache Recreation Board account. Voucher # 11-470 will reimburse Dave Martinez for \$13.91 for electrical supplies that he purchased for the Town with his own money. Trustee Serna asked about voucher # 11-449 for flu shots. It was correct.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to approve the November List of Bills as presented.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Participation of Citizens:**

Stan Murphy – Saguache Fire Department: Special Events Permit – New Year’s Eve Dance: Clerk Garcia reported that the paperwork was in order, and that no written objections were filed before the deadline after the required posting of the Special Events Permit. Mr. Murphy brought the necessary checks.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to approve the Special Events Permit to the Saguache Volunteer Fire Department for the New Year’s Eve Dance.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

The Board looked at the Special Events Permit license developed by Clerk Garcia. Since the Town has just started approving Special Events without State involvement, the form needed to be developed. Trustee Serna found one typing mistake on the form.

**MOTION** by Trustee Serna; Second by Trustee Miles

Trustee Serna moved to approve the Special Events permit form as corrected.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Kathleen Ochs and/or Cynthia Surface- Feral Cats: Ms. Ochs and Ms. Surface proposed having a two-pronged approach to cat control in Saguache. They suggested that they continue with their private efforts at controlling the feral populations through fixing cats

and adopting out kittens, and the Town establish a program helping cat owners get inexpensive spay/neuter of their cats. Clerk Garcia said that the Town needs to pass a resolution or ordinance establishing a policy or procedure. There was discussion of various options. The Saguache program cannot partner with Ark Valley because that is a shelter program and we don't have a shelter. Ms. Surface is trying to find a vet who would come to town to hold a spay/neuter clinic but hasn't found one yet. Mayor Pro-Tem Archuleta suggested that a necessary component of the program should be education of the population. Clerk Garcia mentioned that the deadline for using money budgeted this year is December 19<sup>th</sup>. The conclusions drawn after discussion were that the Town would continue to concentrate on feral cats rather than helping residents with pets at this time; that the funds budgeted for 2011 will not be spent because there is insufficient time to establish a procedure to follow; and that the Town will look into the possibility of using the budgeted funds by contracting with a veterinarian to get spay/neuter of the feral cats done at a discounted price. The Board also thanked Ms. Ochs and Ms. Surface for their efforts on behalf of Saguache and the cats of Saguache.

**Downtown Revitalization Project:**

Clerk Garcia got Ms. Smoyer of ScSEED on the speaker phone. They explained the draft of a letter to be sent to Jim Willschau of SLV Earth Movers, detailing the back charges the Town of Saguache intends to apply to the contract. There was discussion of various points. Attorney Farish recommended a change of wording to allow for more effective negotiation. He also mentioned that he will need to know more about the situation before a meeting with Mr. Willschau so that he will be in a position to properly advise the Board. After discussion of dates the Board decided to schedule a meeting for December 5<sup>th</sup> at 6:00 pm, to be held at the Town Hall if space allows or at the Community Building if additional seating is required. The paragraph detailing the Town's obligations was to be replaced by a less specific statement and the meeting mentioned as the available venue if Mr. Willschau wants to discuss any of the points. The letter is to be changed as agreed and mailed by certified mail as soon as possible. Clerk Garcia gave a copy of the original bid packet to Attorney Farish, and will send him a copy of the contract. The call on the speaker phone was ended.

Trustee Quintana said that the Board should do something to recognize all the work done by Kim Smoyer for the Town of Saguache. There was discussion.

**MOTION** by Trustee Quintana; Second by Trustee Serna

Trustee Quintana moved that the Town buy a plaque for Kim.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Planning Commission Update:**

**Addendum to Master Plan:** Trustee Miles explained the addendum developed by the Planning Commission. It includes census changes and some items in the Master Plan that have been completed. Clerk Garcia asked Attorney Farish if this needs to be filed with the County Clerk's Office. Attorney Farish confirmed that it must be filed.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to approve addendum and record it with the County Clerk.  
Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye;  
Mayor Pro-Tem Archuleta – aye  
VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Sheriff's Report:**

Sheriff Norris was not present. The Trustees had copies of the Sheriff's written report. Clerk Garcia mentioned that it lists various times that the Deputy on duty for the Town checks the Forest Service building, but that building is not inside the Town limits. Trustee Miles will ask the Sheriff why this is done.

**Legal Council Report:**

Review/Discuss/Approve Ordinance 2011- 5: An Ordinance Establishing and Adopting a Fee Schedule for the Town of Saguache, Colorado: There was discussion of the fee schedule to be attached to the ordinance. Maintenance Director Pacheco suggested that the Town no longer rent out its equipment to townsfolk. There was discussion. There was consensus that the sewer camera must still be available. The Clerk will publish a notice in the Saguache Crescent that other equipment will no longer be available for rental.

**MOTION** by Trustee Quintana; Second by Trustee Serna

Trustee Quintana moved that effective immediately, the Town will not rent equipment except for the sewer camera.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to approve Ordinance 2011- 5: An Ordinance Establishing and Adopting a Fee Schedule for the Town of Saguache, Colorado: with the agreed changes. Trustee Quintana seconded.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Review/Discuss/Approve Release and Waiver of Liability and Assumption of Risk Agreement: Clerk Garcia reported that the special event insurance from CIRSA has a minimum of \$105. For the Holiday Bazaar only one vendor wanted the coverage, so they would have to pay \$105 to get the coverage. Special Event coverage will be available if enough vendors want the coverage to make it affordable.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to adopt the Release and Waiver of Liability, with the options of using personal liability insurance or getting coverage from CIRSA if feasible.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Codification Process: Review/Discuss/Adopt Agreement for Municipal Code Codification with Colorado Code Publishing Company: The Town received a proposal from Colorado Code Publishing Company for codification of Saguache's ordinances. Attorney Farish reported that Colorado Code Publishing does a good job. It is the only major Code Publishing Company in the State of Colorado, and their costs are in line with the other companies. He explained the advantages and process. It will take several years to complete. There was additional discussion.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to enter into the agreement with Colorado Code Publishing Company to do the Codification.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Clerk's Report:**

Written report: Clerk Garcia presented the Board with a letter from Valley Imaging asking for a lease payment on the loaner machine they supplied the Town Hall earlier in the fall, and with a narrative by Deputy Clerk McKee, explaining her contacts with the company. After discussion, the Trustees directed that the clerks send a letter to the company stating that they will not pay for a lease but if the representative wishes, he can attend the December board meeting with a lease agreement for the machine in question that was signed by a member of the Town staff. They also agreed that the Town will pay for the copies made on the machine, as originally agreed.

Town Christmas party: There was discussion of the Town Christmas party. Clerk Garcia presented information on various options. The Board decided to hold the party as a dinner for trustees and staff, with one guest each, on December 9<sup>th</sup> or 10<sup>th</sup> at 6:30 or 7:00 at 4<sup>th</sup> Street Diner, with the Town covering the costs. The Clerk will check on the restaurant availability and schedules of missing Trustees and set the final date and time.

General Discussion: Rick Barandes suggested the Town give him a list of wanted items and give him authority to bid on those items when he finds them available. After discussion, the Board decided to thank Rick for the offer, but felt that there are no pressing equipment needs at this time.

Clerk Garcia asked the Board if they preferred that the upcoming election be mail ballot or polling place. **By consensus**, the Board prefers that it be a polling place election.

There was discussion of staff bonuses. Clerk Garcia asked that bonuses have taxes taken out for accounting purposes.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved that the staff be given bonuses of \$325 each, which will be approximately \$300 each after taxes.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Clerk Garcia informed the Board that the next Source Water Protection Meeting will be on January 9, 2012.

There was discussion of the six-month evaluation of the Deputy Clerk, and of the process of evaluating employees. The Board agreed that they will have a workshop in January to develop written forms for evaluation of the employees.

The Clerk asked the Board to review the News from Town Hall and make corrections. The Board reminded the Clerk to add an item about Town equipment no longer being available for rental.

Clerk Garcia informed the Board that USA Communications is cutting back on ABC, NBC, CBS, and Fox networks because they have increased costs to a prohibitive level.

**Review/Discuss/Approve Additional Coverage through CIRSA:** Accidental Death coverage for employees for the year 2012 was discussed.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to pay \$9.60 per year per employee for 2012 Occupational Accidental Death coverage.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Boiler and Machinery coverage for 2012 was discussed.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to accept the 2012 Boiler and Machinery coverage for \$133.34 per year.

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Maintenance Report:**

Written report: Mr. Pacheco reported that he is in the process of preparing a list of his responsibilities. He was preparing it for the newly elected Board members next spring, but it could also be used for creating an evaluation.

Mr. Pacheco suggested that in the future, the Board should consider the question of whether townsfolk are allowed to erect solid fences around their yards in order to avoid trimming weeds in their yards. He asks that by next spring, the Board have guidance for the staff as to how to enforce the weed ordinance. The Board agreed to have a special meeting in February to consider the topic.

Mr. Pacheco informed the Board that the Town will have to do more testing from Well #2 in the future because it is now considered a primary well.

Insulation will be blown into the ceiling of the Town Hall tomorrow morning. The Board instructed that the Clerks should not be in the office during the process.

**Old /Unfinished Business:** There was none

**New Business:**

**Resignation Letters: Planning Commission and Saguache Recreation Board:**

Dale Engquist sent a letter resigning from the Planning Commission.

**MOTION** by Trustee Quintana; Second by Trustee Serna

Trustee Quintana moved to accept Mr. Engquist's letter of resignation.  
Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye;  
Mayor Pro-Tem Archuleta – aye  
VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Caroline Irwin sent a letter resigning from the Saguache Recreation Board.  
**MOTION** by Trustee Miles; Second by Trustee Quintana  
Trustee Miles moved to accept Ms. Irwin's letter of resignation.  
Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye;  
Mayor Pro-Tem Archuleta – aye  
VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Letter of Interest: Planning Commission and Saguache Recreation Board:  
Laura Lee Conley sent a letter asking to be appointed to the Planning Commission as a regular member.  
**MOTION** by Trustee Serna; Second by Trustee Quintana  
Trustee Serna moved to appoint Ms. Conley to the Planning Commission as a regular member.  
Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye;  
Mayor Pro-Tem Archuleta – aye  
VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

Executive Session:  
**MOTION** by Trustee Miles; Second by Trustee Serna  
Trustee Miles to go into Executive Session for discussion of a matter to be kept confidential by the following federal and state law under C.R.S. Section 24-6-402(4)(c).

It's November 21, 2011 and the times is 9:40 p.m. For the record, I am presiding officer, Mayor Pro-Tem Dario Archuleta. As required by the Open Meeting Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons: Trustee Carla Quintana, Trustee Tina Serna, Trustee Lin Miles, Town Clerk Rese Garcia, Maintenance Dan Pacheco.

This is an executive session for the following purposes: For discussion of a matter to be kept confidential by the following federal and state law under C.R.S. Section 24-6-402 (4)( c )

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.  
If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

*NOTE: Executive Session tape was inserted into tape recorder at 9:43 p.m.*

The time is now 9:55 p.m., and the executive session has been concluded. The participants in the executive session were: my self- Mayor Pro-Tem Dario Archuleta, Trustee Carla Quintana, Trustee Tina Serna, Trustee Lyn Miles, Town Clerk Rese Garcia, and Maintenance Dan Pacheco.

For the record, is any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask you to state your concerns for the record.

Seeing none, the next agenda item is: Letter of Interest – Saguache Recreation Board

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved not to accept the letter of interest to sit on the Saguache Recreation Board from Keith Vigil

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

VOTE: 4 – Aye; 0 – No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous*

**Adjourn:** There being no further business, the meeting was adjourned at 9:58 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES  
SAGUACHE, COLORADO

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Milton Jones, Mayor

ATTEST:

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Therese Garcia, Town Clerk