

TOWN OF SAGUACHE
Board of Trustees
Regular Session
May 18, 2015

The Town of Saguache Board of Trustees met for a Regular Session on May 18, 2015, with Trustees being present as follows:

Greg Terrell, Mayor	Present
Kate Vasha, Mayor Pro Tem	Present
May Engquist, Trustee	Present
Joel Johnson, Trustee	Present
Luana Lovato, Trustee	Present
Tony Sandoval, Trustee	Absent (excused)
Andrew Virdin, Trustee	Present

Town of Saguache employees present as follows:

Therese Garcia, Town Clerk	Present
Lacy Reed, 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: Carita Ginn, and Byron Williams

Call to Order: Mayor Terrell called the meeting to order at 6:35p.m.

Moment of Silence and Pledge of Allegiance: Led by Mayor Terrell

Additions/Deletions to the Agenda:

Add under New Business: American Legion street closure for May 23, 2015

Add New Business: Request from Northern Saguache County Library District to do landscaping on town property.

Delete from Agenda: Ruth Horn and back hoe clamp discussion

Add Under Old Business: the Tree Board.

Consent Agenda:

The consent agenda includes the Regular Session minutes for April 20, 2015, Special Session on April 27, 2015; Special Session on May 12, 2015; and May List of Bills; Clerk's Report (written);

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

Mayor Pro – Tem Vasha moved to approve the consent agenda.

Vote as follows: Trustee Engquist – Aye; Trustee Johnson – aye; Trustee Lovato – Aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Sheriff Report: Trustee Lovato asked Deputy Clark if he had been doing most of the patrolling in Town. Deputy Clark responded that the deputies are taking turns doing a week at a time of Town duty. Trustee Johnson asked if he had seen a K-9 unit at the Sheriff's Office. Deputy Clark responded that the canine seen belongs to Undersheriff Maclosky who's currently training the

dog. Mayor Terrell asked if there had been any mention of the drug situation in Town by Sheriff Warwick. Deputy Clark responded that there were several cases being worked on at this time. Deputy Clark also reported that there were 7 cases responded to within the Town during this time period covered by report, including two suspicious vehicle's, a house fire, a domestic violence case, a violation of a restraining order, a motor vehicle crash (involving speed, and alcohol), and a computer stalking case; there were also five written traffic citations. Contract and Town Patrol car were tabled until Sheriff Warwick is available.

Assignments and Commitments Review:

Qualifications Town Board members- Kate, Rese & Gene – May Meeting – January 2015:- table till May meeting:

Discuss future workshops (emergency preparedness, water treatment, water/sewer rates, sidewalk policy, Gary Hill property, personnel evaluation:

Trustee Lovato says she is working on the personal evaluations and should have something ready by the end of this week.

Citizen Comments:

Ruth Horn – Community Grant Update and other updates – chili roaster request: Ruth Horn had asked that this item be tabled until June meeting.

Review/Discuss/Approve Town of Saguache Community Grant (1):

Mayor Pro-Tem Vasha said that she saw the same problem with this application as the grant submissions at the April meeting; that there is no budget being handed in with the applications. She suggested tabling any grant submitted without proper budgets until budgets are submitted and reviewed by staff. Town Clerk Garcia will contact grant applicant to let them know that there needs to be a budget attachment, including a breakdown of what funds will be used for. Trustee Engquist & Town Clerk Garcia will be working on refining the grant application and making requirements more clear.

Discuss future technology – Michael Pacheco:

Michael Pacheco reported that he looked at the quote from Apple Computers that Mayor Terrell emailed to him; he asked what direction the Town wants to go in. Mayor Terrell said the main thing is getting to the Town on a firm foundation; and that; two of the primary goals for the Town are making sure there is clear communication; and eliminating paper. Mayor Terrell reported that right now Trustees are all using their own personal emails. Michael Pacheco informed Trustees that because the Town is a Municipal Government that these personal emails may be open to the Open Record Act. Attorney Farish stated that if Trustees are communicating through email it is subject to the Open Records Act, and if there are more than three Trustees responding in emails it can constitute a meeting. Mr. Pacheco continued to discuss the importance of using a tool that can help with this. H created email Google/Gmail addresses for every one of the Trustees. This way they will have an email address using the Towns domain name and; owned by the Town. The Town Clerk, Deputy Clerk, and Public Works use the same domain name already for their Town emails. He also said that he can train the Town Clerk to set up and close out old email accounts as she is the Administrator for the Town's account. Mr. Pacheco continued to discuss with the Town Trustees the features for email, calendars, and uploads. He also offered to come in and do trainings with Town employees and Trustees. Mr. Pacheco also commented on Apple computer products saying that they are user friendly, and have built-in protection against viruses and spyware. He also said that less-expensive tablets would be very effective; adding that unless you are writing grants and/or doing a lot of original work MacBook's would be a little much. Mr. Pacheco said he will be available for any help that the Town needs, and he'll be in touch with Town Clerk Garcia.

Review/Discuss/Approve request for street/parking spaces closure- Dave Martinez Park – Caroline Irwin: Town Clerk Garcia reported that Caroline Irwin has brought in all paper work, and handed in checks for rental.

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

Mayor Pro –Tem Vasha moved to approve Street parking space closure at Dave Martinez Park.

Vote as follows: Trustee Engquist – Aye; Trustee Johnson – aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Review/Discuss Request from Sue Jenkins – ditch water:

The Trustees discussed Sue Jenkins’ written request that the Town either fill in ditches or install a culver system. Mayor Terrell started the conversation by saying that there would be two things at risk with this, one being the trees of the Town of Saguache; One resident filled in the ditch by his house and installed culverts; trees along the culvert have suffered and are dying or dead. Mayor Terrell also added that the ditch water has to run as our augmentation depends on it. Mayor Pro-Tem Vasha said she is not interested in going forward with this, stating that right now we cannot jeopardize our augmentation. Trustee Lovato added that it’s prudent that the Town continue to run water down the ditches. Mayor Terrell also asked Attorney Farish if the history of how we use water can affect how the Town augments. Attorney Farish responded that it could, adding that the ditch water should continue to run. There was discussion about what ditches in town no longer carry water. Mayor Terrell said that he’d like to start looking into some grants that specifically would address damaged ditches, so that the Town could open all the ditches and have them running again. Mayor Terrell asked if there was a Trustee who could step up and look more into Water Conservation and see what grants are available to the Town; Trustee Engquist volunteered to do so.

Ordinances/Resolutions/Public Hearings:

Review/Discuss/Approve Ordinance 2015-2: An Ordinance Amending Ordinance 2010-12 an Ordinance Designating the Town Hall as an Historic Landmark: Town Clerk Garcia reported that they are waiting for the architect to get back with the attorney on exactly what the amendment needs to address. Town Attorney Farish said that the request seemed a little odd to him, as the Town would be giving an easement to the Town. Discussion continued between Town Attorney and Trustees. Mayor Pro-Tem Vasha said that the problem is that when the Town Hall was designated that it was designated by parcel; it turns out that some of the work that needs to be done is outside of that parcel boundary which is now the Towns right of way. By law, History Colorado cannot grant funds for work in a right of way, and since the Town is depending on State Historic Fund grants the issue needs to get solved. Attorney Farish said that he will continue to work on it, and get things ironed out.

Attorney Report:

Discuss setbacks: Mayor Terrell reported that there been a couple of issues this year, including one currently going on; where law enforcement needed to be involved. One person is asserting his right to build a solid wood fence on his proper inches from another person’s residence. Trustee Lovato said one of the things talked about were setbacks and whether or not they should be done between buildings and alleyways and if an ordinance should be created to that effect. She also stated that it’s a safety issue should Town, fire, law enforcement personnel need to get through those areas to respond to an emergency. She added that she anticipates that this going to be the beginning of a much worse problem. Mayor Pro-Tem Vasha stated that the problem in Saguache is that historically people didn’t know or care where property lines were, making for many instances where structures sit on or over parcel boundaries which is why problems are happening now. Mayor Terrell suggested mandating set-back’s of 15feet between structures; as this was

reported as a good amount of area to allow first responders through. Attorney Farish discussed with Trustees why from a legal standpoint this would not be a good idea, and also discussed COD, and neighboring Towns, and their zoning rights. He also added that without zoning/land-use ordinances in place there's not much you can do with a resistance against a land use ordinance from the Town. Trustee Engquist asked Attorney Farish "What if someone has a survey done and it's not on the Town plotted parcel line?" He responded that that is what the Town has historically, and this is a problem that a lot of towns are dealing with where what gets plotted and what was surveyed are two different things entirely. Trustee Engquist then asked what's the answer? He responded that it's very difficult because you have to figure out what you're going by is it the original monuments the town plat, also adding that you between neighboring properties you can't just cut off someone's living room. Mayor Terrell said that he spoke to Russell Engineering who recently plotted Town Hall boundary; they reported that Davis Engineering had plotted the Town in 1986, now GPS is used for plotting which can result in a different outcome. He was advised by Russell Engineer that when problems occur to refer to the original plat done by Davis Engineering. Mayor Terrell said that the problem will be sent back to the Planning Commission for discussion and recommendations.

Discuss GPS Proposal: Mayor Terrell reported discussing with Charles Stryder (has degree in GIS) and Annie Nielson, about Charles helping Dave to map the Town. He'd like to help the Town do this in exchange for being able to use the Town's GPS for other projects he's working on. Mayor Terrell said that proposal handed in by Stryder does not cover what they had discussed, and so he proposed is that it be sent back to Charles Stryder so that he can add things like dollar amounts and resubmit a it. Mayor Terrell said that a new resident moving into Town named David Mixon may also be submitting as he also has a degree in GIS.

Discuss Qualifications for Town Board members: Attorney Farish said that that there are two qualifications: One candidate must be an elector (Registered to Vote); Two, candidate must have been a resident of the Town of Saguache for at least one year. To determine who is qualified you must ask pertinent questions such as... "What does your license say?" "Where is your mail delivered?" "What does your tax return say?" He also added that the fact of persons owning property or a business in the Town does not make them a resident in the Town; The Town may need to see multiple forms of proof to validate residency. Mayor Pro-Tem Vasha asked that there be a cover sheet about residency requirements for the petition used at election time, which can also serve as a hand-out when open seats are filled by the letter of interest route. She and the Town Clerk will draft something and send to Town Attorney Farish for approval. Attorney Farish added that it should say something like "the Town requires these documents as proof to substantiate residence."

Discuss Viaero Wireless – Safety: Mayor Terrell began by saying the issue the Town is having is the steep incline of the Road Viaero built for access to their tower, which is causing concerns about the occasion when propane is delivered to the tower site. It can be a tremendous safety issue. The last time they hauled propane up there, rocks were sent down towards the Town water tank and homes below. Dan Pacheco had wanted Town Clerk Garcia to let Trustees know that Eugene can either amend the current agreement with Viaero to require them to add guardrails or to re-engineer the road. She also said that maybe Viaero representative Ed Gonzales should come back down to discuss the problem. Mayor Pro-Tem Vasha said a number of people in Town reported seeing a propane tank being hauled up the hill with a backhoe or Cat. That seems very unsafe, and she feels the Town should send a letter and let them respond with options to correct the problem. Mayor Terrell says the issue really is that Viaero needs to be safe. Town Attorney Farish recommends that Ed Gonzales be called to a meeting to discuss the issue.

Discuss creating ordinance in regard to grants: Mayor Terrell stated that once again someone is trying to write a grant using the Town's name but without the Town's permission. He suggested that the Town pass an ordinance that says you cannot write a grant that says it is on behalf of the Town, or that the Town supports it without having the Board of Trustees review and approve it.

Town Attorney Eugene Farish will create something for the Trustee to review at the June meeting.

Boards/Committees Reports:

Historic Preservation Commission Update:

Staff support for Historic Preservation Commission: Since she has done all the support work for the HPC but is resigning, Trustee Vasha asked if Deputy Clerk Reed can attend and write minutes for the Historic Preservation Committee on an interim basis.

Review/Discuss/Approve Resignation letter from Historic Preservation Commission:

Mayor Pro-Tem Vasha announced that she is resigning from the Historic Preservation Committee **MOTION** by Trustee Engquist; Second by Trustee Johnson

Trustee Engquist moved to approve the resignation of Kate Vasha from the Historic Preservation Commission.

Vote as follows: Trustee Engquist – aye; Trustee Johnson – aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Old Business:

Discuss tablets for board and staff: This item was tabled; Mayor Terrell encouraged everyone to give Liz at APPLE a call or shoot her an email with questions. This will be revisited at the July meeting.

Discuss change of Retreat date: Town Trustees discussed the original date of June 11th, and moved the Retreat after the CML conference. Retreat to be held June 22, 2015 beginning at 9:00 a.m. at the County Road and Bridge Office.

Discuss Ramie Drug Dealer sign: Mayor Terrell reported that the window glass with the painted sign has been removed but is still at Scott Alexander’s and Pearl Brewer’s building next door. He also said that since the Town paid for the replacement glass with donated funds, the original window now belongs to the Town. He said that Town maintenance staff needs to carefully box the glass for storage at the Town Hall for now. Town Clerk Garcia informed Trustees that the replacement window had cost \$470.00.

Discuss Tree Board: Town Clerk Garcia reported that Town had not received any letters of interest. Mayor Terrell said that Dwight Irwin and Darrell Adams had both said they’d be submitting letters so he will be getting back with them. Trustee Lovato asked what is involved to be a member of the Tree Board. Mayor Terrell responded that the Tree Board is responsible for trees in the Town rights of way, tree trimming, tree issues, planting of new trees, protecting trees and, pruning, and that the Tree Board also determines if a tree needs to come down. Trustee Lovato suggested that when advertising in the paper requesting volunteers. Something should be written about what the Tree Board does, and maybe that would bring more interest from the public. Trustees continued to discuss how the Tree Board works and what responsibilities are outlined in their ordinance. Town Clerk Therese Garcia said that she would publish a more descriptive advertisement closing June 12, 2015.

New Business:

Review/Discuss/Approve accepting donation of Christmas Decorations – Otto Mears Park:

Mayor Terrell reported that the Sheriff’s Office owns all the Christmas decorations that are put up at Otto Mears Park. They have said that they don’t want that responsibility anymore and would like to donate the decorations to the Town. He also said that there had been some discussion on seeing if this is something the Chamber of Commerce or the American Legion would like to take on. He also said that he had spoken with the American Legion about taking over the park lighting, but has not heard anything back yet. Audience member Carita Ginn said that she will take back the suggestion to the Chambers of Commerce. Trustee Lovato also suggested getting a hold of the

Fire Department to see if this is something they'd like to do. Mayor Pro-Tem Vasha said that the matter should be revisited at the June Board meeting.

Review/Discuss/Approve Quote of Backhoe clamp (claw): This item will be discussed at June meeting.

Review/Discuss Town Funds and reserves: Mayor Terrell stated that reserve documentation given to him is not what he asked for. He wants to see an up-to-date reserve amount. He also stated that he wants to see where the money going into accounts is coming from, included in that information he'd like to know what specifically the reserve funds be used for. He asked that current report of funds be sent to all Town Trustees within a week. Mayor Pro-Tem Vasha commented that she'd like to see the next budget broken down, so that it can be better understood. She also wants to talk to the auditor about issues such as possible revolving fund(s), uses of reserve funds etc. sometime this summer.

Discuss Xcel Energy – develop LED street lighting options: The Town needs more information or contract information. Mayor Pro-Tem Vasha said LED lights use much less energy, so this might be a good idea, but we can't tell from the information recieved. Deputy Clerk Reed is to call Xcel Energy for more information.

Review/Discuss/Approve Quote for tank cleaning & inspection: Mayor Pro-Tem Vasha asked if the tank is cleaned every five years, Town Clerk Therese Garcia responded that's correct. Trustee Lovato asked if it was being done by the same cleaners/inspectors, and also asked for how long they've been doing it. Town Clerk Therese Garcia responded it's being done by the same company who's done it the last 10 years.

MOTION by Trustee Johnson; Second by Mayor Pro-Tem Vasha moved to approve Quote from Liquid Engineering for tank cleaning & inspection.
Vote as follows: Trustee Engquist – aye; Trustee Johnson – aye; Trustee Lovato – Aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye
VOTE: 6 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Discuss water restrictions: Mayor Terrell stated that the Town usually doesn't start water restrictions until after Memorial Day. He also added that Public Works Supervisor Danny Pacheco had suggested to him that the Town begin water restrictions immediately. This is because in working with the Colorado Department of Health and the Environment (CDPHE) on our chlorination issues, he has learned that water conservation does play a role with CDPHE when they work with communities. He also stated the continued trust and good will of CDPHE is important, since if the Town can't continue with the current method of chlorination the other option would be to get the other chlorinator installed, which would cost \$90,000.00. Trustee Virdin said that water restrictions going into effect a.s.a.p. would be a good idea. Trustees discussed what date would be the best to put water restrictions into effect. Mayor Terrell said it will take us some time to inform the public.

MOTION by Mayor Pro-Tem Vasha; Second by Trustee Johnson moved to approve Water Restrictions to be put into effect on May 18, 2015 with the understanding that it will not be enforced until public is notified.
Vote as follows: Trustee Engquist – aye; Trustee Johnson – aye; Trustee Lovato – Aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye
VOTE: 6 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Review/Discuss/Approve placing of road base on streets: To be revisited at the June meeting, as the Town needs a price quote.

Letter to Trustees from citizen to postpone water shut off: Trustees discussed a letter brought in by citizens asking that the Town postpone their water shut off, but felt this cannot be done because it would show favoritism and set a precedent.

Trustee Comments:

Trustee Lovato would like minutes sent to her one week prior to meetings. Mayor Terrell reported that a letter needs to be sent to Andrew Archuleta in response to his letter about the Town's request for a motorized use buffer zone at Vista Grande and other issues; he asked that a Town Trustee step up to write the letter, Trustee Johnson said that he would write the letter but will need guidance to do so.

Executive Session (if needed): No executive session was needed.

Adjournment: There being no further business, the meeting was adjourned by Mayor Terrell at 8:45 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Greg Terrell, Mayor

ATTEST:

Therese Garcia, Town Clerk