

TOWN OF SAGUACHE
Board of Trustees
Regular Session
September 21, 2015

The Town of Saguache Board of Trustees met for a Regular Session on September 21, 2015, with Trustees being present as follows:

Greg Terrell, Mayor	Present
Kate Vasha, Mayor Pro Tem	Present
May Engquist, Trustee	Present
Luana Lovato, Trustee	Present
Tony Sandoval, Trustee	Absent
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: Iris Garcia (Booster Club), Carita Ginn (Saguache Chamber of Commerce), Kaeden Johns, June Savage, Kathy Geddes, Don Geddes, Darryl Reinsel, Carla Quintana, Byron Williams, Ruth Horn, Hillary Conroy, and Evan Samora,

Call to Order: Mayor Terrell called the meeting to order at 6:32 p.m.

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

Additions/Deletions to the Agenda:

Delete under Citizen's Comments Joe Torrez and Jane Martin
Add Under New Business: board room meeting chairs and Road and Bridge road work quote
Add Under old Business: discuss Board Retreat and Rural Philanthropy Days
Add Under New Business discuss time and materials contract for infiltration problem
Move Review/Discuss/approve letter of interest for Town Board of Trustees to right after Citizens Comments
Move Iris Garcia & Lisa Hammel- Discuss Youth Activities MOU between Town, Mountain Valley Booster Club, and Mountain Valley School to the end of Citizen's Comments
Add under Citizen Comments Kathy Geddes Health Care
Add under Attorney Report Code Enforcement advertising

Consent Agenda: The consent agenda includes the Regular Session minutes for August 17, 2015, Special Session on September 2, 2015; and September List of Bills; Clerk's Report (written); Maintenance Report (written)

MOTION by Trustee Virdin; Second by Mayor Pro Tem Vasha
Trustee Virdin moved to approve the consent agenda as presented.

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

VOTE: 5 – Aye; 0– No; 0– Abstain

Let the minutes reflect the vote was unanimous.

Assignments and Commitments Review: Discuss future workshops (emergency preparedness, water treatment, water/sewer rates, sidewalk policy, Gary Hill property: Mayor Terrell felt that the Trustees need to work on a protocol for dangerous buildings. After a short discussion Trustees decided to review lists in October.

Citizen Comments:

Review/Discuss/Approve special events permit – Fire Department – Alfred Packer festival:

Town Clerk Garcia asked Evan Samora if he had obtained a certificate of Good Standing. He responded that he had emailed Wes Moores but has not received any communications back at this time. Town Clerk Garcia asked when he receives a copy if he could bring that into her, she also stated that the rest of application was in good order. Evan Samora asked if Trustees had any questions, they did not.

MOTION by Mayor Pro Tem Vasha; Second by Trustee Engquist

Mayor Pro Tem Vasha moved to approve the Special Events Permits for the Saguache Volunteer Fire Department as submitted.

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

VOTE: 5 – Aye; 0– No; 0– Abstain

Let the minutes reflect the vote was unanimous.

Joe Torrez – Discuss water in garage at 350 14th Street: Deleted from Agenda

Iris Garcia & Lisa Hammel – Discuss Youth Activities MOU between Town, Mountain Valley Booster Club, and Mountain Valley School: Discussed at the End of Citizen's Comments

Discuss 4th Street signs – Jan Martin & Kathy Geddes: Deleted from Agenda

Kathy Geddes Health Care: Kathy Geddes informed the Trustees she's actively circulating a petition in Town for Colorado Care which will be on the ballot in 2016 ballot. She explained that Colorado Care is much like a co-op giving universal health care for all Coloradans whether they are full time or part time employees. She also stated the project came along because President Barak Obama told states if they can figure out a better way to do health care let them do it. A discussion continued between Kathy Geddes and Trustees regarding the petition.

Hillary Conroy – discuss Thanksgiving Dinner: Hillary Conroy stated she, Laurie Vigil, and Carla Quintana want to set up the Community Thanksgiving Dinner as they did last year. Ms. Conroy said she came to Trustees to see if they could be covered with insurance and liability under the Town's umbrella. Town Clerk Garcia took a moment to remind Trustees during budget time last year they had decided to not take part in the Community Thanksgiving Dinner and instead hand the event back to the churches. Ms. Conroy responded the churches are unable to hold the dinner because they have no insurance to cover them. Mayor Pro Tem Vasha said so basically what you are asking is if the Town's Recreation Board can sponsor the event for the insurance. Ruth Horn interjected from the audience she wanted clarification because first Trustees told her they weren't going to do it, she's asking Trustees to be clear about that. Ms. Conroy also said they were going to try to put in for a grant from the Colorado Trust to help with costs, but are unsure if they will be awarded. She asked the Trustees if they are not awarded any funding from the Colorado Trust could they apply for a Town grant of \$250.00. Mayor Pro Tem Vasha said if you feel out a grant application it will be reviewed by Town Trustees. After a short discussion Mayor Terrell announced he feels they stay the course with the decision made during budgeting, but added there are other ways the Town can still help.

Request from Fred Quintana: paving road and culvert at 1455 San Juan Avenue: Town Clerk Garcia stated Fred Quintana is not present, but a letter received was in their board packets. She stated that Mr. Quintana has already been informed about the culvert by her and Public Works Director Dan Pacheco. Mayor Pro Tem Vasha said we may want to go ahead and communicate with residents that live on dirt roads that we do have a plan for road paving. Mayor Terrell stated this is not on the 5-year plan for road work. Mayor Pro Tem Vasha responded that was because we needed to solve the legal issues out there first. Trustees continued to discuss road paving plan. Town Clerk Garcia stated she would contact Mr. Quintana and remind him that he will need to purchase his own culvert.

Sky Wright – discuss complaints: *Sky Wright was not in attendance.*

Iris Garcia & Lisa Hammel – Discuss Youth Activities MOU between Town, Mountain Valley Booster Club, and Mountain Valley School: Iris Garcia updated Trustees letting them know Mountain Valley School had agreed to the MOU. She also informed Trustees the Booster Club did purchase liability insurance to cover one year, she has also brought a budget. Town Clerk Garcia reminded Mrs. Garcia the MOU needed changes made to it by the Attorney and CIRSA. Mrs. Garcia responded she made the changes that were required but not of any others. Mayor Pro Tem Vasha said the last MOU in the packet shows the one Mrs. Garcia sent after the meeting. This MOU doesn't have all of the corrections. Mayor Pro Tem Vasha stated let me give you an example your MOU still says provide funding as allocated by the Town. She went on to say it's important that it says as budget constraints allow, adding the Town doesn't want to be in a position where people think because you want to do an event the Town has to do it. Trustees and Mrs. Garcia continued to discuss all changes that have to be made to the MOU as per the Town Attorney. Town Clerk Garcia also stated for future reference that background checks are done prior to practices beginning.

MOTION by Trustee Engquist; Second by Trustee Virdin

Trustee Engquist moved to approve the Youth Activities MOU between Town, Mountain Valley Booster Club, and Mountain Valley School with the changes discussed.

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

VOTE: 5 – Aye; 0– No; 0– Abstain

Let the minutes reflect the vote was unanimous.

Review/Discuss/Approve letters of interest for Town Board of Trustees: Town Clerk Garcia mentioned to all that turned in letters of interest about the residency requirements. She reported that three letters of interest were received at Town Hall. A short discussion took place amongst Trustees regarding applicants.

MOTION by Mayor Pro Tem Vasha; Second by Trustee Engquist

Mayor Pro Tem Vasha moved to approve June Savage's letter of interest for the open vacancy on the Town Board.

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

VOTE: 5 – Aye; 0– No; 0– Abstain

Let the minutes reflect the vote was unanimous.

Other Citizens: There was no other discussion from citizens.

Note: June Savage was sworn in by Attorney Farish and joined the Town Board for the rest of the meeting.

Ordinances/Resolutions/Public Hearings:

Attorney Report: Discuss John Slaked land lease (possible executive session):

MOTION by Trustee Lovato; Second by Trustee Virdin

Trustee Lovato moved to approve Executive Session For conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)

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

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

It's September 21, 2015, and the time is 7:23 p.m. For the record, I am presiding officer, Greg Terrell. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present is Town Attorney Eugene Farish, Trustee Andrew Virdin, Trustee June Savage, Trustee Luana Lovato, Trustee May Engquist, Mayor Pro-Tem Kate Vasha, Town Clerk Therese Garcia, Public Works Director Dan Pacheco, Deputy Clerk Lacy Reed, and Mayor Greg Terrell. This is an executive session for the following purposes:

For conference with the Town Attorney for the purpose of receiving legal advice on specific legal question under C.R.S. Section 24-6-402(4)(b)

For the purpose of determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S/ section 24-6-402(4)(a)

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.

Attorney Farish: As Town Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am, therefore, recommending that no further record be kept of this executive session. Mayor Terrell: The Town attorney has recommended that no further record be kept of this executive session. The time is now 7:25 PM and I am turning off the tape recorder at this time

MOTION by Trustee Lovato; Second by Trustee Virdin (inaudible in recording)

Trustee Lovato moved to approve leaving executive session

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee June Savage – Aye; Trustee Virden – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

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

The time is now 7:47 p.m., and the executive session has been concluded. The participants in the executive session were: Town Attorney Eugene Farish, Trustee Andrew Virdin, Trustee June Savage, Trustee Luana Lovato, Trustee May Engquist, Mayor Pro-Tem Kate Vasha, Town Clerk Therese Garcia, Public Works Director Dan Pacheco, Deputy Clerk Lacy Reed, and Mayor Greg Terrell.

Mayor Terrell: For the record, if 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 Moratorium.

Review/Discuss/Approve Moratorium on greenhouses: Mayor Pro Tem Vasha stated the Trustees would like to discuss a moratorium on the construction and relocation of greenhouses within Town limits. She added most people know the Town water is not metered, and the Town only has a Municipal permit which means the Town water cannot be used for agricultural or commercial use. She suggested the Town put a moratorium in place from now until March 31, 2016 on greenhouses larger than 10x12feet. A discussion continued between Trustees and Town Attorney on the definition of a greenhouse. Mayor Pro Tem Vasha stated a moratorium would give the Town a chance to figure out what to do about water use in Town, as well as what can be done with the burgeoning greenhouse industry in Colorado. Town Attorney Farish said he feels the Trustees should draft an ordinance before passage, including a health and safety clause, he also stated the Trustees could have an emergency meeting to set the ordinance in place prior to the month of October. Mayor Terrell also stated it's time to start working on Towns augmentation plan therefore is in favor of a moratorium. A short discussion continued amongst Trustees and the Town Attorney Farish on setting a moratorium, and also setting a date for a special session to set a temporary moratorium in place on the 23rd.

MOTION by Mayor Pro Tem Vasha; Second by Trustee Lovato

Mayor Pro Tem Vasha moved to approve placing a moratorium on the building, introduction, or relocation of greenhouses of any size or type until March 15, 2016 with drafting of an ordinance.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Savage- Aye; Trustee Virden – Aye; Mayor Pro-Tem Vasha – Aye; Mayor Terrell - Aye

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

MOTION by Mayor Pro Tem Vasha; Second by Trustee Engquist

Mayor Pro Tem Vasha moved to rescind in part building permit BP15-037, the part to be rescinded being the greenhouse 13feet x 46 feet the rest is approved. Applicants will be asked to come discuss the matter at the October board meeting.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Savage- Aye; Trustee Virden – 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 items on Town property: Town Clerk Garcia reported the Town was sending letters to people who had trash on town right-of-way yet when looking through the ordinances the Town has in place she could not find anything specifically about persons having personal property on Town right-of-way. There for she did not write the letters and wanted to know how to address the problem with the nuisance code being vague. Town Attorney Farish asked what is that you're trying to address. Town Clerk Garcia responded the problem is trash, personal property on Town right-of-way, unlicensed vehicles, equipment, livestock, adding there's many things people place on Town property. Mayor Pro Tem Vasha recommended discussing the problem during the codification workshop; with recommendations from the Town Attorney. The discussion continued between Trustees and Town Attorney Eugene Farish no motions were made.

Discuss Code Enforcement: Town Attorney Farish said the Town code enforcement officer would be addressing nuisances; he or she will not be enforcing the criminal law. A short discussion continued between the Trustees and the Town Attorney how a code enforcer would be working addressing the nuisance code for the Town of Saguache. Town Clerk Garcia stated the Town had received the code enforcement job description from the Town of Crestone, she also asked if their

code enforce was P.O.S.T. certified. Attorney Farish responded that no, their code enforcer is not P.O.S.T certified. Town Clerk Garcia then asked how she should put the advertisement in the paper. Mayor Pro Tem Vasha responded that it should say P.O.S.T certification not required. Town Clerk Garcia will get ad posted in the Saguache Crescent, and in the Center Post-Dispatch.

Boards/Committees Reports: No Board/Committee reports scheduled this month

Old Business:

Review/Discuss/approve Request for Proposal for GPS project: Mayor Pro Tem Vasha asked if everyone had a chance to review the RFP for GPS proposals, she asked if anyone had changes or comments; they did not. Mayor Terrell felt everything had been thoroughly covered in the RFP.

MOTION by Mayor Pro Tem Vasha; Second by Trustee Virdin

Mayor Pro Tem Vasha moved to approve issuing the request for proposal Town of Saguache identifying public works infrastructure and mapping project using GPS devices, being advertised in the Saguache Crescent.

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

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

Ditch Update: Public Works Director Pacheco reported Steve Nguyen would be in Saguache, October 28, 2015 took look at Gunnison Avenue, the Perry Hazard ditch, and other ditches as part of the augmentation plan, he asked that Mayor Terrell be part of that; Mayor Terrell agreed.

Perry Hazard: *Discussed during ditch update*

Other ditches: *Discussed during ditch update*

Discuss “in case of emergency: protocol and sign at Town Hall: Mayor Pro Tem Vasha said this came up when visiting with Town Clerk Garcia, it was brought up that many people are visiting the home of Mayor Terrell’s wanting things solved. She added the sign outside of Town Hall reads “In case of emergency contact the mayor”, she suggest they plan to do a new sign outside of Town Hall. She suggested that in October the Trustees look into purchasing a Trac-fone this will give an emergency line for residence to call, and staff will take turns handling the emergency phone line.

Discussion of paving by Saguache County Road & Bridge, 8th Street: Mayor Terrell mentioned that everyone had a copy of the paving invoice. Public Works Director Pacheco suggested adding dirt for shoulder area to next year’s budget cycle for 2016. Town Clerk Garcia stated this would mean doing south of Pitkin South on 2nd Street, and not doing 12th Street. Mayor Terrell stated just to be clear you are recommending that we do away with 12th Street road work for now.

MOTION by Trustee Engquist; Second by Trustee Lovato

Trustee Engquist moved to approve road base placed on 2nd Street and 5th Street.

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

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

Set next Retreat Date: After a short discussion Trustees set the next retreat to discuss priorities for Thursday, October, 22 at 4:30 p.m. at Town Hall.

New Business:

Discuss Brian Martinez sewer project at 940 Gunnison Ave.: Mayor Terrell felt the issue is underway it should be getting finished this week. As of now the project has not begun as they are waiting for a CDOT permit.

Review/Discuss/Approve Moratorium on greenhouses: *Discussed after Attorney Report Executive Session.*

Discuss changes to Town leave policy for staff: Mayor Pro Tem Vasha stated this came up because part of a problem with Brian Martinez. Public Works Director was going on vacation and the Trustees were unaware when it was being discussed at a meeting. If the Trustees were aware the problem could have been resolved. She also stated after looking at the leave policy, it does not talk about the approval of leave. She added she will write something up for the next board meeting on how leave will be approved.

Times and Material Contract: Mayor Pro Tem Vasha stated the Trustees have a two page document with a header that reads “Colorado State Revolving Fund Program”; she mentioned there is a possibility of grants after speaking with a friend at a water engineering firm. She said a lot has changed with who can apply for those grants and the Town will do an eligibility survey, Christy Culp from DOLA would have to certify that the Town is eligible for those grants; they do not feel that the Town would be eligible failing on two of the three points; because the Town has too much money in the revolving fund, and the water and sewer rates are too low. She suggested the Town approve a time and material contract not exceed \$1,000.00 for her to come in and help the Town get through the first stages. Trustee Engquist then asked if Christy Culp would still be coming down in September. Mayor Terrell responded she won’t be talking about the budget at all, but she is going to be talking about this other stuff from 6-7 p.m. on September 28, 2015.

MOTION by Trustee Engquist; Second by Trustee Viridin

Trustee Engquist moved to approve time and material contract, and funding strategy for the sewer and lagoon work that needs to be done with Susan.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Savage – 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.*

Discuss Williams Engineering contract: Mayor Terrell suggested the item be tabled for the October meeting. Mayor Terrell also added there are other proposal examples in his drawer and Trustees are welcome to look them over. Mayor Terrell said about three engineering firms said they would come and have a meeting with Trustees discussing what they can offer. Mayor Terrell also said they could be asked to come the November 13th meeting. Trustee Lovato asked if the Town will be doing an RFP, Mayor Terrell responded, yes that town would be issuing an RFP.

Discuss having a facilitator for large public meetings: Mayor Terrell reported after having a conversation with Akia in Crestone, she recommended the Town not go that route, as it’s written in State Statute that the Mayor facilitates and runs all public meetings. Mayor Pro Tem Vasha stated she does not agree. Mayor Terrell that he’d like to have a public meeting before Christmas, but it’s for the board to decide. A short discussion continued about what public meeting would look like. Mayor Pro Tem Vasha added the meeting would not affect the budget process for this year, she feels that January maybe the ideal time to have the meeting, and then have another public meeting before the following year’s budget. Trustees will discuss the meeting date in December.

Review/Discuss/Approve 2016 property/casualty preliminary contribution quotation: Town Clerk Garcia mentioned to the Trustees they received a copy of the 2016 property/casualty preliminary contribution quotation from CIRSA. Town Clerk Garcia said it the preliminary quote is unlikely to change.

MOTION by Mayor Pro Tem Vasha; Second by Trustee Engquist

Mayor Pro Tem Vasha moved to approve the 2016 property/casualty preliminary contribution quotation from CIRSA for insurance.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Savage – Aye; Trustee Virden – 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 two (2) Town of Saguache community grants: Town Clerk Garcia stated the Town received two applications for grants. She added the Town has \$750.00 left in the grant fund for 2015. A short discussion continued amongst Trustees for the approval of both grant applications from Sarah Fernandez, and Julia Hammel.

MOTION by Trustee Virdin; Second by Mayor Pro Tem Vasha

Trustee Virdin moved to approve the Town of Saguache community grant application from Sarah Fernandez and Julia Hammel.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Savage – Aye; Trustee Virden – 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 letters of interest for Town Board of Trustees: *Discussed after MOU*

Review/Discuss/Approve Street Closure for Mountain Valley School Homecoming Parade:

Mayor Terrell asked the Trustees if they had read the letter from Amber Johnson. Town Clerk Garcia stated the parade would be this Saturday, and there were no requests for cones, and they will not need the road closed.

MOTION by Trustee Engquist; Second by Mayor Pro Tem Vasha

Trustee Engquist moved to approve the street closure for the Mountain Valley School homecoming parade.

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

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

Trustee Comments: Trustee Engquist asked what Viaero has done to improve the road on the hill that leads to the tower. Mayor Terrell responded that Eugene Carroll will be getting back with the Town Board of Trustees at the October regular session meeting. Town Clerk Garcia reported the iPads are ready for Trustees to come and pick up and their leisure.

Executive Session (if needed): *Executive Session took place during Attorney Report.*

Adjournment: There being no further business, the meeting was adjourned by Mayor Terrell at 8:56 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Greg Terrell, Mayor

ATTEST:

Therese Garcia, Town Clerk