

**Town of Saguache
Board of Trustees
Regular Session
May 16, 2011**

The Town of Saguache Board of Trustees met for a Regular Session on May 16, 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 follow:

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

Town of Saguache Attorney present as follow:

Eugene Farish, Attorney	Present
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Citizens in Attendance: Kim Smoyer, Marge Hoglin, Chris Gydesen, Bob Gydesen, Jeff Williamson, and Floyd Jaramillo.

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: There were none.

Review/Approval of Minutes: The minutes for the Regular session minutes held on April 18, 2011 were reviewed by the Trustees. Trustee Quintana corrected a typing error on p. 7 to read “attorney Farish reported by the “. Trustee Vasha had a correction on p. 7—to read “the historic structure assessment will include drawings for a handicap ramp”.

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

Mayor Pro-Tem Archuleta moved to approve the minutes for the Regular Session held on April 18, 2011 as corrected.

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/Approval of Bills: The May List of Bills was reviewed by the Trustees.

MOTION by Trustee Quintana; Second by Trustee Serna

Trustee Quintana moved to approve for payment the May 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*

Participation of Citizens:

Marge Hoglin – RSVP (Retired Seniors Volunteer Program): Marge Hoglin came to the board to discuss painting the Community Building. Steve Sanchez will have Ameri-Corp volunteers who could provide much of the labor for painting the community building. Sherwin Williams Paint in Salida will give RSVP a commercial discount on paint. They expect to need 40-45 gallons of paint, which will cost around \$800. There will also be some trim paint, but the paint should cost less than \$1000. There is some grant money which they can use to help buy the paint. RSVP will allocate \$1000, which will cover all of the paint and a few other supplies. Additional equipment may cost \$1000, plus rent of a cherry picker. Mayor Jones suggested the town may be able to borrow equipment from Road and Bridge and avoid the need for the cherry picker. The county hires youth to do work every summer, and they may be able to do some of the work also. Mayor Pro-Tem Archuleta offered use of his paint sprayer. Ms. Hoglin mentioned that the town will need to power wash the building and make any needed repairs. She also requested that the town power wash the library at the same time.

There was discussion of whether it would be unfair for the town to power wash the library, which is not a town building. The board decided that this is a special case, since it is part of an agreement which will make it possible to get the community building painted. In terms of color, the question was raised if choosing the wrong color would lead to difficulty in getting the building on the historic register. Trustee Vasha said that doesn't matter, since paint can be changed, but that she was advised to keep the paint light, since the building has always been either white or beige.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved that the Town be a partner in painting the community building this summer.

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: Mayor Pro-Tem Archuleta; Second Trustee Quintana

Trustee Archuleta moved to allow town staff to power wash the library.

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

There was discussion on what funds should be allocated for the project.

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

Trustee Horn moved that the Board allocate up to \$1000 for this project, to be taken from the community building fund in the general fund and/or Conservation Trust Fund.

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

VOTE: 5 – Aye; 0 – No; 2 – Abstain

After discussion, the Board chose light beige for the building, with green trim.

Trustee Vasha and Ms. Hoglin will coordinate the project, and will do what they can to keep the cost low. Dan Pacheco will talk with Randy at Road and Bridge about the possibility of using equipment for lifting rather than renting a cherry picker.

Floyd Jaramillo- Water/Sewer rate charges: Floyd Jaramillo came before the Board to discuss water and sewer charges on his son's property. There is a lawn and a nice pear tree, in addition to a trailer that isn't used. Mr. Jaramillo was originally using his own water to water the yard, and was told he couldn't do that. So the next year he bought water from May to September and paid \$140. He wanted to do the same this year, but was told he needs to pay for sewer also. He says the water is not even connected to the house. Dan Pacheco pointed out that the former deputy clerk made an error by not charging for both water and sewer originally. Other property owners have requested to pay water only and were not allowed to because they have access to the sewer. Clerk Garcia mentioned that the requirement is based on a town ordinance that limits use of water to the specific property, and requires payment for both if there is a building connected to the sewer, even if the building isn't being used.

There was discussion of how property owners could legally pay for only water with a structure on the property.

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

Trustee Horn moved to allow property owners to pay for water only if the water and sewer connections are capped off to the structure at the owner's expense.

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*

Mr. Jaramillo said he will cap his sewer. When Mr. Pacheco has inspected it, Mr. Jaramillo can pay for only water on his son's property.

Downtown Revitalization Project update: Kim Smoyer gave an update to the Board. They were awarded \$500,000 by the CDBG Grant - DOLA. Clerk Garcia has been helping with the paperwork. The public hearing will be on the May 24th. There are several parts that will be addressed at the public hearing. Mayor Jones suggested coordinating roto-milling the street with the sewer project that will be completed in June 2011, if that is possible. There is \$7000 for grant administration, and since the money

comes from the Federal Government there will be a lot of paperwork. Either Ms. Smoyer could be project manager, or Clerk Garcia could. Ms. Smoyer, Ms. Duboe and Clerk Garcia will attend grant administration training.

MOTION: Trustee Horn moved that Ms. Smoyer be project manager and administrator, working with Clerk Garcia. Trustee Quintana seconded.

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*

Ms. Smoyer explained that Ms. Duboe will do most of the work, but she will oversee the work.

In addition, Ms. Smoyer mentioned the walking tour booklets that are available. Also, the hope is that the work on 4th Street will be done by Rural Philanthropy Days.

The Board agreed to move discussion of the pocket park forward to this time. Trustee Vasha suggested to ScSEED that they buy the land for the park. Ms. Smoyer reported that before the ScSEED board agrees to buy it, they want a commitment from the Town of Saguache to take over ownership and maintenance once the park is purchased.

MOTION by Mayor Pro-Tem Archuleta; Second by Trustee Miles.

Mayor Pro-Tem Archuleta moved that the Town of Saguache accept ownership and maintenance responsibilities for the pocket park if ScSEED purchases and donates it.

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*

Sheriff's Report: The sheriff is out of town due to a death in the family. The board reviewed the report.

Legal Council Report:

Discuss Legalities of Selling of Town Water—SLV Minerals brought a request to buy water to the board: Attorney Gene Farish reported that the Town's permit is for municipal and domestic use. He pointed out that the permit doesn't include commercial purposes. He recommends that if the board wants to consider it, they check with Pat McDermott, Division 3 Water office in Alamosa. Dan Pacheco reported that he spoke with Mr. McDermott, who said that in order to agree to this, the town would have to amend their permit with the water board.

MOTION by Trustee Vasha; Second by Trustee Quintana

Trustee Vasha moved that the Board deny the request by SLV Minerals to buy water from the Town of Saguache.

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*

Mr. Gydesen suggested the Town consider changing their permit in order to get more options for the future.

Attorney Farish reported that it now seems municipalities will be included in water limitations. Surface rights are senior to underground rights. It was mentioned that Saguache has surface water rights. Also, the ditch system may provide any needed augmentation. There is no model for our wells, so the Engineers would have to prove depletion before requiring augmentation. Also, the ditches provide augmentation and have been doing so historically.

There is a meeting on surface water rights next Monday, May 23rd.

Review/Discuss/Approve Ordinance 2011- 2: An Ordinance for the Regulation of Traffic by the Town of Saguache, Colorado; Adopting by Reference the Saguache “Model Traffic Code”, Repealing All Ordinances in Conflict therewith; and Providing Penalties for Violation Thereof

Attorney Farish discussed the Model Traffic Code supplied by CDOT. The most recent revision is from 2010. This is a confusing compilation because CDOT tried to create a code that was applicable to both municipalities and counties. So the attorney’s office came up with the Saguache Model Traffic Code. There are still adjustments to make for it to be suitable for town use. It must be approved by CDOT because of the highway, but that seems likely to happen. The code will be adopted by reference. There must be a first reading, then two publications of the notice of public hearing (at least 15 and 8 days prior), then the hearing. At the June meeting the Board will read the ordinance the second time and pass it.

Attorney Farish explained the difference between traffic offenses and infractions. Infractions are decriminalized and are handled with fines and points reported to the state. They will never lead to jail time. Offenses are more serious and can include time in jail.

Attorney Farish read Ordinance 2011-2. Page 5 has an error: “in excess of 75 miles an hour” should be deleted. First reading is tonight, public meeting and final passage will occur at the June meeting.

MOTION by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to accept the first reading of Ordinance 2011-2 and the setting of the public meeting for at the June 20, 2011 Board meeting.

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: Staff is asking for clarification on the shut off notice and whether the reconnect fee is charged if they don’t pay by 4:00 pm on the 16th. There was discussion on how to handle it. Clerk Garcia pointed out that the current process is established by ordinance, as is the term “re-connect fee”, so to change either the Board should change the ordinance.

MOTION: Trustee Vasha; Second by Trustee Serna

Trustee Vasha moved to accept the revised version of the shut off notice, with the term “re-connect fee of \$30” changed to “\$30 re-activation/re-connect fee”.

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 - no

VOTE: 6 – Aye; 1 – No; 0 – Abstain

SLV Rural Philanthropy days sent a letter requesting a sponsorship donation. The board discussed options. The decision was to have the Clerk and Deputy Clerk write a draft letter agreeing to sponsor Rural Philanthropy Days, and in lieu of a cash donation the Town of Saguache will make both personnel and board members, as well as facilities, available to assist; will work on beautification of areas to be used during the meeting; and will supply incidentals as needed. When the draft of the letter is completed, it will be sent to the Mayor and Trustees for comments and suggestions.

Trustee Vasha suggested that Mayor Jones could lead tours of downtown for attendees. Mayor Jones suggested that the Town have a ribbon cutting celebration for the Saguache Downtown Revitalization Project during Rural Philanthropy Days, and that Ms. Smoyer be asked to cut the ribbon.

General Discussion:

On May 23rd there is a Source-Water Protection Plan workshop.

On May 24th there is a public hearing for the CDGB grant.

Clerk Garcia reported that Saguache received a score of 100% on the CIRSA loss control audit.

Center Conservation District guarantees \$1000 toward noxious weed spraying if the Town of Saguache matches with \$1000, but may be able to go as high as \$2000. Mayor Pro-Tem Archuleta suggested that the BLM might be able to spray noxious weeds on Vista Grande land for the Town of Saguache.

Safety policy should be discussed at a later workshop.

The clerk reported that no one is scheduled for shut off this month. Mayor Jones asked the Deputy Clerk to let him know if anyone reaches the last day before being shut off.

The Board approved News from Town Hall.

Trustee Quintana asked the Deputy Clerk how she is handling work for the Town of Moffat until her replacement can take over. Deputy Clerk McKee reported that the job of Moffat Town Clerk is part-time, and she does the work on her own time, on evenings and weekends.

Maintenance Report:-Dan Pacheco

Review/Discuss/Approve Bids for 4th Street Sewer work—bids have been opened.

Mayor Jones explained that bids are opened publicly, and the name and amount are read publicly. The Board can go into executive session to discuss them, but the vote must be made in open session.

Two bids were returned for the 4th Street Sewer work. Rocky Mountain Septic bid \$34,598, and Garner Excavating, Inc. bid \$22,971. Mayor Jones reported that the main difference in the two bids is in the cost of the materials. Both firms are known to do quality work. Since the bids came in lower than budgeted, the Town can get a bit more work done, including replacing another manhole and putting in a tap in for the park. Mr.

Pacheco recommended that the dates be June 1-June 30, with a penalty for going past deadline. Clerk Garcia pointed in that the independent contractor agreement includes start and end dates, and penalty for going past. Mayor Jones and Mr. Pacheco will meet with contractor.

MOTION: Trustee Vasha moved to accept the bid of Garner Excavation, Inc., which is the low bid. Trustee Serna seconded.

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*

Mr. Pacheco reported that a concerned citizen, who is also an ex-board member, approached him about Steve Heimberg’s signs on the town right-of-way. The board has refused permission to other folks to have signs on town right-of-way. After discussion, the Board agreed to send him a letter telling him to move the signs to his own land. If he wishes to discuss it with the Board, he can come to a meeting to do so.

Water restrictions: Mr. Pacheco reminded the Board that last year they instituted watering restrictions on June 15. There was discussion.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn move to institute watering restrictions as of June 15.

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*

The restrictions will be added to News from Town Hall, and will be posted at the Town Hall, bank and post office.

General Information: Mr. Pacheco reported that the mosquito sprayer was calibrated by an independent company and it was found to be accurate. The Town’s permit is good for 2011. Town staff must put stickers on the sprayer, and take information sheets to distribute. Baca POA wanted to use our staff to spray. Clerk Garcia informed them that our staff is not allowed to spray that far from Saguache.

Old /Unfinished Business:

Discuss Pocket Park: The Pocket Park was discussed immediately after the Downtown Revitalization Project.

New Business: There was none.

Executive Session, if needed: There was none needed.

Adjourn: There being no further business; the meeting was adjourned at 9:13 pm.

TOWN OF SAGUACHE BOARD OF TURSTEES
SAGUACHE, COLORADO

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk