

TOWN OF SAGUACHE
Board of Trustees
Regular Session
And Public Hearing
June 20, 2011

The Town of Saguache Board of Trustees met for a Regular Session on June 20, 2011, with Trustees being present as follow:

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

Town of Saguache employees present as follow:

Therese Garcia, Town Clerk	Present
Johann 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: Cynthia Surface; Evan Samora, Saguache County Housing Authority; Nestor Lujan; Cindy Archuleta, Manager of Oasis Restaurant; Kim Smoyer, ScSeed; Greg Terrell; Rick Barandes; Mike Norris, Saguache County Sheriff.

Call to Order of Public Hearing: Mayor Jones called the Public Hearing for the Model Traffic Code to order at 6:45 p.m.

Attorney Farish called the public hearing on adopting the Model Traffic Code to order at 6:50 p.m. He read the public hearing notice as published on June 2, 2011 and June 9, 2011. Attorney Farish passed out copies of the Saguache Model Traffic Code. He explained the format of the Saguache MTC. For abandoned and junk vehicles it references the Saguache Nuisance Code. Mayor Jones asked if there could be a column added to the list of signs for scheduled maintenance, which the state will require the Town to have starting next year. Attorney Farish suggested it could be added by resolution at a future meeting.

Attorney Farish read the ordinance to adopt the Saguache Model Traffic Code. The Saguache Town Board agreed to pass the ordinance on first reading on May 16, 2011. Notice of public hearing was published on June 2nd and 9th, and the hearing was held June 20, 2011. Saguache Model Traffic Code is based on municipal aspects of CDOT's most recent code. CDOT's current code was designed to cover both county and municipality use, but in consequence it is difficult for either to use it effectively. There are several items, such as sign colors and designs, which must be uniform—towns must conform to CDOT rules. However, there is no reason for a traffic study before establishing speed limits on a town road, so that was eliminated. All references in the MTC to county and state, that didn't apply to a municipality, were removed.

Attorney Farish explained the difference between traffic infractions and traffic offenses. Traffic infractions are less serious, and are decriminalized. Traffic offenses allow for a jury trial and appointed counsel because they can lead to incarceration. Municipalities have no jurisdiction

over certain violations, such as DUI's. Penalties are presumptive—the judge can increase (up to the legal limit) or decrease them.

Mayor Jones complimented the work done by Farish Law on developing the Saguache Model Traffic Code. Attorney Farish mentioned that the code must be approved by CDOT, but expects that it will be approved.

There were no public comments.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved to adopt the Model Traffic Code as read and presented.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Attorney Farish closed the public hearing at 7:19 p.m.

Call to Order: Mayor Jones called the Regular Session to order at 7:20 p.m.

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

Additions and Deletions to the Agenda:

Add Under Participation of Citizens - Cynthia Surface – Feral cat discussion

Add under Legal Council Report - Resolution 2011-C for Model Traffic Code

Review/Approval of Board Meeting Minutes:

The minutes for the Regular Session held on May 16, 2011 were reviewed by the Trustees.

MOTION by Trustee Quintana; Second by Trustee Serna

Trustee Quintana moved to approve the minutes for the Regular Session held on May 16, 2011 as presented.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

The minutes for the Public Hearing and Special Session held on May 24, 2011 were reviewed by the Trustees.

MOTION by Trustee Quintana; Second by Trustee Vasha.

Trustee Quintana moved to approve the Public Hearing and Special Session minutes held on May 24, 2011 as presented.

Vote as follows: Trustee Quintana – aye; Trustee Horn – aye; Mayor Jones – aye; Trustee Horn – abstain; Trustee Serna – abstain

VOTE: 3 – Aye; 0 – No; 2 – Abstain

Review/Approval of Bills:

The June List of Bills was presented to the Trustees. Trustee Quintana asked why sometimes multiple lines appear with the same voucher number. Clerk/Treasurer Garcia explained that this can happen when a single voucher is paid with funds from more than one account.

MOTION by Trustee Serna – aye; Second by Trustee Horn.

Trustee Serna moved to approve the June List of Bills as presented.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Participation of Citizens:

Feral Cats Discussion: Cynthia Surface said that she has lived in town almost three years and wishes to establish a mechanism for caring for the cats in town. She has a private donor to help with spay and neuter of feral cats in the local colonies through a capture and release program. She would also like to help provide free or low-cost spay and neuter for cat owners, and knows a vet who might hold a spay/neuter clinic in Saguache. The Board expressed interest in her plans and informed her that they have budgeted \$500 for the year to help with feral cats. Ms. Surface said that she will have a proposal ready for the July meeting.

Evan Samora – Saguache County Housing Authority – Request for Waiver to Water Restrictions. The Public Housing Authority is asking for permission to use their timed sprinklers from 3:00 a.m. to 6:00 a.m. at Pueblo del Norte and from 12:00 a.m. to 6:00 a.m. at Blue Waters. Each zone is watered for half an hour.

MOTION by Trustee Vasha; Second by Trustee Quintana

Trustee Vasha moved to approve the exemption to the watering restrictions for Saguache County Public Housing Authority.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Sheriff Norris requested an exemption for the Sheriff’s Office for washing cars.

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved to allow an exemption to the watering restrictions to the Sheriff’s Office for the purpose of washing patrol cars only.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Jesus Ortiz –Oasis Restaurant: Review/Discuss/Approve Liquor License Renewal: Cindy Archuleta, manager of the Oasis Restaurant, was present. There was a short discussion, which included the fact that the Oasis has had no violations and all paperwork was in order.

MOTION by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to approve the renewal of the liquor license for the Oasis Restaurant.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Downtown Revitalization Project – Update

Discuss Bid Package A: Asphalt Pavement & Concrete Demolition and Removal Bid opening was held on Thursday, June 16th. Two bids were received—low bid was \$42,860 and high bid was over \$100,000. Kim Smoyer said that according to Deb Downs the contract was processed today, so the Board can go ahead and accept a bid. RMS was cleared by the state. There was discussion of the timing of the project. Board consensus was to get the work completed as quickly as possible. There was discussion of the signage. The sewer work that was started this morning did not require the same signage as the Downtown Revitalization Project, but the Town put up detour signs in addition to the “Road Closed” sign provided by the company, and the Saguache Recreation Board lent the 4th St. business owners A-frames to mount signs. The business owners made and put up signs stating that 4th Street businesses are open. These signs will be left up throughout the project. The Board agreed that they will write into the contract that actual construction will not start until July 6 at the earliest, so that the road won’t be dug up over the 4th of July weekend.

The bid packets for part B are now available, and the bid opening will be July 6th. There will need to be a Special Session to accept a bid.

MOTION by Trustee Serna; Second by Trustee Horn

Trustee Serna moved to accept the low bid for part A, submitted by RMS Utilities, Inc.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye
VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Discuss/Review/Approve Special Events Permit for Philanthropy Days, September 14-16, 2011

Kim Smoyer from ScSeed was present to update the Town Board. She reminded the Board that they offered to be a sponsor by supplying in-kind services, and asked that the Town waive its processing fee of \$50 as part of its in-kind. ScSeed will pay the state fee. There will be fencing to define the area where liquor is available during the event. There were no written objections in regard to the Special Events Permit received by the Town.

MOTION by Trustee Horn; Second by Trustee Serna.

Trustee Horn moved to approve the Special Events permit, and to waive the Town’s portion of the processing fee.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye
VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Clerk Garcia asked the attorney about Project Administrator Kim Smoyer and Grant Administrator Jessica Duboe—the town’s standard contract for independent contractors includes insurance that is out of reach for them. There was some discussion.

MOTION by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to attach the agreements as submitted by Ms. Smoyer and Mrs. Duboe to the Town’s standard contract, and to waive insurance requirements for them.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye
VOTE: 5 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Clerk Garcia stated that she would attach their agreements as Exhibit A to the Town Independent Contract Agreement.

Clerk Garcia mentioned that Butch Hammel asked about a letter regarding the negotiations for the Hammel property. Attorney Farish suggested replying that since the Letter of Intent was never implemented, and there was no contract, there was no moving forward.

Historic Preservation Commission Update:

Historic Structure Assessment [HAS] Grant: Trustee Vasha reported that the Town was awarded a Historic Structure Assessment grant for \$15,000. The contract has not yet arrived. She suggested that once the contract arrives, it go to Attorney Farish and then be signed by the Mayor. The board agreed to that plan. The architect’s plan will include the handicap ramp.

Sheriff's Report:

Sheriff Norris gave a short report on infractions in town. He mentioned that the county has a fire ban, and suggested the town consider instituting a fire ban as well. Attorney Farish recommended the town pass an ordinance allowing the Mayor to declare and suspend fire emergencies, and including a penalty for violations. There was discussion of the topic.

Legal Council Report:

Resolution 2011-C: A Resolution Adopting a Schedule of Traffic Control Devices for the Town of Saguache, Colorado:

MOTION by Trustee Horn; Second by Trustee Serna

Trustee Horn moved to adopt Resolution 2011-C: A Resolution Adopting a Schedule of Traffic Control Devices for the Town of Saguache, Colorado.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

Clerk's Report:

Discuss/Review/Approve Fire Ban for the Town of Saguache: There was discussion of instituting a fire ban in Saguache due to dry conditions and high winds.

MOTION by Trustee Horn; Second by Trustee Quintana

Trustee Horn moved to ban fireworks in Town for the summer.

Vote as follows: Trustee Quintana – aye; Trustee Horn – aye; Trustee Vasha – aye; Trustee Serna – no; Mayor Jones - no

VOTE: 3 – Aye; 2 – No; 0 – Abstain

The Board discussed that according to ordinances currently in effect, trash cannot be burned within the Town of Saguache, and agreed to ask residents to not burn leaves or branches this summer due to the dry conditions.

Written Report: Clerk Garcia presented a revision of the Community Building Rental forms for Board consideration. There was one correction in regard to the telephone number.

MOTION by Trustee Serna; Second by Trustee Horn

Trustee Serna moved to adopt the revised Community Building forms as corrected.

Vote as follow: Trustee Quintana – aye; Trustee Serna – aye; Trustee Horn – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the Vote was unanimous.

There was discussion about a complaint from Mr. Coleman. Mayor Jones reported that he spoke with Mr. Coleman. The Board agreed that it would be good to have a mechanism for notifying neighbors. Trustee Vasha mentioned that once land use policies are in place, the process for applying for a variance will include notification of neighbors in some form. Mayor Jones reported that Mr. Busch has the foundation in place for the trailer, and expects it will be moved into position soon. The roof can not be replaced until after it is moved.

General Discussion: Clerk Garcia reminded the Board that the next Source Water Protection Workshop will be on August 22nd.

COPS grant—The Town did not get a grant application in for this year. Clerk Garcia recommended that if there is a successful grant application in the future, the Sheriff's Office administer the grant since they are familiar with hiring and administering police officers.

Trustee Vasha reported that the Town of Saguache was awarded a Saguache County tax grant for \$2200 for planning for Vista Grande.

A suggestion was made that there be an ad in the Crescent saying all businesses are open during the construction, and that fliers be posted around town. Trustee Vasha offered to create a flier saying 4th Street businesses are open during regular business hours. Town staff will copy and post the fliers.

Bid opening for the second phase of the Downtown Revitalization Project will be at 2:00 p.m. on July 6th. The Board agreed to hold a special meeting on July 6th at 7:00 p.m. to award the contract.

Clerk Garcia reported that Trustee Serna will have the town credit card to take to Vail for the CML Conference.

Maintenance Report: Dan Pacheco

Written Report: There is nothing for board action. There have been complaints on tall, dry weeds; neighbors are afraid of fire danger. There was discussion of properties needing attention. The Board agreed that letters should be sent to owners of problem properties, which will be identified by Public Works staff. They also asked that News from Town Hall include a request to control weed overgrowth, and mentioning that owners of properties that are not compliant will receive letters and can be cited into Municipal Court.

Clerk Garcia mentioned that the three colors of new paint on the Community Building look very good. Trustee Vasha complimented Mr. Pacheco, Mr. Martinez and Mayor Jones on their efforts. Mayor Jones mentioned that one inmate worked very hard and took pride in the results.

Mosquito spraying: Mr. Pacheco mentioned that some citizens have requested that he turn off his sprayer by their homes. However, with the new sprayer it isn't good for the equipment. The Board agreed that rather than turn the sprayer off, he will go past those properties more quickly.

General Discussion: Trustee Vasha asked how long the Town will have ditch water. Mr. Pacheco said probably all summer. Clerk Garcia asked about noxious weed spraying in Town. Mr. Pacheco said he believes it is done. Mr. Taylor was planning on spraying weeds in Vista Grande as well, but he was to meet with Trustee Archuleta before doing so, and Mr. Archuleta is out of town, so that will not happen at this time.

Nestor Lujan commended Mr. Pacheco, Mr. Martinez and Mayor Jones for the work they do for the town.

Shut-Off Valves: Trustee Miles passed on a request to Mr. Pacheco by Sam Halburian that the Town install valves so that when work needs to be done on water mains, it is not necessary to turn off water to the entire west side. There was discussion of the best sort of valve to install. Mr. Pacheco will get more information on the options.

Town Right-of-Way: There was discussion of signs in the road right-of-way. Mr. Pacheco mentioned that a business near the Town Hall is putting flags on the shoulder of the road. He suggested that if Mr. Heimberg is to get a letter to move his signs, that property owner should receive one also. The board agreed that both should be notified, and specified that signage should be at least ten feet from the edge of the roadway.

Emergency Vehicle Access: Mr. Pacheco brought up the question of encroachments on the alleys in Town and emergency vehicles having access. He mentioned that the structures that were in place when the Town passed the ordinance forbidding building on right-of-ways that were consequently grandfathered in don't block traffic on the alleys. There is, however, a problem with debris stacked in the alleys. The Board agreed that the Town will send letters to residents to remove debris from alleys. Public Works staff will compile a list of residents needing notification.

Old /Unfinished Business: There was none.

New Business: There was none.

Executive Session, if needed: There was none needed.

Adjourn: There being no further business; the meeting was adjourned at 8:53 pm.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk