

TOWN OF SAGUACHE
Board of Trustees
Regular Session
October 15, 2012

The Town of Saguache Board of Trustees met for a Regular Session on October 15, 2012, with Trustees being present as follows:

Milton Jones, Mayor	Present
Tina Serna, Mayor Pro - Tem	Present—left 8:20 p.m.
May Engquist, Trustee	Present
Lyn Miles, Trustee	Present
Carla Quintana, Trustee	Present
Greg Terrell, Trustee	Present
Kate Vasha, Trustee	Present

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 7:53 p.m.
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Citizens in Attendance: Chuck Tidd, Lindy McDaniel, Marge Hoglin, Rick Barandes, Joan Bannister, Barbara Donahue, Jackie Stephens, and Kelsey Hauck

Note: The Board did not handle items in the same order as they were listed in the agenda. The minutes have been written with the items covered in the order handled rather than the order originally listed. The discrepancies started after part a. in the section on Ordinances/Resolutions/Public Hearings.

Roll Call:

Call to Order: Mayor Jones called the meeting to order at 6:57 p.m. Mayor Jones suggested eliminating the roll call from the agenda, and the trustees agreed by consensus.

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

Additions/deletions to agenda: Trustee Vasha added discussion of the tree lighting ceremony as item under Old Business.

Consent Agenda:

Clerk Garcia mentioned two changes to the bills. The amount of Voucher # 12-409 may change, and there is a bill for \$588.73 from Poncha Lumber for supplies for the Pocket Park, which will be paid by funds from the Conservation Trust grant from Saguache County.

MOTION by Trustee Terrell; Second by Trustee Quintana

Trustee Terrell moved to approve the items in on the consent agenda.

Vote as follows: Trustee Quintana – aye; Trustee Miles –aye; Trustee Engquist – aye; Trustee Terrell – aye; Trustee Vasha – aye; Mayor Pro-Tem Serna – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Citizen Comments:

Chuck Tidd—Blair Meerfeld’s home—discuss water and sewer: Maintenance Director Dan Pacheco gave the Board estimates for the cost of connecting the structure in the rear of the Meerfeld property to water and sewer. He reported that the sewer may not work, because even with a lift station the sewer would need a ten percent grade, which may not be possible. Mr. Tidd reported that he was willing to pay costs up to the Town’s sewer line. There was discussion of whether the Town should take on the expense of extending the line for a single structure. Mr. Tidd asked about installing a septic system, but was informed that the State of Colorado prohibits that. The Board decided to not make a final decision until Mr. Pacheco can shoot the elevations and discuss the situation with engineer Sarah Bergstrom.

Sky Wright—Toy Drive—store at Community Building:

Ms. Wright did not come to the meeting. Mayor Jones suggested that he and Mr. Pacheco look in the storage room of the Community Building to see if there is enough space to store the toys, and a decision be made at a later time.

Ordinances/Resolutions/Public Hearings:

Review/Discuss/Approve Resolution 2012-G: A resolution Opposing Amendment 64 Legalization of Marijuana for Recreational Purposes: Attorney Farish explained that the Colorado Municipal League is urging municipalities to oppose Amendment 64. They expect law enforcement costs to increase if the amendment passes. The Board discussed the ordinance, and the citizens present also expressed opinions. Points made included:

It is a matter of individual liberty; alcohol causes more damage in families than marijuana, but is legal; the Town approves Liquor licenses, so to oppose legalization of marijuana would be inconsistent; anyone who wants to smoke marijuana already gets it; alcohol is legal, but even if the State makes marijuana legal, it is still illegal according to the Federal government; the ordinance does not spell out how to regulate marijuana, so if it passes there will be no regulatory system in place or ready to be established; if marijuana were regulated and taxed as cigarettes or alcoholic products are, it would be a source of additional revenue to the governments; the passing of the laws allowing medical marijuana has created a huge problem with enforcement and regulation which the State has not yet come close to solving—making recreational marijuana legal will only exacerbate the problems.

MOTION by Trustee Miles; Second by Trustee Quintana

Trustee Miles moved to pass Resolution 2012-G: A resolution Opposing Amendment 64 Legalization of Marijuana for Recreational Purposes.

VOTE: 6 – Aye; 1 – No; 0 – Abstain

Motion approved.

Review/Discuss/Approve Rules and Regulations for Town Board:

There was discussion of Ordinance 2012-7: An Ordinance Adopting Rules & Procedures for the Board of Trustees of the Town of Saguache. The Mayor suggested adding a statement that the agenda will be established by the Board. There was discussion of the difference between an ordinance and a resolution.

MOTION by Trustee Terrell; Second by Trustee Quintana

Trustee Terrell moved to pass Ordinance 2012-7: An Ordinance Adopting Rules & Procedures for the Board of Trustees of the Town of Saguache as amended.

Vote as follows: Trustee Quintana – aye; Trustee Miles –aye; Trustee Engquist – aye; Trustee Terrell – aye; Trustee Vasha – aye; Mayor Pro-Tem Serna – aye; Mayor Jones – aye

VOTE: 7 – Aye; 0 – No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Attorney Report:

Discuss/Review/Approve revised drawing-Nehls’ property: The Board saw the revised drawing to accompany the easement to be signed by Mr. Nehls. Attorney Farish stated that with the corrected drawing the easement is ready to be signed.

Discuss Consent to Disclose Utility Data: Mr. Farish stated that he is not clear on the purpose of the form, since it does not mention the Town of Saguache. Deputy Clerk McKee said she understood that it would allow Xcel to release the Town’s electrical billing records to Solar Garden Institute. The Board decided to table the matter until they can get clarification on the reason for signing the form. Mayor Jones asked Clerk Garcia to communicate with Attorney Farish before meetings to be sure the Board has all the information needed.

Discuss Independent Contract Agreement for Contractors-Pocket Park:

Clerk Garcia reported that the contractors feel the \$500 penalty is too steep for a small contract. Attorney Farish mentioned that the contract must reflect the fact that planting will not occur until spring 2013. Mr. Pacheco reported that he had assured the contractors that the Board will not enforce the penalty clause unless there is negligence, and that they can request extensions if they are needed. After discussion, the Board agreed by consensus to keep the penalty clause as it is. Mayor Jones said he would meet with the contractors to assure them that the Board will behave reasonably.

Boards/Committees Reports:

Quarterly report Saguache Recreation Board: Jackie Stephens came to report on the activities of the Saguache Recreation Board. Powwow and Fall Festival went well this year, and the only activity remaining for this year is the community Thanksgiving. Saguache Recreation will ask the churches for support, and will ask Board members to donate cooked turkeys. The revenue and expense report was given to the Trustees. Peewee Basketball is looking for a boys’ coach. Ms. Stephens said she had heard a rumor that the Recreation Board might not be able to sponsor Saguache Sagebrush Quilters. Clerk Garcia explained that CIRSA has specified that membership is limited to employees, officials or volunteers. She is waiting for more information from the company to clarify what that means for various Saguache Recreation sponsored activities, and will inform the Board when the information is received.

Maintenance Director Pacheco reported that the stage that was donated by Fire Department is in poor shape. After discussion, Mayor Jones asked Mr. Pacheco to find a place to keep it temporarily, and the Board would decide what to do with the stage at a future meeting.

Quarterly report Tree Board (verbal): Mr. Pacheco gave a verbal report on Tree Board activity. The Tree Board has not been active recently. They will meet on Thursday. They have three tree-trimming requests, and there are trees in the Pocket Park that need to be trimmed around the power lines. The Tree Board will decide which needs can be addressed based on their remaining funds.

Old Business:

Discuss DOLA Administrative Grant: Trustee Terrell spoke about the administrative grants that are currently available through the Department of Local Affairs. The application consists of a letter explaining the needs and plans. Grants require a fifty percent match, which can include in-kind. There was discussion of the various items that need to be done for Vista Grande. Mr. Pacheco said that he would discuss the topic more in the maintenance report.

Schedule meeting to discuss Welcome Center with Chamber and other interested parties: Clerk Garcia mentioned that the Chamber of Commerce wishes to meet with the Board of Trustees to discuss the Welcome Center, and that the Trustees should choose possible dates for the Chamber of Commerce to select from.

Holiday Tree Lighting: After discussion, the Board agreed that the Tree Lighting would be on December 1st, which is the same day as the Holiday Bazaar. Marge Hoglin and Lindy McDaniel mentioned that the Welcome Center will be open 3:00 p.m. to 6:00 p.m. that day, with cookies and hot chocolate. The Board agreed to start the Tree Lighting ceremony at 5:00 p.m., and to have the Saguache Community Chorus sing if they are willing to do so. The carols will precede the lighting of the tree.

New Business:

Discuss CML Training—Small Town Workshop on 11/01/2012: After discussion, the Board agreed to pay for Mr. Pacheco and Mayor Jones to attend the workshop. The Town will pay the fee for the training for both, and will also pay for a room for the night before the training if the budget will allow.

Review/Discuss/Approve Engagement Letter-Peter Nichols: Clerk Garcia had the letter to be reviewed. The Board had previously agreed to continue to hire Mr. Nichols as the Town's water attorney.

General: Clerk Garcia asked if the meeting on Wednesday night with Viaero should be posted as a workshop or as a special meeting. Mayor Jones suggested it be posted as a special meeting so that the Board may decide about access if they wish to.

Review/Discuss Letter to Fire Department: Mayor Jones made suggestions for improving the letter to the Fire Department regarding repairs to the hydrants and alternating use of the hydrants. Clerk Garcia agreed to modify the letter and show it to the Board at the meeting on Wednesday.

Review/Discuss Water and Sewer Ordinance Amendment:

The Board looked at the draft of the business rates for water and sewer. Mayor Jones suggested removing the references to the size of the line. Residences are ¾” line, \$25.50 payment. There was discussion of the wording. Clerk Garcia will send the corrected version to the attorney, then bring it back to the Board at their November meeting.

Schedule 2013 Budget Workshops: Clerk Garcia mentioned that October 22nd is the Open House for the Land Use code being developed by the Planning Commission. She will post that Board members may attend the meeting. After discussion, the Trustees agreed to schedule budget workshops for November 5th, 13th, and 26th, at 6:00 p.m. The Chamber of Commerce will be given those dates and can choose one to meet to discuss the Welcome Center.

Trustee Comments:

Mayor Jones suggested that the Attorney Report be moved earlier in the agenda so that the Attorney can leave earlier in the meeting.

Trustee Miles mentioned that she has had citizens speak to her about the skunks in town, and requested that the Board members consider what, if anything, the Town Board can do to help alleviate the problem. There was discussion of possibly blocking unused culverts. Mayor Jones mentioned that the skunks might just move under houses then. There was consensus that the only feasible approach would be to educate citizens on how to discourage skunks from moving into town, with a series of articles in the paper next spring.

Reports:

Clerk’s Report:

Written report: Clerk Garcia mentioned a Leaders’ Luncheon, to be held at Moffat School on October 23rd. Trustee Quintana offered to attend.

Clerk Garcia reported that the town received an award for five years without any accidents. The Trustees asked that Clerk Garcia put an article in the paper reporting the award to the community.

The Trustees suggested that the clerks add a paragraph to News from Town Hall stating something like, “Winter is coming—please keep your water/sewer accounts current so your water won’t be shut off in the winter.”

Maintenance Report:

Discuss letter from CDPHE—sewer: Dan Pacheco reported that the Town received a letter from the Department of Health regarding the Town’s discharge permit, which must be renewed every five years. Dan has tried to get a hold of Mark Thompson to get some answers on what was submitted to the State, as the Town needs some clarification on the accuracy of the his report. There are several questions which must be answered. Mr. Pacheco will answer as many questions as he can, and will get Engineer Sarah Bergstrom to look at the rack and flume, which may need to be moved.

General Discussion: After discussion, the Trustees asked that Mr. Pacheco arrange for three engineers to come to the regular meeting on November 19th and present proposals for an on-call engineer, to answer simple questions under a retainer system.

Discussion on Jesus Ortiz water line: Mr. Pacheco informed the Board that the water line to Mr. Ortiz' house broke again, and should be replaced all together. Clerk Garcia reported that former clerk Alice Wardlow reported that Mr. Ortiz had signed a contract before the water line was installed, which would have specified who was responsible for expenses. But Clerk Garcia was unable to find a copy of the contract, and it may have been discarded by a previous clerk. Mr. Pacheco estimated that materials would cost \$1850 and backhoe and labor would cost \$3400. He suggested that the Town ask Mr. Ortiz to pay for materials and the Town supply the labor and backhoe.

There was discussion of the fact that Mr. Ortiz and the Colemans had expected to annex, and so Mr. Ortiz' meter was removed in anticipation of the annexation. However, the process of annexing has not been started, and state law does not allow out-of-town users to be un-metered. The Board asked Mr. Pacheco to speak with the Colemans and determine if they still intend to annex. If not, Mr. Ortiz' meter must be re-installed.

Discuss/Approve welcome signs-landscape/shorten posts: Mr. Pacheco mentioned that the Welcome Signs are a bit too high—the posts should not be visible. After discussion, the Board decided to leave the signs at the current height, and add landscaping to hide the posts.

Written report: Mr. Pacheco reported on items at Vista Grande that still need to be cleaned up. They include tires on rims, adobe and noxious weeds. Trustee Vasha reported that the BLM has offered to spray the noxious weeds if the Town will buy the herbicides.

Trustee Quintana mentioned a correction to the minutes from the September meeting. She said she was referring to ice outside of the North door to the Community Building, not the main door.

Executive Session, if needed: None was needed.

Adjourn: The meeting was adjourned by Mayor Jones at 8:57 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk