

**TOWN OF SAGUACHE**  
**Board of Trustees**  
**Regular Session**  
**December 17, 2012**

The Town of Saguache Board of Trustees met for a Regular Session on December 17, 2012, with Trustees being present as follows:

Milton Jones, Mayor	Absent (Excused)
Tina Serna, Mayor Pro - Tem	Absent (Excused)
May Engquist, Trustee	Absent (Excused)
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	Absent
Dan Pacheco, Public Works	Present

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present—left at 8:00 p.m.
-------------------------	---------------------------

Citizens in Attendance: Trevor Ward, Saguache Fire Department; Tim Coleman, Saguache Fire Department; Ed Gonzales, Viaero Wireless; Loretta Davis and Tandi Freel, Bohannan Huston; Kathy Geddes, Saguache Planning Commission; and Ron Gilbertson, Saguache Fire Department.

**Call to Order:** Town Clerk Garcia called the meeting to order at 7:03 p.m.

Motion by Trustee Miles; Second by Trustee Terrell

Trustee Miles nominated Trustee Vasha to be temporary chairman for the meeting.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye; Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous.*

**Moment of Silence and Pledge of Allegiance:** was led by Trustee Vasha.

**Additions/deletions to agenda:** Clerk Garcia mentioned that there is a bill in the amount of \$9,500 for Williams Engineering for the Preliminary Engineering Report [PER] for the water system. It will be voucher #12-499, and will be paid with check #1359.

**Consent Agenda:**

**MOTION** by Trustee Miles; Second by Trustee Quintana

Trustee Miles moved to approve the consent agenda as presented.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye;  
Trustee Terrell – aye  
Vote: 4 – Aye; 0- No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous.*

**Citizen Comments:**

**a. Trevor Ward—Saguache Volunteer Fire Department—Special Events Permit:** Clerk Garcia explained that Mr. Ward was present to ask the Board to approve a Special Events Permit for the New Years Eve Dance. The notice was posted on the building ten days prior to the meeting. There were no letters of opposition. The paperwork and checks were present and in order.

**MOTION** by Trustee Terrell; Second by Trustee Quintana

Trustee Terrell moved to approve the special events permit for Saguache Fire Department for the New Years Eve Dance.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye;  
Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous.*

**b. Review/Discuss/Approve Viaero Wireless—Final Easement Agreement:** Mr. Ed Gonzales presented the final easement agreement, which was developed between himself and Attorney Farish, with approval of the Board of Trustees. There was discussion of the second paragraph on page two, which states that the company would supply phones but the Town would pay for the service. Clerk Garcia explained that Mayor Jones felt the Town did not want to take on extra expense at this time, so that should be deleted. Mr. Gonzales said that although the term “phone” is used, the company meant it to be any 4G devices, including tablets or wireless cards for laptops. He suggested that the phrase be left in, and then if the Board wants to take advantage of it at some time in the future, they could do so then, and the company would honor it. He clarified that the easement as written does not obligate the Town to get the phones and sign a contract—it only obligates the company to supply the devices if the Town decides they want them. Trustee Vasha suggested, if the phrase is left in, that it be amended to read “phones or other 4G devices”. Mr. Gonzales agreed to that. There was discussion of how to get the easement signed. Trustee Vasha pointed out one grammar error, where the easement stated “grantee shall does hereby”. The Trustees agreed to remove “shall” from the sentence. Trustee Vasha mentioned that the easement refers to documents attached, which were not present on the Trustees’ copies. She wished to clarify that those documents will be attached to the final version. Clerk Garcia affirmed that they would be. Mr. Gonzales suggested Clerk Garcia make the modifications to the easement and then mail the signed copies to him. He informed the Board that he has filed an application with the County of Saguache for the installation of the tower. He also mentioned that they have received comments from the State Historical Society, all the Indian nations, and the U.S. Fish and Wildlife Service, and all indicated that there will be no adverse impact to any historic or archaeological resources. He left a copy of the comments for the Board’s information.

**MOTION** by Trustee Quintana; Second by Trustee Miles

Trustee Quintana moved to approve the access easement for Viaero Wireless as amended.

Vote as follows: Trustee Quintana – aye; Trustee Miles –aye; Trustee Terrell – aye;  
Trustee Vasha – no

VOTE: 3 – Aye; 1 – No; 0 – Abstain

*Motion approved.*

c. Loretta Davis and Tandi Freel, Bohannon Huston—Review/Discuss proposal to Town for on-call engineering services: Ms. Davis presented a proposal for the Town of Saguache. She handed out packets with information, including bios and backgrounds of staff. Ms. Freel would be main point of contact and liaison for the Town of Saguache, and would be supported by Mark West, who is LEED certified, as well as the team of principals and engineering experts across a breadth of disciplines. The Town would have access to all of the expertise. She described the various fields they could help the Town with. They will not charge travel expenses since they are committed to expanding their services into the valley. There would be no charge for a quick telephone consultation. She also pointed out that they will charge the same rates as they charged in 2008. Trustee Vasha thanked them for coming.

d. Tim Coleman, Saguache Volunteer Fire Department: Tim asked to discuss the letter regarding the fire hydrants. He said that they received a letter saying it was their fault that they used or did not use the hydrants enough. The hydrants are their life-line—the hydrant is the source of the water that can save lives. He is asking that the Town does their part to replace damaged hydrants. The hydrants are old. Trustee Miles pointed out that Will Hall came back to the meeting in November, and the concerns were addressed then. Trustee Vasha read the minutes regarding that part of the meeting. Maintenance Director Pacheco mentioned that the newly-completed Preliminary Engineering Report [PER] for the water system addresses the hydrants. He suggested that he and Tim could work together in 2013 to address fixing the hydrants. Trustee Vasha suggested they could develop a priority list for the hydrant replacements.

**Boards/Committees Reports:** The Trustees agreed to handle the Planning Commission report next so that Ms. Geddes could leave the meeting earlier.

a. Quarterly Report Planning Commission—Chair Kathy Geddes: The Trustees have a copy of the written report. Ms. Geddes reported that the commission is still working on special review uses. They had an open house. The citizens in attendance were Don Geddes, Trustee Kate Vasha, and Riff Fenton. The Planning Commission will have another open house before the public meeting. She reported that the Planning Commission did not spend money.

b. Discuss/Approve appointment of chair Kathy Geddes to another term—Planning Commission: Ms. Geddes asked to be appointed to the Planning Commission for another term.

**MOTION** by Trustee Terrell; Second by Trustee Miles

Trustee Terrell moved to appoint Kathy Geddes to the Planning Commission for another three-year term.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye; Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain

*Let the minutes reflect the Vote was unanimous.*

Trustee Vasha asked if the Board will see the proposed land use code before the next public function. It was agreed that the Planning Commission will present a summary of

the proposed land use code to the Board at the regular February meeting. The Trustees thanked Ms. Geddes for the work she is doing for the Town.

**Ordinances/Resolutions/Public Hearings:**

a. Review/Discuss/Approve Ordinance 2012-8: An Ordinance Amending Ordinance 2004-1 and 2004-2 (An Ordinance Adopting Rules and Regulations Concerning the operation of the Water System and Sewer System): Clerk Garcia explained that the Trustees have the original ordinance, an amended version of that ordinance, and the list of accounts. She explained what items were changed. Trustee Vasha asked Attorney Farish if he is satisfied with the current version of the ordinance. Attorney Farish went over Ordinance with the Board. Clerk Garcia mentioned that Attorney Farish had asked why the motel is categorized as “light”, while the public housing is categorized as “heavy”. She explained the Board’s thinking that the motel is for temporary stays and is only open seasonally, while the housing is residential and has continuous occupancy in multiple units. Attorney Farish had recommended against including the spread sheet as an exhibit, and the Trustees agreed to keep that as an in-house document rather than attaching it to the ordinance.

**MOTION** by Trustee Terrell; Second by Trustee Quintana

Trustee Terrell moved to approve Ordinance 2012-8 An Ordinance Amending Ordinance 2004-1 and 2004-2 (An Ordinance Adopting Rules and Regulations Concerning the operation of the Water System and Sewer System): as amended.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye; Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain *Let the minutes reflect the Vote was unanimous.*

Attorney report:

a. Discuss information provided by Town Attorney in regard to “public purpose”: Attorney Farish read excerpts from the Colorado State Constitution prohibiting lending money to, accepting responsibility for a debt for, or making a donation or grant to, any person, company or corporation, public or private. The courts have ruled that a public purpose declaration is to be recognized. His own feeling is that giving aid to a private corporation for business purposes is not justified. He felt that assisting a welcome center, which has a 501(c) 3 and is a non-profit corporation, and has a public purpose promoting business, tourism and the town, is appropriate. Clerk Garcia asked if they have to be a non-profit. Mr. Farish said they do not have to be a non-profit, but there has to be a clear public purpose. Clerk Garcia asked what if a Welcome Center is not a non-profit, but is run by a for-profit business. Trustee Terrell explained that the Saguache Visitors Center is under BEBOP, which is a private, for profit business owned by Lindy McDaniel and Marge Hoglin. The owners have filed to create Saguache Works, a non-profit, which has state non-profit status but is still waiting for Federal status. Attorney Farish recommended that the Town demand that they file for state non-profit status, and place the Visitors Center under that non-profit, before the Town will give them any funds. Trustee Vasha suggested that the Town send the owners a letter specifying under what conditions the Town will consider giving financial support to the Visitors Center.

General Discussion: There was discussion about the Town logo, and Trustee Vasha stated that that is why the Town must set the boundaries for such actions as applying for grants and using the Town name, and suggested that it be on January's agenda for discussion. The Trustees agreed to re-visit the subject of the visitor center at the January meeting. Also the Board must address the Saguache Recreation Board applying for grants without the knowledge or approval of the Board of Trustees.

**New Business:**

a. Discuss Crestone Telecom option: The Board decided to discuss Crestone Telecom before addressing Old Business so that Attorney Farish can be present during the discussion. Trustee Terrell explained that several county offices are wanting to stop using Century Link internet. Cory Doss, Superintendent of Mountain Valley Schools, also would like to stop using Century Link internet. Crestone Telecom is the option they are considering. The Town of Salida is now using Crestone Telecommunications, and the City Manager reported they are very happy with it. The Town of Center is also with Crestone Telecom. Trustee Terrell said Crestone Telecom wants to come to Saguache, and the County, school district and library district all want them to come. In order to supply service to Saguache the company needs to locate some equipment in the area, and may want to lease land from the Town for that purpose. Trustee Terrell said it is nothing as tall as the Viaero tower, but must be located above the trees and have a clear line of sight. Trustee Vasha suggested the company should present a request to the Town Board. Trustee Vasha asked if the Town (or County or School District) could make a motion stating that if the service is offered in Saguache they intend to use it. Attorney Farish said that that would be fine. He also said that the Town could contract with them for the use of Town land, and could include such things as what the company will do for the Town, and what the Town will do for the company (other than invest money). Clerk Garcia asked if the company would be providing the Town with business taxes like telephone companies do. The assumption is that they would. Trustee Vasha suggested it be put on the agenda for more discussion in January. Trustee Terrell will speak with Cheryl Rowe of Crestone Telecom and find out if she will come to a meeting in February or March so the Board can discuss options with her directly.

Clerk Garcia asked Attorney Farish if the motion to approve the Viaero easement passed with three votes for and one against. Attorney Farish said that it did because it was not appropriating funds.

**Old Business:**

a. Review/Discuss/Approve Tree Board resignation letter: Maintenance Director Dan Pacheco has submitted a letter of resignation for the Tree Board. He explained that he has been on the Tree Board for several years and is ready to do something different. Although he won't go to the meetings, he is available to the Tree Board for consultation, and will help with budget and tree trimming and in other ways.

**MOTION** by Trustee Miles; Second by Trustee Quintana

Trustee Miles moved to accept the resignation of Dan Pacheco from the Tree Board.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye; Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous.*  
The Board thanked Mr. Pacheco for his service on the Tree Board.

b. Vista Grande Update: Trustee Terrell reported that he, Mayor Jones, Dan Pacheco and Dave Martinez recently visited Vista Grande. Trustee Terrell reported that Mayor Jones wants the Board to come to a compromise vision of how they want to develop the land. The site is looking much better. Trustee Terrell stated that getting the reservoir re-established would provide a water augmentation site, a secondary water source and recreation. He will begin working on the planning grant application, which must be submitted by March. He also mentioned that Mayor Jones suggested the Board hold a meeting at Vista Grande some time to discuss the options on site. There was discussion of the need for a vision for the site, as well as planning with professional assistance from a planner.

**Trustee Comments:** There were none

**Reports:**

**Clerk’s Report:**

a. Written report: The Trustees have a copy of the written report. There were no questions or comments on it.

b. Review/Discuss/Approve 2013 Holiday Schedule for the Town: Clerk Garcia explained that the Board of County Commissioners will not approve the 2013 Holiday Schedule until their meeting on December 18<sup>th</sup>. Clerk Garcia has supplied the Board with the tentative schedule that is to be presented to the Board of County Commissioners, and explained that generally the Board of Trustees approve the same holiday schedule as the County.

**MOTION** by Trustee Miles; Second by Trustee Quintana

Trustee Miles moved to approve the Saguache County holidays for 2013 for the Town of Saguache.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Vasha – aye; Trustee Terrell – aye

Vote: 4 – Aye; 0- No; 0 – Abstain      *Let the minutes reflect the Vote was unanimous.*

c. Review/Discuss/Approve Source Water Protection Plan letters that will be sent to residents: Clerk Garcia explained that the letters were taken from a template provided by Colleen Williams, who worked on the Source Water Protection Plan. The letters will be sent along with the brochure to users of Saguache water. Trustee Vasha pointed out a minor grammatical error to be corrected. The Board agreed by consensus that the letter as corrected will be sent.

d. Review/Discuss/Approve Correspondence letters to citizens in regard to water and sewer: Clerk Garcia explained that the Board had decided to make it that all residential would be charged the standard amount, and these letters will inform the payers of the changes. Trustee Vasha asked that the date be corrected and that the letters be mailed as soon as possible, since the changes go into effect on January 1<sup>st</sup>.

The Trustees approved News from Town Hall. There was discussion of the court case for the person who hit the Christmas tree with his vehicle.

Maintenance Report:

a. Written Report: Maintenance Director Pacheco asked the Trustees to read the copy of the Preliminary Engineering Report [PER] draft. Engineer Sara Bergstrom gave them email and telephone contact information, and asks them to provide feedback on the report. The final version will be completed after the feedback is received. The report discusses the fire hydrants, which were mentioned earlier in the meeting, and it is formatted so that it can be used should the Town decide to pursue grant funding. Once the final version is complete, Mr. Pacheco will discuss some of the recommendations with the Board, and they can develop a plan for financing needed improvements.

Trustee Vasha suggested that the Board spend some time in the January meeting to set priorities of areas needing grant funding, then have staff look for possible sources of funding in those areas. She mentioned that when Deputy Clerk McKee was hired, the possibility of her writing grant applications was mentioned. Clerk Garcia mentioned that the Engineers will not be paid for the PER until the final version has been received. Mr. Pacheco reported that he has looked at the PER, and it looks very good.

CDPHE Information: Mr. Pacheco mentioned that the Town received a letter from the Colorado Department of Health with questions regarding the Town's wastewater discharge permit a month or two ago. The State has lost all of the paperwork for the Town, and is now claiming that the Town didn't pay the fees. Mr. Pacheco and Clerk Garcia were able to find evidence demonstrating that the Town did pay the fees. He has spoken to Mark Thompson, the engineer who did the design, who will send his file to the Town. Sara Bergstrom has been in contact with Andrew Rice, the enforcement person for this region for the Colorado Department of Health, and reports that Mr. Rice remembers conversations he had with both Mr. Pacheco and Mr. Thompson at the time. He is working with Ms. Bergstrom, and Mr. Pacheco believes that it will be resolved. He wanted to alert the Board because the Town was sent a violation letter, and the County Commissioners have been notified by the State since they constitute the local Department of Health. But the matter is being handled, and Mr. Pacheco hopes it will be resolved by the end of January. Trustee Vasha mentioned that the Board will hold a special meeting if needed to help handle any aspect of the situation. Clerk Garcia mentioned that the Town received a letter in the past stating that the design was approved, which we still have.

Street Signs: Mr. Pacheco reported to the Board that someone is stealing street signs and poles in town. He spoke with the under sheriff, who didn't even make a report. Mr. Pacheco told the under sheriff that there was a clear boot print at one of the sites, but no investigation was made. Sheriff Norris also has not acted on the information. The signs will be replaced. Trustee Vasha asked if they can be mounted in a way to make them harder to steal. Mr. Pacheco said no because they must be mounted on breakaway posts. Mr. Pacheco reported that there is a suspect, and he believes the signs are being stolen to sell for scrap iron. They have notified the scrap iron sites, but have not received a response from any yet.

New Building at Lagoon: Trustee Miles asked about the garage doors that need to be put on the new building at the lagoon. Clerk Garcia reported that Mayor Jones has spoken with the contractor, who reported the doors should have been delivered to the company earlier today. The contract for installing the building ended on December 15<sup>th</sup>, so if the

doors are not delivered the contractor stated that he would drive doors here from Oklahoma and install them himself. Trustee Terrell reported that Mayor Jones is asking the Board to give the contractor some leeway, since it isn't his fault—it's another company that has not done their work. The Board agreed that he can have until December 31<sup>st</sup> to get the doors in place.

Fire Department: Ron Gilbertson of the Saguache Volunteer Fire Department was present. He believed he had been asked to come to the meeting. The Board assured him that they had spoken to Will Hall last month, and to Tim Coleman earlier in the meeting, and the situation is resolved.

b. Review/Discuss Proposal from Williams Engineering for on-call service: Clerk Garcia explained that this is the third proposal from an engineering firm for providing on-call service. The Trustees will look over the proposals and then make a decision at an upcoming meeting.

Clerk Garcia reported to the Board that she will be on vacation January 4<sup>th</sup> through 14<sup>th</sup>.

**Executive Session, if needed:** There was none needed.

**Adjournment:** The meeting was adjourned by Trustee Vasha at 8:30 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES  
SAGUACHE, COLORADO

---

Milton, Jones, Mayor

ATTEST:

---

Therese Garcia, Town Clerk