

**TOWN OF SAGUACHE**  
**Board of Trustees**  
**Regular Session**  
**August 20, 2012**

The Town of Saguache Board of Trustees met for a Regular Session on August 20, 2012, with Trustees being present as follows:

Mayor Milton Jones	Present
Lyn Miles, Trustee	Present
Carla Quintana, Trustee	Present
Tina Serna, 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	Absent

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present arrived 6:58 p.m., left 9:05 p.m.
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Citizens in Attendance: Ed Gonzales, Viaero Wireless; Byron Williams, Chamber of Commerce; Josh McGibbon, JVA; Lindy McDaniel, BEBOP; Marge Hoglin, BEBOP; Kathy Geddes, Planning Commission; Don Geddes; May Engquist; Tom Clarke; Rick Barandes; Carita Ginn, Chamber of Commerce; Mike Cowan, Chamber of Commerce; Darryl Reinsel, Chamber of Commerce; Yvette Reinsel, First Southwest Bank; Pat Miller; Mike Brill; Pete Garcia; Barbara Donahue; Bill Donahue; Hillary Conroy; Barbara Sibley; Wil Schrieber; and Deputy Paul Southern, Sheriff's Office

**Call to Order:** Mayor Jones called the meeting to order at 6:37 p.m.

**Discuss 2011 Audit with Auditors—Blair & Associates**

**Review/Discuss/Approve 2011 Audit:** Jo Lance from Blair & Associates went over the audit with the Trustees via telephone conference. At the end of the call, Mayor Jones asked if the Trustees could read over the audit reports and have another conference in September. Ms. Lance agreed.

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

**Additions/Deletions to Agenda:**

Add Under Participation of Citizens: Josh McGibbon of JVA Engineering  
Add Under Old/Unfinished Business: Kathy Novak  
Add Under Participation of Citizens: Chamber of Commerce

**Review/Approval of Minutes:** The minutes of the Regular Session held on July 16, 2012 were reviewed by the Trustees.

**MOTION** by Trustee Serna; Second by Trustee Miles.

Trustee Serna moved to approve the minutes for the Regular Session held on July 16, 2012 as presented.

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

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

The minutes for the Special Session held on July 23, 2012 were reviewed by the Trustees.

**MOTION** by Trustee Miles; Second by Trustee Serna

Trustee Miles moved to approve the minutes for the Special Session held on July 23, 2012 as presented.

Vote as follows: Trustee Quintana – aye; Trustee Serna – aye; Trustee Miles – aye; Trustee Terrell – aye; Mayor Jones – aye; Trustee Vasha – abstain

VOTE: 5 – Aye; 0 – No; 1 – Abstain *Motion approved.*

The minutes for the Special Session held on August 6, 2012 were reviewed by the Trustees.

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

Trustee Terrell moved to approve the minutes for the Special Session held on August 6, 2012 as presented.

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

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

**Review/Approval of Bills:** The Trustees reviewed the August List of Bills as presented.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to approve payment of the August List of Bills.

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

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

### **Participation of Citizens:**

**Ed Gonzales—Viaero Wireless—Access Easement:** Mr. Gonzales explained that Viaero Wireless is asking for permission to use the access road to the Town's water tank, and to add an extension on the road to reach the site of the proposed tower. In exchange, they will maintain the road for as long as they use it. They will also allow first responders to mount two-way radio equipment on the tower for no charge, providing the equipment won't interfere with their own signal. Mayor Jones asked if they would put a gate at the bottom of the road, and Mr. Gonzales agreed that they would. Mr. Gonzales brought maps of the proposed site of the tower, simulations of how it would look when installed, and photographs of the site. Subjects discussed included whether the presence of the tower would attract lightning that could damage the Town's relay equipment, if the tower could provide WiFi for the Town of Saguache, and whether there is an increased health risk from the radiation. Mr. Gonzales wasn't sure about the lightning or WiFi, but he

explained that the microwave radiation strength falls off very quickly, so at the base of the tower it is a very safe level, and cell phones adjust their signal strength based on the distance to the nearest tower, so with a tower nearby the phones emit less RF radiation. The Board asked Mr. Gonzales to send information giving specifics of radiation levels. Mr. Gonzales explained that Viaero has reciprocal agreements with AT&T and T-Mobile, so their users will get a better signal and no roaming charges in Saguache if the tower goes up. Mr. Gonzales and Attorney Farish pointed out that the Town will not decide whether the tower is installed, since the proposed site is outside of the Town limits. All the Town can decide is whether to allow Viaero to use the access road. Trustee Terrell asked if the cell tower will adversely affect property values. Mr. Gonzales had no data, but said he had been told that studies indicate no effect either way. He also pointed out that cell phone towers are not just used for telephone calls, since many people use their phones now for internet access. The large rates of data access are overloading available towers. After additional discussion, the Board agreed to meet on Monday, August 27<sup>th</sup> to discuss the subject further. They asked Mr. Gonzales to get them information on radiation levels by then, and Trustee Terrell to get information on what impact there may be on property values.

BEBOP—Update Visitor Center & Sales Tax Grant: Ms. McDaniel and Ms. Hoglin gave an update on their progress in developing the Visitor Center. Trustee Terrell asked who will be the fiscal entity for the Visitor’s Center, since the Town cannot donate money to a for-profit business. Ms. McDaniel and Ms. Hoglin said they are asking the Chamber of Commerce to be the fiscal entity, but if they don’t agree they’ll ask the Town of Saguache or the Tourism Board.

1<sup>st</sup> Southwest Bank Representative—Request for Street Closure for Barbeque & Grand Opening ATM: Mrs. Reinsel explained that the Bank wishes to close San Juan Avenue, from Fourth Street to the driveway east of the bank, for a barbecue on Friday, August 24<sup>th</sup> from 4:00 to 7:00 pm. which will be open to the community.

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

Trustee Miles moved to allow the street closure on Friday, August 24<sup>th</sup> for 1<sup>st</sup> Southwest Bank.

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

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

Josh McGibbon, JVA: Mr. McGibbon is a consulting engineer from Boulder, Colorado. His company works primarily with small municipalities in a variety of areas. His own group handles water and wastewater. They can help to find and apply for grants. They can work on an as-needed basis, if the Town wishes to do so.

Chamber of Commerce: Darryl Reinsel said the Chamber is hoping to arrange a meeting between representatives of the Town of Saguache, the Chamber of Commerce and the Tourism Board to discuss the Visitor’s Center. After discussion, the various representatives present agreed to meet in October, after the Chamber’s upcoming activities are completed but in time for developing next year’s budget.

**Planning Commission Update:**

Quarterly/Financial Report: Chair Kathy Geddes reported that she spoke with Attorney Farish about their current progress on developing zoning code. Chair Geddes went over some of the suggestions with the Board. The Planning Commission will be holding an open house to present the zoning regulations to the community soon. Mrs. Geddes also reported that she spoke with a planner who works part-time in Poncha Springs. The woman would be willing to help the Town of Saguache. The Planning Commission had no income, and the only expenditures were for copies of documents for the commissioners.

Discuss/Approve—Planning Commission recommendation—re-plat: Attorney Farish reported that he spoke with Jeff Motz, representative of the bank handling the financing of the Quall property, and explained to him that the property can be sold in two parcels without re-platting. Attorney Farish also felt that approving a survey document, prepared by a private company, and might expose the Board to liability issues. After discussion the Board agreed to not re-plat.

**Downtown Revitalization Project:**

Discuss Pocket Park—kiosk: Clerk Garcia reported for Landscape Architect Burt Wadman that the company that was supposed to make the sample did not get it completed. Mr. Wadman will take the sample to another business, and will get it as soon as possible. After discussion the Board agreed to figure out scheduling for a meeting once the sample is available.

**Vista Grande Update:**

Discuss Sales Tax Grant Options: Trustee Terrell said that this is to be discussed under New Business.

GOCO Grant Application: Trustee Terrell reported that he spoke with various people, including Jake Houston, who is in charge of GOCO, and the consensus is that the Town will have a better chance of getting a GOCO grant if they wait to apply in the next round. Those applications are due end of March 2013. After discussion the Board agreed to wait until next spring to make the application. They also agreed to try to meet with representatives of the Southern Ute tribe in late September.

CDOT Approach Requirements—Vista Grande Land: Trustee Terrell spoke with CDOT engineers at a meeting, and they indicated that getting an access lane to Vista Grande would cost the Town \$400,000. Mayor Jones said that since County Road 48 is an established road, the Town can take the approach off of County Road 48 and avoid working with CDOT all together.

**Historic Commission:**

Quarterly/Financial Report: Trustee Serna reported that there are grants available through Certified Local Government [CLG], the Historic Commission will check into what is available. BEBOP had applied for historic designation for their buildings, but withdrew the application. Aventa Credit Union, the new owner of 311 4<sup>th</sup> Street, is considering applying for historic status. Trustee Serna reported that Viaero Wireless asked the Historic Preservation Commission if the area proposed for the cell tower was historic, and they found no evidence that it was.

Discuss Historic Preservation Commission Applying for Grant with Historic District:  
\*\*\*\*\*Rese, is this what the bit about CLG was???? I have nothing between Viaero  
asking about historic status and the Sheriff's report in my notes. Do I need to go to the  
tape?\*\*\*\*\*

**Sheriff's Report:** Deputy Paul Southern went over the Sheriff's report with the Trustees.

**Legal Counsel Report:**

Review/Discuss/Approve Ordinance 2012-5: An Ordinance Adopting a Bidding and Purchasing Policy for the Town of Saguache: Attorney Farish presented the purchasing policy to the Trustees.

**MOTION** by Trustee Serna; Second by Trustee Quintana

Trustee Serna moved to adopt Ordinance 2012-5: An Ordinance Adopting a Bidding and Purchasing Policy for the Town of Saguache as presented.

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

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

Independent Contract Agreement—Williams Engineering, LLC—PER Water System: Mr. Farish presented a summary of the agreement. Clerk Garcia mentioned that the Board needed to decide what, if any, penalty there will be for non-completion within the allowed time. Mayor Jones suggested \$500/day.

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

Trustee Miles moved to approve the Independent Contract Agreement for Williams Engineering, with the addition of a penalty of \$500/day if the work is not completed within the allowed time.

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

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

Review/Discuss/Approve Easements for Water Lines—Pocket Park: Attorney Farish presented the easements needed for the water lines to the Nehls and Sibley residences. Their lines run under the site of the Pocket Park. Mayor Jones suggested the property owners be given the chance to update the lines prior to the park development being completed.

**MOTION** by Trustee Serna; Second by Trustee Vasha

Trustee Serna moved to accept the two (2) easements for the water lines at the pocket park as presented.

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

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

Review/Discuss/Approve Ordinance 2012-6: An Ordinance Amending Ordinance 88-5 Relating to Building upon Town Property & Rights-of-Way: Attorney Farish explained the provisions of the ordinance: property owners cannot build on Town right-of-way; buildings already on Town right-of-way can continue to be used; if such a building is not

used for a year, it must be removed; the building cannot be extended; if the building is damaged by more than 50%, it cannot be repaired; if it is damaged by less than 50%, repairs must be started within 12 months or the property owner will lose the use; and the Town does not give up the right to demand removal of any building that encroaches on its right-of-way.

**MOTION** by Trustee Terrell; Second by Trustee Serna

Trustee Terrell moved to approve Ordinance 2012-6: An Ordinance Amending Ordinance 88-5 Relating to Building upon Town Property & Rights-of-Way as presented.

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

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

Discussion—Building Permits and Fire Ban: Attorney Farish recommended that the Town not adopt the County’s fire ban ordinance, since the County has different conditions from the Town of Saguache. He recommended allowing the Mayor to impose a fire ban. The Board agreed to allow fires in pits. Attorney Farish is to have a draft for the Board meeting on September 17<sup>th</sup>.

General Discussion: Mayor Jones mentioned that he wishes to establish a chain of command consisting of the Mayor, Mayor Pro - Tem, and the Trustee designated as the third signer to make administrative decisions that staff isn’t comfortable making. They would not make policy decisions, and their administrative decisions would be subject to reversal by the Board acting in an official meeting. He cited a water line break which occurred when the Maintenance Director was out of town as an example of when the Mayor needed to make an administrative decision. Attorney Farish said he will write something up.

Bill Donahue said there is an area across the alley from his apartment where the ground is soggy, apparently from a water line break. Mayor Jones said that Public Works will look into it, but if the break is on private property it will be the property owner’s responsibility to get it fixed.

Clerk Garcia mentioned that the Board is hoping to pass an ordinance changing the requirements for getting a building permit. The current ordinance requires them for almost anything done to a structure, including repairs. The Trustees feel it would be more reasonable to only require permits for improvements.

Attorney Farish mentioned that, with the Board’s permission, he will send his assistant to the meeting on September 17<sup>th</sup> in his place, as he will be on vacation and out of the country at that time.

### **Clerk’s Report:**

Clerk Garcia suggested that the Board move forward discussion of the Letters of Interest for the vacant Trustee position to accommodate those citizens waiting for that discussion. Three residents applied, but one subsequently withdrew his letter. After discussion, the Trustees agreed to meet in a Special Session on Monday, August 27 at 6:30 p.m. They will consider the information on radiation hazard and on property values for the Viaero application at 6:30, and then they will interview the applicants at 7:00 and 7:45. They asked Clerk Garcia to ask Attorney Farish whether the interviews should be done in open session or executive session.

Written Report:

Peter Nichols—Water Attorney—Changing firms—Board action: Clerk Garcia reported that the Town's Water Attorney is changing firms. The Trustees can choose to continue to work with him, or stay with the firm he was working with previously. There was discussion.

**MOTION** by Trustee Vasha; Second by Trustee Terrell

Trustee Vasha moved that the Town continue to work with Peter Nichols as the Town's water attorney.

Vote as follows: Trustee Quintana –aye; Trustee Serna – aye; Trustee Terrell – aye; Trustee Vasha – aye; Mayor Jones – aye

VOTE: 5- Aye; 0 – No; 0 – Abstain *Motion approved.*

*Note: Trustee Miles was out of the room during this vote.*

Mayor Jones asked that the Board appoint a Mayor Pro - Tem, so that there will be someone to run the meetings in case he needs to miss one.

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

Trustee Miles moved to nominate and appoint Trustee Serna as Mayor Pro - Tem.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Terrell – aye; Trustee Vasha – aye; Mayor Jones –aye; Trustee Serna – abstain

VOTE: 5 – Aye; 0 – No; 1 – Abstain *Motion approved.*

Mayor Jones asked for volunteers to be the third signer on the bank accounts. That person would also be the third in the chain of command. Trustee Miles volunteered to be the third signer, since she is usually available.

**MOTION** by Trustee Terrell; Second by Mayor Pro - Tem Serna

Trustee Terrell moved to appoint Trustee Miles as the third signer on the bank accounts.

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

VOTE: 5 – Aye; 0 – No; 1 – Abstain *Motion approved.*

General Discussion: Clerk Garcia reported that the Welcome signs should arrive in a day or two. There was discussion of the difficulty of working with CDOT. Trustee Vasha suggested that the Board have Attorney Farish look at the Town's rights before CDOT works in Town again.

Clerk Garcia asked for additions or changes to News from Town Hall. The Trustees agreed to remove the watering restrictions as of September 1<sup>st</sup>.

Clerk Garcia reported that the TLC program for checking volunteers is now ready to use.

Review/Discuss/Approve—Park Permits for Pow Wow and Fall Festival: After discussion, the Trustees agreed that when an event has been approved by the Board of Trustees, the Clerks can approve the park permit for that event without bringing it to the Board of Trustees.

**MOTION** by Trustee Terrell; Second by Mayor Pro - Tem Serna

Trustee Terrell moved to approve the park permit applications for Pow Wow and Fall Festival.

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

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

**Maintenance Report:**

Written report: Maintenance Director Pacheco was not present. The Board had copies of his report.

Paving: Mayor Jones discussed the paving done in Town this year. The north end of 9<sup>th</sup> was paved. The south end is too soft to pave, so the Town will add material to prepare it for future paving. Similarly, a section on 10<sup>th</sup> was partially paved when a citizen requested it, but it was too soft to complete and needs to be prepared.

Weed overgrowth: Trustee Vasha asked about properties with weed overgrowth. She mentioned a block with a large patch of thistle that went to seed. Clerk Garcia reported that Mr. Pacheco was scheduled to check on which of those properties that were sent letters about weeds have complied, but he was unable to do so. There was discussion of what the next step should be. Clerk Garcia was instructed to send letters citing non-compliant property owners into court unless they resolve the problem before the court date.

General Discussion: Mayor Pro - Tem Serna supported having Mr. Pacheco and Clerk Garcia attend the upcoming CDPHE training.

Mayor Jones mentioned that the Town will buy Class 6 material for the end of 9<sup>th</sup> Street. Mr. Pacheco asked the Board to buy the roller that was rented for a month.

Clerk Garcia reported that the hard drives in the old computers were wiped, but the machines are not worth donating. She was informed that Southern Computer in Monte Vista will take old machines at times, or should know where they can be taken.

Mayor Jones mentioned that residents are parking partway on the sidewalk since the section west of the Town Hall was paved. He has instructed Mr. Pacheco to get parking blocks to put along the edge of the pavement.

Clerk Garcia was not sure of the status of the building at the lagoon. It will be addressed at the September meeting.

**Old/Unfinished Business:**

Update—Donated Stage—Fire Department: Trustee Terrell reported that the portable stage will not be used for Pow Wow, but will be used for Fall Festival. Someone will check it for soundness prior to use.

Review/Discuss/Approve Letter to Senator Udall re: Historic Park: Trustee Vasha asked for comments on the draft letter regarding the Historic Park. After discussion the Trustees suggested she not mention early Hispanic families by name, since no one was sure which family names represent the earliest settlers.

**New Business:**

Discuss CDOT Signage—School Crossing: Trustee Terrell was asked to mention at the Board meeting that the school wants more school crossing signs. The Trustees took no action because decisions about school crossing signs are for the School Board to make, and the Trustees can at most support their decisions once they have been made.

Kathy Novak has agreed to come to Saguache to meet with the Board and staff in a workshop on August 23<sup>rd</sup>, which is the only time she has available for several months. Trustee Quintana expressed interest but will be out of town. The Trustees agreed to meet

with Ms. Novak at 6:00 p.m. on August 23<sup>rd</sup>. There was discussion of what the Town can pay her.

**MOTION** by Trustee Vasha; Second by Mayor Pro - Tem Serna

Trustee Vasha moved that the Town pay Ms. Novak \$500 for coming to meet with the Trustees and staff.

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

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

Review/Approve—Resignation Letter—Desirae Strain—Recreation Board:

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

Trustee Miles moved to accept the resignation of Ms. Strain from the Saguache Recreation Board.

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

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

Review/Discuss/Approve Letters of Interest—Town Board: This was handled earlier in the meeting.

**Executive Session, if needed:** None was needed.

**Adjourn:** There being no further business, the meeting was adjourned by Mayor Jones at 9:48 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES  
SAGUACHE, COLORADO

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Milton Jones, Mayor

ATTEST:

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Therese Garcia, Town Clerk