

TOWN OF SAGUACHE
Board of Trustees
Regular Session
January 22, 2013

The Town of Saguache Board of Trustees met for Regular Session on January 22, 2013, with Trustees being present as follows:

Milton Jones, Mayor	Present
Tina Serna, Mayor Pro - Tem	Present
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
Johann McKee, Deputy Clerk	Present
Dan Pacheco, Public Works	Present

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present (left at 8:25 p.m.)
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Citizens in Attendance: Lindy McDaniel, BEBOP; Marge Hoglin, BEBOP; and Jackie Stephens, Saguache Recreation Board

Call to Order: Mayor Jones called the meeting to order at 7:00 p.m.

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

Agenda Approval—Add or Delete Items from the Agenda: There were no Additions/Deletions to the agenda.

Consent Agenda:

Mayor Pro - Tem Serna asked to remove the Sheriff's Agreement from the consent agenda.

MOTION by Trustee Vasha; Second by Trustee Miles

Trustee Vasha moved to approve 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.*

The Trustees discussed the service provided by the Sheriff's Office. Mayor Jones reported that the office took photographs of the tire tracks where signs were stolen in

Saguache County. Maintenance Director Pacheco was asked whether any investigation was done about the missing Town signs. Mr. Pacheco said that he spoke with the Undersheriff about the missing signs, and as far as he knows the Undersheriff didn't file a report about them. Mayor Jones asked Mr. Pacheco to speak with the Undersheriff again, and to arrange to have a representative of the Sheriff's Department at the next regular Board meeting, and approval of the agreement will be handled at that meeting.

Citizen Comments:

- a. Lindy McDaniel and Marge Hoglin—Update Welcome Center: Ms. McDaniel and Ms. Hoglin presented an update on the Welcome Center. They feel it is going well. They are hoping that various entities, such as the Town of Saguache and the Saguache Chamber of Commerce, can prepare brochures for distribution through the Welcome Center on local activities and local history, and perhaps develop relocation packets for visitors interested in moving to Saguache. Based on the rate of approval of 501c3 applications, they expect their application to be processed in March of this year. They hope to open their thrift store, which will also include an outlet for local foods, this spring. The Board thanked them for coming.
- b. Christine Gydesen—January Water and Sewer Payment: Ms. Gydesen was not present at the meeting. Ms. Gydesen closed the Ute Theatre on December 23rd but forgot to ask to have the water turned off until she received the reminder call on January 15th. She expressed a desire to have the fees for January waived as she had meant to get the water off in December. Town Clerk Garcia mentioned that the Board has not waived charges in the past when a property owner forgot to request the water be turned off.

MOTION by Trustee Terrell; Second by Trustee Engquist

Trustee Terrell moved to not waive the charges for the first half of January for the Ute Theatre water/sewer account.

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.*

- c. Cathy Baxter—Water and Sewer Payment for Duplex on 7th Street: Cathy Baxter was not able to attend the meeting. Maintenance Director Pacheco explained that the part of the duplex at 705 7th Street has been demolished. The water cannot be turned off as it is crossed with other residences. The Board agreed by consensus that the Baxter's should not be paying water and sewer on a non-existent building. If a building is erected at that site, the charges will recommence.

Ordinances/Resolutions/Public Hearings:

- a. Review/Discuss/Approve Ordinance 2013-1: An Ordinance Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores within the Town of Saguache, Colorado: Mr. Farish explained that the State of Colorado has until October 1st to establish regulations regarding recreational marijuana facilities. Trustee Terrell asked about taxing sales. Mr. Farish explained that there would not need to be an election to charge the current sales tax, but if the Town wished to charge a higher tax on

marijuana sales they would have to take it to the voters to comply with the TABOR laws. There was additional discussion.

MOTION by Trustee Miles; Second by Trustee Vasha

Trustee Miles moved to approve Ordinance 2013-1: An Ordinance Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores within the Town of Saguache, Colorado as presented.

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.*

Review/Discuss/Approve Resolution 2013-A—Designation of Official Status for the Calendar Year 2013 for the Town of Saguache:

MOTION by Trustee Quintana; Second by Trustee Terrell

Trustee Quintana moved to adopt Resolution 2013-A—Designation of Official Status for the Calendar Year 2013 for the Town of Saguache as presented.

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.*

Review/Discuss/Approve Resolution 2013-B—Resolution for Supplemental Budget and Appropriation:

MOTION by Trustee Engquist; Second by Mayor Pro – Tem Serna

Trustee Engquist moved to adopt Resolution 2013-B—Resolution for Supplemental Budget and Appropriation as presented.

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:

- a. Review/Discuss—Public Purpose requirements: Attorney Farish explained that while the law does not specifically forbid giving money to a corporation for a public purpose, he recommends that a municipality not do so. It could lead to political difficulties even when it does not lead to legal difficulties.

Boards/Committees Reports:

- a. Saguache Recreation Board—Quarterly Report: Ms. Stephens handed in letters of resignation from the Saguache Recreation Board for herself and Tony Sandoval. She reported that Recreation Board member Ruth Horn has not yet decided whether to continue to serve as a Board member, but is willing to help. The Board agreed that when a new chair is chosen, that person should be asked to meet with the Town Board to

discuss various aspects of the position. Clerk Garcia presented four letters of interest for serving on the Saguache Recreation Board.

MOTION by Trustee Quintana; Second by Trustee Miles

Trustee Quintana moved to appoint the four candidates that submitted letters of interest to the Saguache Recreation Board.

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.*

The Board thanked Ms. Stephens for her years of service to the Town of Saguache.

Executive Session:

Mayor Jones: I move to go into executive session for conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) b.; and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators under C.R.S. Section 24-6-402 (4) a.

Attorney Farish mentioned other sections that may be applicable: Matters that are required to be kept confidential by the following state law: The Criminal Justice Records Act, specifically 24-72-305: also for discussion of specialized details of investigations under C.R.S. 24-6-402 (4) d.

Mayor Jones: The following additional details are provided for identification purposes: (Presiding Officer may ask the attorney or staff to provide the details) Present are Gene Farish, Town Attorney; Carla Quintana, Board Member; Christina Serna, Mayor Pro - Tem; Lyn Miles, Board Member; Milton Jones, Mayor; May Engquist, Board Member; Greg Terrell, Board Member; Kate Vasha, Board Member.

Clerk Garcia: Johann McKee, Deputy Clerk; Therese Garcia, Town Clerk; Dan Pacheco, Public Works Director.

Trustee Terrell seconded the motion to go into executive session.

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.*

Note: At this point Mayor Jones asked Public Works Director to step out of the room during the executive session.

Mayor Jones read Announcement No 1.: It's January 22nd and the time is 8:03 p.m. For the record, I am the Presiding Officer, Milton Jones. As required by the Open Meetings Law, this executive session is being electronically recorded.

This is an executive session for the following purpose:

for conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) b.; and for the purpose of determining positions relative to matters that may be subject to negotiations, developing

strategy for negotiations and/or instructing negotiators under C.R.S. Section 24-6-402 (4) a.

Attorney Farish mentioned other sections that may be applicable: Matters that are required to be kept confidential by the following state law: The Criminal Justice Records Act, specifically 24-72-305: also for discussion of specialized details of investigations under C.R.S. 24-6-402 (4) d.

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

Attorney Farish read Announcement No 3.: As Town Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am, therefore, recommending that no further record be kept of this executive session.

Mayor Jones read Announcement No. 3: The Town Attorney has recommended that no further record be kept of this executive session. The time is now 8:04 p.m. and I am turning off the tape recorder at this time.

Mayor Jones read Announcement No. 4: The time is now 8:23 p.m., and the executive session has been concluded. The participants in the executive session were:

Town Attorney Gene Farish, Board Member Carla Quintana, Mayor Pro - Tem Christina Serna, Board Member Lyn Miles, Mayor Milton Jones, Board Member May Engquist, Board Member Greg Terrell, Board Member Kate Vasha, Deputy Town Clerk Johann McKee, and Town Clerk Therese Garcia. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session, in violation of the Open Meetings Law, I would ask that you state your concerns now for the record.

There were no responses made from those that were in the executive session.

Tree Board—Quarterly Report: The Board received a written report from the Saguache Tree Board. Mr. Pacheco reported that Prentice is expecting to come the last week of January or in February to trim trees.

Planning Commission – request to have drafted an ordinance for building permits: Mayor Jones reported the Planning Commission suggests that the Board approve an amended Building Permit Ordinance, which does not require a permit for as many activities. After discussion the Trustees asked Clerk Garcia to request a draft of an amended building permit ordinance from Attorney Farish. It is to be presented to the Planning Commission at its February meeting, so that the Commissioners can prepare a recommendation for the Board's February meeting.

Old Business:

a. Review/Discuss/Approve on-call engineering services: Mr. Pacheco reported that Williams Engineering revised their proposal for supplying engineering services to the Town of Saguache. They cut down on the trip charge and eliminated charges for telephone consultations. Mr. Pacheco recommended the Board continue to work with Williams Engineering, saying that the engineers are now familiar with the Town's water system and will assist in efforts to keep the chlorination waiver. There was discussion of the role played by Williams Engineering in the Downtown Revitalization Project.

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

Trustee Miles moved to accept the proposal of Williams Engineering for providing on-call engineering services.

Vote as follows: Trustee Quintana – aye; Trustee Miles – aye; Trustee Engquist – aye; Trustee Terrell – aye; Mayor Pro – Tem Serna- aye; Mayor Jones – aye; Trustee Vasha - no

VOTE: 6 – Aye; 1 – No; 0 – Abstain *Motion approved.*

b. Discuss Crestone Telecom Option: Trustee Terrell presented a summary of the support in Saguache for getting availability to the internet services provided by Crestone Telecom. The company has received sanctions, but for their fund-raising processes, not for service-related issues. Trustee Terrell mentioned that it will be four to six months before the company can move into Saguache, and they will need to find a location for a tower, preferably on a hill. The Board agreed to wait until the service is closer to availability before discussing whether the Town will want to change providers.

c. Review/Discuss/Approve Final Preliminary Engineering Report [PER]—Williams Engineering: Mr. Pacheco reported that three copies of the final PER will be available at the Town Hall. He will bring recommendations to the Board for improvements to the water system, based on the findings of the PER, in February.

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

Mayor Pro - Tem Serna moved to accept the Preliminary Engineering Report for the water system.

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.*

New Business:

- a. Board to set priority list—possible grant funding—staff and board roles: Trustee Vasha mentioned that when the new Deputy Clerk was hired, the Board spoke of giving staff responsibility for researching grants and writing applications for them. The Trustees agreed to hold a workshop on Monday, March 4th at 6:30 p.m. to discuss the process and prioritize projects for the staff to attempt to generate funding for.
- b. Discuss Town being an applicant for GOCO grant (Mountain Valley School): Mayor Pro - Tem Serna reported that Superintendent of Schools Cory Doss is hoping to apply for a GOCO grant to upgrade playgrounds at Mountain Valley

School, but he would need a governmental partner to sponsor the application. The Board agreed to consider partnering for the fall round of funding, but will not do so this spring because the Town is submitting an application in the spring round.

Trustee Comments:

Trustee Terrell reported that he is making progress on the application for the planning grant for Vista Grande. He wishes to make a presentation to the Board at the February meeting.

Reports:

Clerk's Report:

Written report:

General Discussion:

Clerk Garcia reported that she checked with Colorado Preservation Inc. about the possibility of the Town making an update on the downtown at their upcoming luncheon. She was told that representatives from the Town could pay for and attend the luncheon, but could not make a presentation. The Town could also pay \$250 for an unmanned display for two days. The Board agreed to do neither at this time.

Clerk Garcia reported that the Town received the grant for Conservation Trust Funds from the County, for improvements to the Town parks.

CML is again offering scholarships for the CML Conference in June, and suggested that the Board decide at the next meeting who might be able to go, so that she can get an application for a scholarship submitted.

Leader's Luncheon will be held in Moffat on February 7th. Trustees Engquist and Quintana expressed an interest in attending.

Clerk Garcia mentioned a meeting about the Viaero approval on January 31st at 5:00 p.m.

USA Communications are increasing their rates, but she doesn't know how much yet.

Review/Discuss/Approve Resolution 2013-B—Resolution for Supplemental Budget and Appropriation: This was handled under Ordinances/Resolutions.

Discuss if an amendment to building permit ordinance should be drafted: This was handled under Committee Reports.

Discuss invoice—field survey for sewer connection: The invoice in question is from Williams Engineering, and represents the work done to determine if a sewer line could be installed to serve the west building on the former Meerfeld property. Mr. Tidd didn't want to pay the invoice because he said he wasn't informed ahead of time that he would be expected to pay it, and he felt it represented one of the expenses to bring the sewer line to his property and so should be paid by the Town. Mr. Pacheco stated that Mr. Tidd was told that the engineer was coming, and was told he might get expenses from that, but that having it done when the engineer was in town on other business would save him money. Mayor Jones stated that there was never a question about whether the Town could get their line to the property edge, the question that the engineer needed to resolve was whether the line from the building could be made to work. He instructed Clerk Garcia to send Mr. Tidd a letter stating that it is his responsibility to pay the invoice.

Trustee Terrell mentioned that the trees bordering the Miles property appear to be on private property, so can't be trimmed by the Town. He was informed that the road is not centered in the right-of-way along that block, so the public right-of-way is much wider on that side than normal, so the trees are on Town right-of-way.

Clerk Garcia reported that the new office computers are scheduled to be delivered and installed by WSB Computers in the morning. She asked the Board for permission to cut a check before the next meeting if the company needs to receive payment before then. The board agreed.

Maintenance Report:

Written Report:

Mr. Pacheco reported that the situation with CDPHE is getting closer to being resolved but is not yet. The Department of Agriculture will require a written plan regarding a weed-spraying program. Trustee Vasha mentioned that there may be a possibility of the Forest Service assisting with weed spraying with the use of equipment and personnel if the Town pays for the product.

Mr. Pacheco reported that he and Mr. Martinez have not seen any sign of pests in the Community Building, but they will continue to watch for problems. Trustee Quintana thanked the Maintenance Department for the excellent job they do in clearing the streets during the winter, and the other Trustees agreed.

Adjournment: There being no further business, the meeting was adjourned by Mayor Jones at 9:10 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk