

TOWN OF SAGUACHE
Board of Trustees
Regular Session
July 20, 2015

The Town of Saguache Board of Trustees met for a Regular Session on July 20, 2015, with Trustees being present as follows:

Greg Terrell, Mayor	Present
Kate Vasha, Mayor Pro Tem	Present
May Engquist, Trustee	Present
Luana Lovato, Trustee	Present
Tony Sandoval, Trustee	Present
Andrew Virdin, Trustee	Present

Town of Saguache employees present as follows:

Therese Garcia, Town Clerk	Present
Lacy Reed, Deputy Clerk	Present
Dan Pacheco, Public Works	Present

Town of Saguache Attorney present as follows:

Eugene Farish, Attorney	Present
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Citizens in Attendance: Brian Strauss (Booster Club), Iris Garcia (Booster Club), Ellen Cox (Victim Advocate), Nyla Thomson (Seniors), Sky Wright, Belinda Zink, Paul Roth, Faith O'Reilly (Chamber/Tourism Council), Lisa Hammel (Booster Club), Carita Ginn (Saguache Chamber of Commerce), Byron Williams, Grace Sandoval (Valley Wide Health Systems), Cindy Archuleta, Rick Barandes

Call to Order: Mayor Terrell called the meeting to order at 6:32p.m.

Moment of Silence and Pledge of Allegiance: Led by Mayor Terrell

Additions/Deletions to the Agenda:

Add under "New Business" Discuss work load and work plan for maintenance staff. Delete Eugene Carol from Viaiero, Add Iris Garcia to Citizens Comments, Add Faith O'Reilly Digital Sign Request under Saguache Chamber of Commerce.

Consent Agenda:

The Consent Agenda includes the Regular Session minutes for June 15, 2015, Special Session on June 25, 2015; and July List of Bills; Clerk's Report (written); Maintenance Report

MOTION by; Second by Trustee Lovato moved to approve the consent agenda

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Virdin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

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

Review/Discuss/Approve Letter of Resignation from Town Board:

Joel Johnson read his letter of resignation to the Town Board and to residents in attendance.

MOTION by Trustee Virdin; Second by Trustee Engquist

moved to approve the Resignation of Town Trustee Joel Johnson

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye
VOTE: 6– Aye; 0– No; 0– Abstain *Let the minutes reflect the vote was unanimous.*

Review/Discuss/Approve Liquor License Renewal – Oasis Restaurant – representative _ Cindy Archuleta:

Town Clerk Therese Garcia reported that there have not been any complaints to Saguache Sheriff's Office regarding the Oasis. Cindy Archuleta reported that the Oasis has had another great year.

MOTION by Trustee Engquist; Second by Trustee Viridin

moved to approve the Liquor License Renewal for the Oasis Restaurant.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

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

Request from Saguache Chamber of Commerce – Hollyhock Festival/ Iris Garcia

Iris Garcia reported that the Booster Club has opted not to participate in the Hollyhock Festival and will not need a street closure. She also added that she didn't feel that they really had enough time to plan something that would be successful for the Hollyhock Festival, so instead they plan to have something for the Fall Festival.

Carita Ginn asked on behalf of the Chambers if they could put up a lighted sign at Otto Mears Park between the park-side corner of Pitkin Avenue and Highway 285 for the Hollyhock Festival as they've done in the past.

MOTION by Mayor Pro-Tem Vasha; Second by Trustee Viridin

moved to approve the placing of the Chambers of Commerce Hollyhock Festival sign at Otto Mear's Park with the understanding that it must be placed legally to CDOT specifications, and removed right after the festival.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

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

Carita Ginn also asked if the Chambers could use the electricity at Otto Mears Park to run the sign and how much would it cost? Town Clerk Therese Garcia responded that it would cost \$25.00 a day.

MOTION by Trustee Viridin; Second by Mayor Pro-Tem Vasha

moved to approve the use of Otto Mear's Park electricity to run the Chambers of Commerce Hollyhock Festival sign for \$25.00 a day.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

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

Carita Ginn asked if the sign frames she had built some time ago for Fall Festival could be borrowed for the Hollyhock Festival, and if so could they picked up tomorrow. Trustees were all in agreement that the signs could be borrowed.

Faith O'Reilly Digital Sign Request:

Faith O'Reilly had the Board of Trustees refer to the handout of the drawing of the proposed digital sign designed by Terry Gillette. She said it is something that the both the Tourism Council and the Chamber have been working on. They were given an offer from Brian Miller to put up a digital sign on the tall post at the property he owns next to First Stop. She said CDOT has said that if it is an official sign they'd approve it. The idea behind the sign is to point traffic towards 4th Street and to the interior parts of the Town where most of the businesses are. She said the sign can't be commercial sign for a lot reasons but can say something about dining, entertainment, or display a current festival date and place. The sign would show from one side pointing left, and the other side pointing right that lets people know where to turn. Trustee Engquist asked if the sign would be permanent, Faith O'Reilly responded that yes it would be. Mayor Terrell than asked how high off the ground will the sign be, she responded that pole is 14 feet tall, with another 6' extension where the mounting bracket is. Mayor Terrell then asked will the sign interfere with Alta's sign when traffic is moving in from the south. She responded that other business neighboring one another have signs; she couldn't answer that. Mayor Terrell added that he would like to see Brian Miller and Alta act like neighbors and discuss the sign to see how Alta feels about it; and would like to see information on that. Faith O'Reilly also informed the Trustees that the Tourism Council is already going to donate funds for the digital sign. She added that the sign can be changed to say whatever it needs to say for events etc., she said that they are still in the preliminary discussion with CDOT; she added that they said the sign would need a resolution from the Town. What she wants to know is this something that the Town wants. Trustee Lovato said it's something that the Town has wanted for a long time. Town Trustees gave a head nod to agreement for the digital sign; Mayor Pro-Tem Vasha stated that she is not in agreement. Mayor Terrell said sine there is a majority please move forward with working with CDOT and Alta.

Request from 1st Southwest Bank – street closure on August 19th:
Town Clerk Therese Garcia informed the Board 1st Southwest Bank has done a community BBQ every year around the same time. They are requesting the half block on San Juan right next to 4th Street.

MOTION by Trustee Sandoval; Second by Trustee Engquist
moved to approve the street closure on August 19th
Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye
VOTE: 6– Aye; 0– No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Review/Discuss/Approve National Health Center Week Proclamation – Valley Wide representative in attendance: Grace Sandoval representative from Valley-Wide joined the Trustees at the meeting table. Mayor Terrell asked if everyone had read the proclamation and if there were any questions. Trustees gave a head nod to having read the proclamation, and there were no questions at that time. Mayor Terrell asked Grace Sandoval if there was anything she'd like to say; she responded not at this time.

MOTION by Trustee Sandoval; Second by Trustee Viridin.
moved to approve the Nation Health Center Week Proclamation August 9th-15th
Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Viridin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye
VOTE: 6 – Aye; 0– No; 0 – Abstain *Let the minutes reflect the vote was unanimous.*

Discussion on Overgrown Vegetation – Paul Roth: Paul Roth discussed the letter he received about having to mow his property and also what he interprets the law to be. Mr. Roth explained that he feels that the ordinance needs to be worked on due to the fact that enforcement is subjective and can be interpreted different ways. Mr. Roth asked whether the Town wants beautification laws or has some

other purpose. The Trustees agreed that they need to work on the ordinance and have noxious weeds and overgrowth two separate topics. Mr. Roth volunteered to work on something and bring it back to the board for their review. The Trustees thanked Mr. Roth for coming.

Requesting a Variance for a Mobile Home – John & Cathy Baxter: John Baxter spoke to the Trustees about moving a trailer from one location in the Town to another. There was discussion about the condition and age of the trailer. It was mentioned that currently the Town has an ordinance stating that trailers older than 20 years cannot be moved from one location in Town to another. Also trailers need to be anchored down and placed on a permanent foundation. Mr. Baxter was asked about the age of trailer. Trustee Lovato mentioned that she had no idea this topic was going to be discussed and she believes that it is her trailer that is being discussed. A question was asked if the electrical has been updated, it was stated that it has not.

MOTION by Trustee Sandoval; Second by Trustee Virdin

Trustee Sandoval moved to approve the moving of the trailer from the Lovato property to the Baxter property. Vote as follows: Trustee Virdin – Aye; Trustee Lovato – Abstain Trustee Engquist – No; Trustee Sandoval – Aye; Mayor Pro-Tem Vasha – No; Mayor Terrell - No

VOTE: 2 – Aye; 3– No; 1 – Abstain

Motion did not pass.

Board and Commissions Update:

Saguache Recreation Board: *This item was discussed earlier in the meeting.*

Booster Club: Iris Garcia discussed the Memorandum of Understanding [MOU] between the Town, Mountain Valley Boosters and Mountain Valley School. The MOU is for youth activities such as Basketball, Softball, Football, Wrestling, etc. The Trustees wanted language in the MOU stating that funds will be available to youth activities depending on the Town's budget. Ms. Garcia will make the changes and get the MOU back to the Town so it can be passed onto the Town Attorney for his review. A Special Session will be held on July 27th at 6:30 p.m. to discuss this matter further.

General Information:

Lisa Hammel mentioned to the Trustees that the school is interested in submitting a GOCO Grant for a playground at the Mountain Valley School. Ms. Hammel will be placed on the August 17th Board meeting.

Ellen Cox and Sky Wright wanted to let the Board know that if anyone calls and needs help with mowing their weeds pass them onto Ellen. The Trustees thanked Ellen for letting us know.

Belinda Zink – State Historic Grant Update: Belinda Zink reported that she's working on the construction documents for the Town Hall; she thinks that they'll be ready by the end of the month. She added that Estella Cole is retiring and that Gida Guya is taking over in her place. Town Clerk Therese Garcia asked if she had heard from Pip or Estella who had said the amount going to be asked for would be \$250,000.00 but doesn't know if they will give that much. Belinda Zink responded that the State Historic fund gives around \$200,000.00 per cycle. Mayor Terrell asked Belinda when the Historic Structure Assessment would start on the Community Building. Mayor Pro-Tem Vasha responded that the RFP had already been awarded to Belinda, but that the contract had not been received from History Colorado. She added that she would be helping with the process. Belinda Zink felt that at this time HPC members and herself should meet with Gida to discuss projects. Belinda Zink also offered to come to the August meeting should anyone have any questions.

Sheriff Report:

Contract: The Town had sent the Sheriff's Office a letter ending the contract with the SO as of July 14. Town attorney Eugene Farish and Mayor Terrell addressed Sheriff Dan Warwick about his response letter. Mayor Terrell said that he would like to see the Town and Sheriff's Office negotiate something that works for both the Sheriff's Off and the Town; and a contract that is sustainable.

Eugene Farish added that the Sheriff could certainly choose not to negotiate another contract with the town; the real question is how this works out on a practical basis. He said that Colorado Revised Statute 30.10.516 talks about it being the duty of the Sheriff to keep and preserve the peace in the county which includes the Town of Saguache, and to also suppress all affrays, and in apprehending any person for a felony or a breach of the peace. He added that there's an entire gamete of criminal activity from the high end to the low end, and the ordinances for the Town of Saguache track the criminal statutes Title 18, adding that when someone is committing an offense under the criminal code they're also committing an offense on a Town ordinance. He then stated that you get into a situation where it has to be asked what are you going to enforce and what are you not going to enforce? Sheriff Dan Warwick answered, giving an example of a burglary. He said if it's a summer home and the people come back the middle of winter it's burglarized three months before I could easily just say, not our problem. He also stated that the problem here is that it's a breach of the peace depending on how it's looked at. He added that if someone was breaking into you're your home right now they'd need to be there, and that if it happened two weeks prior and you just found out, it's not a breach of the peace not at that moment. Eugene Farish responded that whether it just happened or if it happened three weeks ago that it's still a felony being committed in your county. Detailed discussion on the Town and Sheriff's Office contract continued using different scenarios as examples on what calls the Sheriff's Office would be responding to. Eugene Farish also brought up that the Town would not expect the Sheriff's Office to cover Town ordinances such as weeds and barking dogs in the absence of a contract. Mayor Pro-Tem Vasha suggested that Mayor Terrell, Sheriff Dan Warwick, and Town Attorney Eugene Farish get together and discuss what's going to work so that the contract is not a burden to the Sheriff's Office, and that it also helps the Town. Further detailed discussion continued when Sheriff Dan Warwick stated that he feels it's time for the Town and Board, and everybody to see the difference without the Sheriff's Office and let everyone have a look from another perspective. He added that he would be back for the September Board meeting, giving it a month to see how things run without the contract in place.

Town Patrol car: Town Clerk Therese Garcia asked Sheriff Dan Warwick if he would be keeping the Town patrol vehicles at the Sheriff's Office. He responded that he would bring them during the first week of the contract's end.

Assignments and Commitments Review:

Discuss future workshops (emergency preparedness, water treatment, water/sewer rates, and sidewalk policy), Gary Hill property: *There was no discussion in regard to these items.*

Citizen Comments:

Review/Discuss/Approve Liquor License Renewal – Oasis Restaurant – representative _ Cindy Archuleta: *Discussed and approved earlier in the agenda.*

Request from Saguache Chamber of Commerce – Hollyhock Festival: *Discussed after Liquor License Renewal*

Request from 1st Southwest Bank – street closure on August 19th: *Discussed after Faith O'Reilly Digital sign.*

Review/Discuss/Approve National Health Center Week Proclamation – Valley Wide representative in attendance: *Discussed after Request from 1st Southwest Bank street closure on August 19th*

Belinda Zink – State Historic Grant Update: *Discussed after Board and Commissions Update*

Discussion on Overgrown vegetation – Paul Roth: *Discussed after National Health Center Week Proclamation.*

Requesting a Variance for a Mobile Home – John & Cathy Baxter: *Discussed after Overgrown vegetation –Paul Roth*

Board and Commissions Update: *Discussed after Request for Mobile Home Variance*

Saguache Recreation Board: *This item was discussed earlier in the meeting*

Booster Club: *This item was discussed earlier in the meeting*

Review/Discuss/Approve Letter of Resignation from Town Board: *Discussed after approval of Consent Agenda.*

Ordinances/Resolutions/Public Hearings:

Attorney Report:

Discuss Policy or Revise Ordinance – Turnoff for Non-payment: This item was tabled until the August Board meeting.

Discuss Condemning a Property & Items on Town Property: Attorney Eugene Farish said this is something that the property owner usually takes care of when getting notification. Mayor Pro-Tem Vasha suggests getting with Town Clerk Therese Garcia to a draft a notice for protocol on dangerous buildings. Attorney Eugene Farish said that he can work on the letter that would be sent to homeowners.

Schedule Codification Final Review Workshop: The Trustees asked Clerk Garcia to contact the codification company to see if they could send the final draft electronically. A date for the work session will be chosen at the August meeting.

Discuss Coleman Land: Mayor Terrell has tried several times to reach Greg Coleman with no response. As of now this will be pulled off the priority list.

Discuss Misuse of Water: The Trustees are concerned about misuse of water in regard to growing marijuana. If this is taking place this is an illegal operation as the Town does not allow the growth of recreational Marijuana as per Town ordinance.

Discuss Masonic Lodge Building: Trustee Engquist asked the Trustees about purchasing the Masonic Building. The Board asked Attorney Farish to create an option to buy agreement to hold the building. The agreement will come to the Board at their August Board meeting.

Boards/Committees Reports: *This item was discussed before attorney report.*

Old Business:

Discuss Emergency Preparedness Plan: Mayor Terrell mentioned that he knows of a citizen (Terry Gillette) who would be great to work on the Town's emergency preparedness plan. Mr. Gillette was doing this type of work while employed. Mayor Terrell will speak to Mr. Gillette.

Review/Discuss/Approve accepting donations of Christmas decoration – Otto Mears Park:
The Trustees discussed donation of Christmas decorations by the Sheriff's Office. The Trustees agreed to take the donations.

MOTION by Trustee Virdin; Second by Trustee Lovato

Trustee Virdin moved to accept the Christmas decorations from the Sheriff Office.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Sandoval – aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Discuss GPS Proposal: The Trustees discussed issuing a Request for Proposal (RFP) to help map water, sewer, etc. for the entire Town. Mayor Terrell and Town Clerk Garcia will work on specifications.

Ditch Update: Public Works Director Dan Pacheco mentioned that part of the ditch is cleaned and culverts have been pulled. Mr. Pacheco stated that a metal head gate is needed near the creek. Mayor Terrell stated that there may be a grant available for all the Town ditches and getting all ditches working.

Discuss Park Restroom – Otto Mears Park/ Moffat School Auction: There was discussion that an extension was needed to complete the restrooms at Otto Mears Park. The Trustees agreed that an extension would be given for two weeks; with a penalty of \$250 a day passed the new deadline. The auction at Moffat School has already taken place.

Discuss tablets for Board & Staff: The Trustees discussed what tablets and how many to get. It was decided to purchase iPad for the Board and one floating for staff to share.

Update Board on Final Date/Time – Water Attorney Peter Nichols and Augmentation Engineer Steve Nguyen: A reminder was given to the Trustees that the work session with Peter Nichols, Water Attorney & Steve Nguyen, Augmentation Engineer, will be held on Friday, August 21st at 4:00 p.m. at the Town Hall.

New Business:

Review/Discuss/Approve Letter of resignation from Town Board: *This item was discussed before the Attorney Report.*

Review/Discuss/Approve Submission of GOCO Grant – Otto Mears Park: Mayor Terrell told the Trustees that the Otto Mears Park committee has decided to divide the park project into phases. The first phase will be the following: sprinkler system, replace existing lawn with new sod, install splash pad, and any other electrical work that will be needed.

MOTION by Trustee Virdin; Second by Mayor Pro – Tem Vasha

Trustee Virdin moved to approve submitting the GOCO grant for Phase 1 of Otto Mears Park project. Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Sandoval – aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Review/Discuss/Approve accepting Tourism Funds: The Trustees discussed the funds from the Saguache County Tourism Board. The \$20,000.00 will be used as a match for the Otto Mears splash pad. By consensus, the Trustees agreed to accept the funds.

MOTION by Trustee Engquist; Second by Trustee Virdin

moved to approve the Accepting of Tourism Funds in the sum of \$20,000.00 for Splash Pad Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Virdin – Aye; Trustee Sandoval – aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Discuss “Saguache” signs on 4th Street: This item was tabled till the August 17th board meeting

Schedule Budget Workshop: The Trustees agreed to set the budget workshop for September 2nd at 6:00 p.m. at the Town Hall.

Discuss/Approve Yard Maintenance Equipment – Tom Gross:

The Trustees reviewed the offer from Tom Gross to sell the Town yard equipment and agreed this was a good deal. Town Clerk Garcia stated that Mr. Gross wants to the Town to try out the equipment before sending the check to make sure we are satisfied. The Trustees agreed to do so.

MOTION by Trustee Lovato; Second by Trustee Virdin

Trustee Lovato moved to approve the purchase of yard equipment for \$1100 from Tom Gross.

Vote as follows: Trustee Engquist – Aye; Trustee Lovato – Aye; Trustee Sandoval – aye; Trustee Virdin – Aye; Mayor Pro-Tem Vasha – aye; Mayor Terrell - Aye

VOTE: 6 – Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Maintenance Report- Workload/Work Plan for Maintenance Staff: Mayor Pro – Tem Vasha stated that the parks did not look good for the Memorial Day and July 4 weekends and events. Mayor Pro–Tem Vasha passed a list around to the Trustees of projects assigned to the Maintenance staffs that have not been completed. Dan Pacheco responded as to why things are not getting done. There was more discussion.

Mayor Pro –Tem Vasha moved to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

It's July 20th, and the time is 9:33 p.m. For the record, I am presiding officer, Mayor Greg Terrell. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons: Trustee Andrew Virdin, Trustee Luana Lovato, Trustee Tony Sandoval, Trustee May Engquist, Mayor Pro –Tem Kate Vasha, Town Clerk Rese Garcia, Public Works Director Dan Pacheco, and Deputy Clerk Lacy Reed.

This is an executive session for the following purposes: for discussion of a personnel matter under C.R.S. Section 24-6-402(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

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 of 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.

The time is now 9:55 p.m., and the executive session has been concluded. The participants in the executive session were: Trustee Andrew Virdin, Trustee Luana Lovato, Trustee Tony Sandoval, Trustee May Engquist, Mayor Pro –Tem Kate Vasha, Town Clerk Rese Garcia, Public Works Director Dan Pacheco, and Deputy Clerk Lacy Reed.

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 executive session occurred during the

executive session, or that any improper action occurred during the executive session in violation of the Open Meeting Law, I would ask you to state your concerns for the record.

Seeing none, the next agenda item is...

Trustee Comments: There were no comments from the Trustees.

Executive Session (if needed): There was no executive session needed

Adjournment: There being no further business, the meeting was adjourned by Mayor Terrell at 9:59p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Greg Terrell, Mayor

ATTEST:

Therese Garcia, Town Clerk