

**TOWN OF SAGUACHE**  
**Board of Trustees**  
**Regular Session**  
**June 13, 2017**

The Town of Saguache Board of Trustees met for a Regular Session on June 13, 2017, with the following Trustees present:

Greg Terrell, Mayor	Present
May Engquist, Mayor Pro-Tem	Present
Loren Aldrich, Trustee	Present
Susan Collins, Trustee	Present
Wyoma Hansen, Trustee	Present
Janice Torrez, Trustee	Present
Amber Wilson, Trustee	Present

Town of Saguache employees were present as follows:

Pam Fye, Town Administrator	Present
Linda Ahrens, Deputy Clerk	Present
Dan Pacheco, Public Works Director	Present

Town of Saguache Attorney was present as follows:

Karen Lintott, Attorney	Present
-------------------------	---------

**Citizens in Attendance:**

**Call to Order:** Mayor Terrell called the meeting to order at 6:03 p.m.

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

**Additions/Deletions to the Agenda:**

Town Administrator Fye: We have a primary contact change form for our Quickbooks Account to change the contact from Rese Garcia to myself. We need to send a copy of the minutes reflecting this change.

Mayor Terrell: Okay, add that under the Town Administrator's Report.

Town Administrator Fye: Under the Attorney's Report, we need to add Review/Discuss/Approve the Ordinance revising our municipal codes with regard to removing jail as a penalty.

Mayor Terrell: Okay

Town Administrator Fye: We need to add, under the HPC Report, Review/Discuss/Approve the Ordinance Approving the Susan Crutchfield application for Historic Landmark.

Mayor Terrell: Okay

Mayor Terrell: I have one to put under New Business. It is scheduling a Board Retreat.

**Sheriff's Report:**

Deputy Wells presented the Sheriff's Report.

Mayor Terrell: Elke I want to thank you for calling me about every evening (laughter). No, but really, thank you for keeping an eye on the Town. We really appreciate it.

Trustee Torrez: We do, we really do appreciate it.

**Citizen's Comments:**

Carla Quintana: I have a question, and I've already talked to a lawyer about it. Have you guys hired a Clerk?

Mayor Terrell: No, not yet.

Carla Quintana: You know that the Town has to have a Town Clerk.

Mayor Terrell: In the absence of the Town Clerk, under the state statute, the Deputy Clerk automatically acts as the Town Clerk until an interim is appointed or we hire someone. So, we are staying within state statutes. We are working on that Carla.

Mary Johnson: What's going on with the handicap parking on 4<sup>th</sup> Street?

Public Works Director Pacheco: We have ordered the signs, and we are behind due to staff shortage, but we'll get them installed as soon as possible.

Mayor Terrell: Due to our staff shortage, it is not at the top of our priority list. It will get done at some point Mary, but that's it.

Tina Sanchez: I had a flooding issue at my house last night, and I want to thank everyone who came out. Danny came the next morning and apologized, but he didn't need to. This is earlier in the year than when it usually happens. I just don't like coming home and seeing a foot of water, so I just thank you guys. I really wish you guys would put the emergency phone number in the paper, because I was searching everywhere for it. I looked through Crescents for the past month, and I couldn't find it.

Mayor Terrell: Tina, I personally apologize for that. It has been lacking so we will get the number posted. In any case, if you ever have an emergency, don't hesitate to call me, if you have my number, or the Sheriff's office will get ahold of me or Dan. And, Elke, thank you for your help last night as well.

Luana Lovato: I have a request for the Town. I am having major issues with people flying down Denver Ave. (Denver & 1<sup>st</sup> Street intersection). They are going 55 miles per hour. I think it was Sunday night, Gail (??) was coming around the hill, and somebody almost hit her head on, they were going so fast.

Trustee Engquist: Does the County need to put a sign there? That is off of our property.

Deputy Elke Wells: That's always been a problem, because the kids in school go out there and make u-terms, and the farmers pay no regard to anybody else.

Mayor Terrell: I don't know if this is possible, but Dan, can we put a sign right there at the Town border instead of at a cross street so they will slow down?

Public Works Director Pacheco: We can put up a sign notifying people there is a stop sign ahead. I will get with Randy and see if we can put one up at 1<sup>st</sup> & Denver.

Luana Lovato: I would like to have it be a 3 or 4-way stop.

Trustee Aldrich: If a stop sign there is not any more effective than the one at my house, it is a wasted effort. We might need to pull that stop sign down and put a yield sign there.

Public Works Director Pacheco: We can try either one.

Deputy Elke Wells: Excuse me, but if you put a yield sign, I see it all over, they never even slow down.

Trustee Aldrich: That's all they do at the stop signs is slow down and go through them. I sit and watch it all day long from my house. Less than 1 out of 10 people stop at the stop sign in front of my house.

Mayor Terrell: Tina, have you thought any more about whether you would like a 4-way stop there.

Tina Sanchez: I don't know if we need it. It's really not the Town's people that are speeding out of town, it's a lot of the ranchers and people going camping. But, the stop signs really have helped on the west side of town.

Mayor Terrell: As you know, where Elke and I live, at that stop sign, I can watch all day, and maybe 2 out of 10 people actually stop. Just so you know, stop signs may or may not help.

Trustee Hansen: Dan, I have one request, when you talk to Randy with Saguache County, can you see if they can do a stop sign with a flashing red light. I think when you put up something new like that, it will get people's attention.

Mike Wheeler: I just wanted to check on the progress on Audrey's house.

Mayor Terrell: That is actually on the Agenda, under Old Business.

Barry Van Sant: I am here about my sewer tap. I would like to get an update on the status of the installation of the sewer tap at 845 Gunnison. Dan came to me 3 weeks ago on May 23, explaining that additional permits had been submitted, and I was under the impression that work could begin really soon, and it has been three weeks now. Can I get a status on that? I know you have to complete some administrative steps to get the final permit.

Public Works Director: On Monday, I received a Notice to Proceed, and we are now waiting on the utility locates. They are to be done on Friday, so hopefully, we'll be ready to go.

Barry Van Sant: As President of the Chamber, our mission is to promote the Town, and as feedback here, I worked on this project with one of the most prominent builders in the valley, and we've had talks about putting in additional developments here in Town, but it's a hard sell, when they see that it takes 8 months to get a sewer tap. I would be glad to work with all of you on how to improve that process, but assuming that the Town does want to prosper and grow, and get new business and new residents, it has been a very frustrating experience, to say the least.

Town Administrator Fye: My understanding is that this is only an issue when the property is on the Highway. It can be done right away when the location is one a Town street. The process with CDOT is time consuming.

Public Works Director Pacheco. Barry, you are right. It shouldn't have taken that long, and I apologize to you for that. But, working with CDOT seems like it takes forever. I know there were some issues that could have been resolved before. Some misunderstandings, and if we could have gotten past those, we wouldn't be here tonight talking about it. Anytime you want to work with me to see how we can improve the process, we can set a meeting with CDOT and see what we can do. I would be more than willing to do that with you.

Barry Van Sant: Greg, was there a decision regarding reimbursement to me?

Town Administrator Fye: I don't remember there being any paperwork processed on that matter.

Trustee Hansen: Yes, you were going to submit a statement for us to review in order to make a decision.

Mayor Terrell: Can we address this at our next meeting?

Barry Van Sant: That's fine. I just want a resolution.

Elvie Samora: Not looking for a discussion, just mentioning: 1) the Town website is out of date (the Board and Committee member names have not been updated). 2) I've seen no information, and no one seems to know anything about a dog clinic. 3) We have a trailer house that is on the right-of-way. And, 4) There is a mattress laying in the street between 4<sup>th</sup> & 5<sup>th</sup> on Denver.

Public Works Director Pacheco: It was a free give-a-way, and somehow it ended up where it is. We'll get it picked up.

Elvie Samora: Also, prairie dogs are a serious issue.

Town Administrator Fye: The pet clinic was very last minute. Vet Annie Schultz is pregnant with her baby due next week and she was unsure if she would be able to come to Town, but at the last minute she called and said let's do it Saturday. We hung up posters around Town and put it out on Facebook, but didn't have time get notice in the paper. I asked Annie if she would be willing to do another clinic in the fall, and she said yes. So, hopefully, we will have a lot more notice and can get the event advertised.

### **Approval Items**

### **Consent Agenda:**

Mayor Terrell: Before we proceed, would anyone on the Board like anything removed or changed on the Consent Agenda.

Trustee Engquist: I have not even read the packet yet. I don't know whether I can even talk about it.

Trustee Hansen: I think we need to table it to a Special Session.

**MOTION:** by Trustee Collins that the entire Consent Agenda be tabled until we can schedule a special session.

**SECOND:** by Trustee Hansen.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

**VOTE:** 7 – Aye; 0 – No; 0 – Abstain

*Let the minutes reflect the vote was unanimous*

Mayor Terrell: Motion passes, we will table the Consent Agenda.

Trustee Engquist: I would like to request that we receive the packet in a timely fashion so we can review it.

Town Administrator Fye: I apologize. I did the best I could.

**Boards/Committees Reports:**

1. Historic Preservation

- Review/Discuss/Approve the Historic Preservation Commission's recommendation to Landmark the home of Susan Crutchfield located at 115 San Juan Avenue, Saguache, CO 81149.

Mayor Pro-Tem Engquist: We looked at this at the last meeting, and it wasn't quite complete. It has now been completed. The Historic Preservation Commission has gone through it and Susan Crutchfield has signed it, and I'm asking the Board to approve it.

Mayor Terrell: Read Ordinance No. 2017-2 in its entirety.

**MOTION:** by Trustee Hansen that we approve Ordinance No. 2017-2 designating Susan Crutchfield's home as a historic landmark.

**SECOND:** by Trustee Wilson.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

2. Planning Commission

Elvie Samora, Chair: I wasn't aware this was going to be on the Agenda tonight. I don't have anything to report other than that we'll be working on the survey when we next meet.

Town Administrator Fye: The Planning Commission is on the agenda every month. So, if you have something to report, it is listed.

**Ordinances/Resolutions/Public Hearing:**

1. Attorney Report

Town Attorney Lintott: You should have in your packet the penalty Ordinance we discussed at our Special Session. I have gone through the Code Book, with Pam's help, and this will remove

any mention of jail time from the Saguache Code. Any questions from anyone? This is Ordinance No. 2017-1. It is ready to go whenever you feel comfortable moving forward on it. I drafted what we discussed.

As the preface of the Ordinance indicates, (this is going on with a lot of small municipalities across the country, but particularly in Colorado), this will remove jail-time just for Town Ordinances, and it will increase fines, and give the Municipal Court a community service option. The Municipal Court is only handling relatively minor matters. If we are talking about more serious matters it is either going to be in County or District Court. Specifically, this Court handles nuisance violations and tickets, and things like that, that aren't really appropriate for jail time. Municipalities are facing, the Colorado Legislature is in the process of enacting it, it has been delayed because a lot of municipalities are having concerns about this, but under the US Constitution, if you are going to subject a person to the possibility of incarceration, you have to provide counsel for the defendant. Up until last year, a lot of municipalities did not do this and there was a concern that they are violating these folks' rights under the federal constitution. The Legislature passed a Bill, which has since been delayed, that requires these municipalities such as yours, to provide and pay for counsel for anybody who is charged with an offense that has the possibility of jail time. So, when we are looking at our Ordinances here, you've got quite a number of them that leave open that possibility. So, from a practical protection standpoint, it would be quite expensive to provide counsel, and again, how many people are we throwing into jail for nuisance violations. We discussed this with the Board in a special work session where everybody weighed in, and I went through the Code and removed jail time as an option. That is what this Ordinance does. If, for some reason, it doesn't work, we can always put jail time back in, but let's try it and see how it goes to see if we can save the Town the money for legal fees. You can't jail people for not paying their fines. It is called debtor's prison. There are some municipalities that have gotten in serious trouble for doing it. There are other things you can do such as hold them in contempt which would move the matter to a higher court.

Trustee Collins: Can you elaborate, such as on Dogs at Large, it could start in Municipal Court, but then still go to County and District right? I want to make sure everybody understands that there are some matters that are serious that may have that potential.

Town Attorney Lintott: This is an issue that has come up over and over again. Town Attorneys and Town Boards are trying to figure out how to handle this because it is a big expense. But, the County and the District, which is State, they are handling the more serious offenses and when they take the case, the resources are coming from the County or the State. In our Municipal Court, the funds are all coming from the Town. Serious crimes will still be prosecuted, just not by our Municipal Court.

Barry Van Sant: I don't want to get involved in a dog issue, but I was told at a Town Meeting that if you are attacked by a dog, you need to come to the Town and report it. Not to the Sheriff's office, but to the Town. That the Town is responsible for controlling the dogs, and the

Sheriff's office doesn't do that. So, if you have a dog incident do you go to the Town or to the County?

Town Attorney Lintott: I don't think that is accurate.

Deputy Elke Wells: If there is a dog bite, it should come to the Sheriff's office. If the dog just comes after you, you should file a complaint with the Town because the dog is running loose, but any time you get a dog bite, you should report it to the Sheriff's office.

Town Administrator Fye: The Town also has a "Vicious or Dangerous Dog Ordinance," that calls for the immediate impoundment of the dog, and allows the owner of the dog ten (10) days in which to file for a hearing regarding whether or not the dog should be declared vicious. If it is declared vicious then it can be put down immediately. It depends on the history and behavior of the dog. But, the Town does have the ability to deal with those issues as well as the Sheriff's Department.

Barry Van Sant: So, when it comes to the Town, it seems like most Municipal Court items are code related issues, is that correct? And, the Town does not have a Code Enforcement Officer.

Town Attorney Lintott: There would be nothing else but code related issues.

Town Administrator Fye: We contract with the Sheriff's office for law enforcement, and they assist us with code enforcement. When we write someone into Municipal Court, we send the paperwork to the Sheriff's office and they do the service. Then people show up before the Municipal Court for the case to be heard. If we get a call that there is a dog loose, myself or one of the Public Works staff goes right then to look, and attempt to catch the dog. If we catch the dog at large, we take it to the shop building, put its picture on Facebook, saying we have the dog and if someone comes to claim the dog before the end of the day, they can just pay a fine, or if not, we take it to the shelter. The cost of impoundment has to be paid by the owner when they pick up the animal, and they are written into Municipal Court for dog at large.

Deputy Elke Wells: We, the Sheriff's office, does not go around picking up stray dogs. That is not what we do. We help out if we have to, but when it comes to dog bites on the weekend, no one is around, and you want to report it to the Sheriff's office because, by law, you have to report a dog bite.

Mayor Terrell: We are getting off track so let's get back to our Ordinance.

Trustee Hansen: In subsection 5, it is saying that Section 10-7-220 is being repealed. What does that say, do you know?

Town Attorney Lintott: I don't have it in front of me either, and I don't have a specific memory, but you will notice Section 10-7-220, it is subsection (b). So, there is a subsection (a) as well. It details using marijuana in public, so subsection (b) had a phrase that said "or up to six months



jail time.” All I did is take that phrase out. That’s why this is simplified. It would have been 20 pages long if I had rewritten all of the Codes. So, rest assured, Pam started this, and I finished it, and we coordinated to make sure we were getting everything out of the code.

Mayor Terrell: Also, the State Legislature is now working on what they now consider public display of using marijuana, and they’ll come down with a Bill, and it may force us to change the Code again. Megan Dollar with CML is one of the main lobbyist on this issue.

Mayor Terrell asked Town Attorney Lintott to read Ordinance No. 2017-1 in full aloud, and she did so.

Trustee Aldrich: So, okay with the understanding that only change we are making is regarding jail time, and we are not making any other clean ups.

Town Attorney Lintott: Not at this juncture. That’s coming.

Luana Lovato: Were the penalties always up to \$1,000 on those fines?

Town Attorney Lintott: No. That is a change.

**MOTION:** by Mayor Pro-Tem Engquist with the changes to remove jail time as a penalty, and the fine adjustment, I would like to make a Motion that we approve Ordinance No. 2017-1.

**SECOND:** by Trustee Hansen.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

(Break)

Mayor Terrell: Let’s get going again. I’m going to make a request that we do New Business first, and then we’ll do Old Business. Is that fine with the Board? The Board concurred.

**New Business:**

1. Review/Discuss/Approve Renewal of Liquor License for Jesus Ortiz d/b/a The Oasis Restaurant.

Mayor Terrell: Is all of the paperwork turned in and correct. Linda?

Deputy Clerk Ahrens: Yes. We received all of the information and we are ready for the renewal of their license.

Town Administrator Fye: In your packet you have their letter of good standing, and the completed application, that, once approved by the Board, will be forwarded on to the State. We have a Temporary Renewal for the Board to sign until the State approves the actual Renewal.

**MOTION:** by Trustee Hansen to approve the Renewal of the Liquor License by Jesus Ortiz d/b/a The Oasis Restaurant.

**SECOND:** by Mayor Pro-Tem Engquist

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

## 2. Schedule Board Retreat

Mayor Terrell: We need to schedule a retreat. If possible, I would like to have it the last week of June, but if we need to bump it into July, we can do so. It will be a public meeting.

The Board discussed available times, dates and locations, and settled on Friday, June 30, 2017 at 6:30 p.m. and determined to set location and food later.

Mayor Terrell: The subject of the retreat is to review priorities for the Town, and set priorities for the future.

### **Old Business:**

1. Update on Flood Map – None
2. Update on Mondragon Property

Town Administrator Fye: I put in calls to Audrey Mondragon and to Bob Parlett with TOP Environmental regarding their estimate. TOP Environmental advised that Audrey is not willing to move forward under their estimate because she does not have the funds to proceed. I sent an e-mail to Audrey asking for an immediate update since she did not return my call. The e-mail advised her that short of action on her part, we would be turning the matter over to our attorney to proceed with any resolutions under law available to the Town. Audrey did call back this afternoon, stating that she is still searching for someone to do the work, and so far, she could not find anyone who would take less than \$50,000.00 up front, and she can't afford that. She wants to work with us, but there is no way she can come up with that kind of money to go forward. I did mention to her in my email that even the owner of TOP Environmental had offered to purchase the property and he would do the clean-up himself. We've also had several towns

people who have come into Town Hall asking about purchasing the property. I told her she was putting the Town in a position where we would have to take action. Anyway, she is still looking, and that is the bottom line, and it's up to the Board as to how you would like to proceed.

Mayor Terrell: I think it is time that we put a very definitive deadline to turn this matter over to Town Attorney Lintott to pursue. I think this needs to be in fairly short order. Basically, she has had years, and we've been working on this since a year ago. It was supposed to be resolved by September of 2016, and here we are, still waiting.

Trustee Hansen: I think it should be turned over to Town Attorney Lintott and have her help us move forward.

Town Administrator Fye: I will do that.

Elvie Samora: Karen is the attorney? Why is she not here for this?

Mayor Terrell: She just went to run an errand and she'll be back. She didn't need to be here for this. We'll turn it over to her and have her start pursuing the matter.

Elvie Samora: By turning it over to her, what does this do to a timeline? It's already about a two-year time line here.

Mayor Terrell: I talked with Dennis Koenig in LaJara two weeks ago, as they had a similar situation, and all said and done, if Audrey Mondragon continues to drag her feet, we still could be looking at some time, but we may be able to get the clean-up done before then. What we have been attempting to do is protect the finances of the Town so we don't have to incur the expenses involved in the clean-up. But, at this point, we don't see a lot of movement and so, we are forced to take action on this.

Carla Quintana: Can't you put a lien on the property? She is probably still paying taxes on the property.

Mayor Terrell: Well, that would be, more than likely, part of the process. That would be part of the legal process.

Trustee Hansen: There are many facets to this. It is private property. We can't go in and start cleaning it up without following all of the laws, and we don't want to clean up every building that collapses, because the Town cannot afford that. You can do liens, but you may never see the money.

Mayor Terrell: After a period of time, the Town may end up with the property, which is not desirable for the Town.

Town Administrator Fye: Now, the property has to be cleaned up by a certified environmental company in specific ways to deal with the asbestos, and it is extremely expensive. It is \$15,000 per load to haul the hazardous material to the dump in Pueblo.

Elvie Samora: Are you going to discuss this with the attorney when she returns.

Mayor Terrell: We will discuss it with her directly, I don't know about tonight exactly.

Elvie Samora: If not, can you schedule a special session to discuss it?

Mayor Terrell: Why would we need that? What we are going to do...

Elvie Samora: Well, you have been on the verge of a very large expenditure for over a year. Everyone has been aware of this and it's not a surprise. So, I think that some movement is a positive. Definitive movement needs to take place. I'm tired of that place. Our property values have died because of that place. I'd love to share a photograph, somebody saved it yesterday, they parked a cattle truck in front of it, and it actually improved the view. It's really gotten to the point of ridiculousness, and if anybody even thinks that Audrey is sincere with these veiled promises, then you are off your cracker, because she has no intention whatsoever of ever lifting a finger to do anything.

Town Administrator Fye: What will happen now is that we will turn the file over to Town Attorney Lintott, and she will have to review it, then she will advise the Board of their options and her recommendations. That won't happen tonight.

Elvie Samora: When was she brought on as the Town Attorney?

Town Administrator Fye: January 30<sup>th</sup>.

Elvie Samora: So the 31<sup>st</sup> she should have had that in her hand. Don't mean to sound rude, but I'm getting to the point where I'm over this garbage. I really am. My neighbor and my other neighbor are way past this.

Trustee Hansen: You have to understand that it's Audrey's responsibility.

Elvie Samora: It was Audrey's responsibility when the original deadline letter of April 3, 2016...

Trustee Hansen: Okay, but we are going to assign it to our attorney and we are going to move forward, but you have to understand that with private property there are many moving parts to this. Are we going to have Audrey clean it up next week...that won't happen.

Elvie Samora: Why not?

Trustee Hansen: Because we have to follow the process.

Elvie Samora: For over a year she has been facing deadlines.

Trustee Hansen: I think it's been there a long time, and there has been different things happening and Audrey has promised things, and that hasn't happened, and we are going to deal with it, but it won't happen as fast as you want it to.

Elvie Samora: What I'm saying is that those deadlines have been in black and white, not just conversations. There have been black and white things signed by Audrey Mondragon.

Trustee Hansen: Right, and the environmental engineer was calling Pam, and we thought they were moving forward, and then we find out they are not. So, now we are taking the next step, and assigning it to our attorney.

Barry Van Sant: Elvie is my neighbor, and my property is affected by this, and I've let Elvie do all the heavy lifting on this, and I want to thank him for pushing. I know you all want to get rid of it as much as we do, but I do thank you Elvie for taking it on because I know all the people in the neighborhood have concerns and you are really the only one who has stepped up. I would appreciate anything you guys can do to make this happen. I have had almost 40 rentals in the last 2 years, and my renters, these are vacationers, people coming into Town to enjoy this area, and they are all staring at this and I hear about it all the time.

Mayor Terrell: The hesitation the Board has had with this is over one single issue. When we cross that line, we take on a financial responsibility for that clean-up. This is something that is not in the Town's budget. This is something that we'll have to figure out where this money comes from, and ultimately, it's every taxpayer in Town who ends up paying for this clean-up. When we recoup this money, as near as well can tell, at the earliest, would probably be 4 years, if then.

Barry Van Sant: What about the Colorado Department of Public Health?

Mayor Terrell: It is private property. That puts it in a whole different realm.

Town Administrator Fye: The CDPHE is who sets out the rules for how the property has to be cleaned up. They come and inspect.

Barry Van Sant: So once the Town takes possession of it...

Mayor Terrell: The Town will not take possession of it. The Town will...

Barry Van Sant: I know you guys have worked through all of this. I don't want to rehash it.

Mayor Terrell: Even if the Town cleans it up, Audrey still owns that property. So, do you see why we would be hesitant about taking on a huge financial burden when we don't own the property.

Luana Lovato: And, if you do that you are setting a precedence. So, every house in Town, if it falls down, you will have to clean it up.

Mayor Terrell: We are not going down that slippery slope. This is a particularly separate case, and we will have to take things on a case by case basis, but this one has gone on long enough.

Luana Lovato: I feel sorry for Audrey. She is probably working a minimum wage job and literally...

Mayor Terrell: She has been given many different options. Okay, we are going to move on.

3. Review/Discuss/Approve Letters of Interest for Appointment to the Community Building/Otto Mears Park Committee.

Mayor Terrell: Has everyone looked at the Letters of Interest? We don't have too many. Byron Williams, Barbara Donahue, Greg Terrell. Any discussion on the letters?

Mayor Pro-Tem Engquist: I think we take everyone who wants to do it.

**MOTION:** by Trustee Wilson to approve the appointment of Barbara Donahue, Byron Williams, and Greg Terrell to the Community Building/Otto Mears Park Committee.

**SECOND:** by Trustee Engquist.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

4. Review/Discuss/Approve Letters of Interest for Appointment to the Vista Grande

Mayor Terrell: We have letters from me, May, Steve Stewart, and Byron Williams.

Trustee Torrez: I haven't submitted a letter, but I would like to sit on the committee. I will submit a letter tomorrow.

**MOTION:** by Trustee Wilson to approve the appointment of Greg Terrell, May Engquist, Byron Williams, Steve Stewart, and Janice Torrez to the Vista Grande Committee.

**SECOND:** by Trustee Collins.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

5. Review/Discuss/Approve/Approve Temporary Liquor License and State Liquor License Applications for JASP Ventures, LLC., known as the Village Pub Pizza & Spirits Cozy Castle Cinema.

Mayor Terrell: Invited Joel Johnson to address the Board regarding this liquor license.

Joel Johnson: We've had the license, we are just transferring the ownership of the LLC, so I believe I have everything turned in. I checked with Town Hall yesterday.

Mayor Terrell: Deputy Clerk Ahrens, is all of the paperwork in order.

Deputy Clerk Ahrens: Yes, it has been submitted, and it is all in order.

**MOTION:** by Trustee Wilson to approve the Temporary Liquor License and State Liquor License Applications for JASP Ventures, LLC, also known as the Village Pub Pizza & Spirits Cozy Castle Cinema.

**SECOND:** by Trustee Hansen.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

Joel Johnson: Quick question. When did you guys say your retreat was? If it is a Tuesday, we could open up just for your meeting.

Mayor Terrell: June 30<sup>th</sup>. It is a Friday.

6. Review/Discuss/Approve/Approve Temporary Liquor License and State Liquor License Applications for Mountain Valley Liquors.

Mayor Terrell: Invited Crystal Bouet to address the Board.

Crystal Bouet: It is actually Mountain Liquor.

Mayor Terrell: Deputy Clerk Ahrens is all of the paperwork in order?

Deputy Clerk Ahrens: Yes, it has all been submitted and it's all in order.

**MOTION:** by Trustee Wilson to approve the Temporary Liquor License and State Liquor License Application for Mountain Liquor.

**SECOND:** by Trustee Hansen.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

Mayor Terrell: Dale, I hope somehow you can get on the road here soon, and congratulations Crystal. Thank you for buying a business here in Town.

7. Review/Discuss/approve estimates for security cameras for Town Hall and Community Building.

Town Administrator Fye: We don't have the estimates. I pulled several online, and I will call Valley Lock and Security to see about the cost of installation. We had talked about the \$1,200 price the Board set, so as soon as I have those numbers we can go over them.

Public Works Director Pacheco: We have a set that was donated to the Town about a year and a half ago. I have it in my office. We can use it to install for the Town Hall, so we would only have to buy one set.

Trustee Engquist: We can't approve the estimates yet, can we?

Mayor Terrell: Since we had already set an amount to use between Town Hall and the Community Building, we can just concentrate this discussion to the Community Building.

Public Works Director Pacheco: We can look at the donated set and see if the installation is something we can do. I can tell you that Dave Hammel is good at that stuff, and so is David Garcia, so I'm sure either one of them would help me.

Mayor Terrell: We want them to record.

Public Works Director Pacheco: I will get with Pam and we'll see what we need to do to get it installed.



Trustee Engquist: Can we revisit this issue at the Retreat on the 30<sup>th</sup> if we have additional information.

Mayor Terrell: Yes.

Trustee Hansen: Yes, Dan is going to check out what we have and get more estimates for the Town Hall.

Town Administrator Fye: You didn't set a special session for the Consent Agenda. Do you want to do that? Do you want to wait until June 30<sup>th</sup> to pay bills? That is part of the Consent Agenda being tabled. I have the checks here for signatures.

Mayor Terrell: How soon do we need to get some of the bills paid, Pam?

Town Administrator Fye: Today is the 13<sup>th</sup>. We need to get them out at least by the 16<sup>th</sup>.

After discussion, a Special Session was scheduled for Thursday, June 15, 2017 at 6:30 p.m. at the Community Building to approve the Consent Agenda containing the Minutes and List of Bills

**Trustee Comments:**

Trustee Collins: As far as our water meetings and everything, I know I had suggested the February 28 meeting, and its my understanding that nobody ended up going. Is that what you guys remember? I know May and Dan were both planning to attend, but nobody went, correct?

Mayor Pro-Tem Engquist: That was a snowy bad day. I didn't want to drive to Alamosa.

Trustee Collins: My question is, who is attending these meetings? I know we discussed Dan being our representative, but I don't know if we need to have another person going so if Dan is busy as we begin the sewer projects...

Public Works Director Pacheco: Are you talking about the Roundtable?

Trustee Collins: We are needing someone to be on the Roundtable as well, but some of these coming up water meetings, if you are busy working on the sewer and water situations coming up, and having 2 new hires you are trying to train...

Public Works Director Pacheco: The problem is, I never know when they are holding those meetings. If you could provide me with some information so I can at least get on an email list, I am glad to go. I know they meet every so often. If you could help me with that...

Mayor Pro-Tem Engquist: What all meetings are you thinking of, Susan?

Trustee Hansen: Saguache Creek Water Users, the Rio Grande Roundtable...

Trustee Collins: That last meeting talked about if we should end up in that kind of situation, we need to get on track with knowing what all that details, because there is a lot going on that we are not aware of. Right now, everybody is getting flooded to the west of us so we are getting the abundance of water in places out in the County where no one has gotten water for 8-10 years or more.

Public Works Director Pacheco: As far as the Augmentation Plan, it was submitted in December last year, and you all recall that meeting we had. We are going to deal with Monte Vista and Crestone to help us with an exchange for water owed by leasing/trading water to meet our requirements. That has been taken care of. I would recommend to the Board to wait and see how it comes out with our augmentation plan, and proceed from there. If it looks like we need to do something differently, then definitely we should be open to other things. I think we are going to be okay.

Town Administrator Fye: Everyone has reached an agreement in the Saguache Creek Water users case in water court.

Trustee Collins: My main concern is that for the Town, we need somebody on the Roundtable. I know Gene Farish was doing that for a while, and I just didn't know what kind of workload you have versus the others, because...

Public Works Director Pacheco: I would be glad to go. I love doing that kind of stuff. I just don't know when the meetings are. I know that Saguache Creek sometimes advertises in the Crescent, but I don't get the paper, but I can speak with John Warner.

Mayor Terrell: Tentatively, we are hoping to meet with Peter Nichols late this summer for an update. We might want to contact him and set a date for out in advance so they can figure out what they need to do. I'm thinking late August. Dan and I have talked about this pretty recently, about getting Peter down here to give us an update.

Trustee Aldrich: I've been approached about a couple of things about Town. One thing is that all of the stuff sitting on Town property. I just want to pass that on.

Town Administrator Fye: The letters went out about 2 and ½ weeks ago and today we received the first call from one of the recipients, asking questions. We have the list of parties and property on the right-of-ways in the office.

Mayor Terrell: If the deadline comes and goes, and that is still going on, can we get them cited into Court immediately.

Trustee Aldrich: Another request or recommendation is about the mosquito spraying. There are several people around here that have bees, and they are out certain parts of the day, so we are hoping the maintenance crew could be conscious of those times, and do the spraying when the bees are in their hives.

Public Works Director Pacheco: We don't normally spray during the day. We spray in the evenings because that is when it's most effective. The reason we put notices in the paper is for people to notify us. The bees should not be impacted by the spray.

### **Reports:**

#### 1. Maintenance Report

I just want to bring you up to date on the seepage investigation taking place. We have been talking about it since last month. The preliminary report has been done. Jerry with SGM sent it to me yesterday, and I looked at it today. I am recommending a couple of modifications to some of the discharge, and I want them to make sure they include it. It will then be submitted to the State, once it is complete, I will forward it to the Board. We really can't get an accurate account of whether we have seepage or not, due to the heavy infiltration of ground water. I don't discharge a lot of it, or we would be in violation, and that would really get us in trouble. However, it makes it look like we are seeping, i.e., I have 600 some gallons coming in today, but I'm only discharging 160,000 gallons a day. So, the State is wondering what is happening with the difference. The report will clarify that, and we are asking for a continuance or extension so we can look at this between November and March 30. Part of Jerry's recommendation is to install 2 meters, one meter into the discharge and it will help us make sure how much we are discharging, but it will give us an accurate record for augmentation purposes, because we get credit for it. I asked Jerry to make this a priority. We need to get that meter in place. He also wants to put another meter between the ponds or cell no. 1 and cell no. 2 to see how long it is taking to go from one pond to the other. I asked him to give me some pricing, because that can be expensive, and it may be something you might not want to pursue at this point. I am asking Jerry to look at alternatives to see how we could better capture this measurement without meters.

Once the changes to the report are made, we will submit it to CDPHE and then wait to see what she says, and how she would like us to proceed.

Jerry and I also talked about the sewer lines. I looked at all of the camera work done in February and March, and we'll be able to do more sliplining than what was proposed. So, it will be less expensive than we originally thought. But, San Juan Avenue is going to need attention first. Looking at those lines, there are sections where 5 – 6 feet of the bottom of the sewer pipe is completely gone. When Randy was here last summer, we were talking about paving San Juan and he said we would have to dig it up because it is sinking. Well, this is the problem. Jerry nor I think this line can last more than a year, so that will be the first area we work on in November.

Mayor Terrell: Tentatively, you are talking about between 12<sup>th</sup> and 5<sup>th</sup> Streets on San Juan?

Public Works Director Pacheco: Yes. For some reason, San Juan is in horrible shape. We may also want to think about other options sooner than November, such as weight limits. The big trucks coming down that road could really cause problems. So maybe we need to look at imposing some weight limits temporarily. If so, then we will have to enforce it in order for it to work. I'm afraid that is going to collapse, and if it does, we are going to have a real problem.

Mayor Terrell: There have also been a couple of the north/south streets that are having similar problems.

Public Works Director Pacheco: The sub water is worse this year than it has ever been.

Town Attorney Lintott: They are having this same issue in Hooper. They have a specific warehouse where they had to enter into an agreement for the trucks to travel through Town on a certain route, and if they damage the roads with the semis, they are required to take care of it. Why don't we set a time to talk specifically about the issues, and hopefully craft some solutions.

Trustee Hansen: When we started water restrictions, you were going to monitor it to see if we needed to increase the restrictions and/or to let us know if they are working. Have you been able to compile that yet?

Public Works Director: We are running higher than we were last year. I would recommend that we advertise and increase the restrictions to include no watering on Mondays. This has made a huge difference in the past. We could give a few weeks' notice and begin July 1<sup>st</sup> to include that there will be no outside watering on Mondays.

Town Administrator Fye: I have an article ready today for the paper, so I can go over and get that added to be effective July 1.

Mayor Terrell: That sounds good.

Discussion was held regarding citizens watering during restricted times, and the public was advised to please report it to Town Hall. The school is taking some great water-saving measures with their garden. The question was raised as to whether we are allowed rain barrels. Town Administrator Fye to check this and advise the public and the Board. Dan was requested to get pricing on concrete bumpers to keep people from running into the buildings in our parking areas.

**MOTION:** by Trustee Hansen that we increase the watering restrictions to add “no watering on Mondays.” Absolutely none.

**SECOND:** by Mayor Pro-Tem Engquist.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

## 2. Town Administrator Report

Town Administrator Fye: Unless any of you have questions, there weren't any action items on my report.

Trustee Hansen: What is going on with a new or different pickup truck?

Town Administrator Fye: I have a call in to Town & Country to get pricing. We need at least a one ton in order to pull the excavator & trailer, as well as to mount a snow plow. They are looking for something for us. I have also been looking on-line for government auctions too. I have also added a dump truck to the list. We talked about purchasing a grader, but Dan has advised me that we do not need the grader as much as we need the dump truck. Both the new pickup and dump truck should be able to handle a snow plow on the front, and they will serve us better than a large investment for a grader that is only used 4 to 5 times per year. The cost for both will be less as well.

Trustee Hansen: What is going on with the Audits? The Auditors were supposed to be here this week.

Town Administrator Fye: They called and postponed and will call back to reschedule. Jo, who will be visiting our office had to be out of town.

Trustee Hansen: Them not coming is not holding up anything is it?

Town Administrator Fye: Not at all. It may be holding up things we can do to fix the procedures in our Quickbook systems, but we are accomplishing what has to be done right now.

Trustee Hansen: I see on your report, you talked about a second installation of Quickbooks. What training are you planning?

Town Administrator Fye: Our Quickbooks crashed twice, and that's what I'm referring to there. The re-installation and recovery of our program. We discovered that Rese purchased 2 additional licenses for Quickbooks in November, 2016 per the Mayor's direction. We were unaware of these licenses. Quickbooks will not allow 2 users to be inside the same company (fund) at the same time. Our Quickbooks will be installed on a server as we complete the IT infrastructure, but for now it is only working on the Clerk and Deputy Clerk computers. This is a peer to peer network.

Trustee Hansen: When will the server be installed?

Town Administrator Fye: As soon as we get our network upgrade with Colorado Central Telecom, along with the wi-fi for the community building, and the phone system, then we'll be able to get the server set up. There will be a server rack installed in the back office for our hub. I will need to get IT back in to set up the server.

Trustee Hansen: Is Colorado Central Telecom responding to you or are they ignoring you?

Town Administrator Fye: Well, they were ignoring me, but I believe we will get a response now. I have taken actions to assure this.

Trustee Hansen: Don't let it go on much longer. If needed you should ask Karen for help.

Trustee Hansen: On your report, you mention payment of payroll taxes to the State of Colorado. Is that working right now.

Town Administrator Fye: None of it was set up for automatic payment. I had Shawn from LaJara look at our Quickbooks, and she nor I can figure out how these payments were previously made. It was showing a zero-balance check made out to the state/feds, and a check in the amount of the taxes owed to 1<sup>st</sup> Southwest Bank. I have now set this up for electronic payment.

Luana Lovato: Just a quick announcement, Colorado College at Crestone has a conference center, and they don't charge anything for its use. You just have to provide your insurance so it is a good resource for groups.

**Executive Session (if needed):**

Trustee Hansen: I would like to go into executive session. If there is something I am supposed to read, please pass it to me.

Mayor Terrell: That's what I need to see.

**MOTION:** by Trustee Loren Aldrich to go into Executive Session for the purpose of discussing matters protected by the Open Records Act under C.R.S. Section 24-6-402(4)(g).

**SECOND:** by Trustee Hansen.

Vote as Follows: Trustee Aldrich – aye; Trustee Collins – aye; Mayor Pro-Tem Engquist – aye; Trustee Hansen – aye; Trustee Wilson – aye; Trustee Torrez – aye; and Mayor Terrell – aye.

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

Mayor Terrell: Based on Trustee Aldrich's request, is the Town Attorney to be present?

Town Attorney Lintott and other Trustees: Yes

Town Attorney Lintott: 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 Terrell: The Town Attorney has recommended that no further record be kept of this executive session. The time is now 8:31 p.m. and I am turning off the tape recorder at this time.

Mayor Terrell: The time is now 9:33 p.m., and the executive session has been concluded. The participants in the executive session were myself, Mayor Terrell, Mayor Pro-Tem Engquist, Trustee Hansen, Trustee Collins, Trustee Wilson, Trustee Aldrich, and Trustee Torrez.

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 Meetings Law, I would ask you to state your concerns for the record.

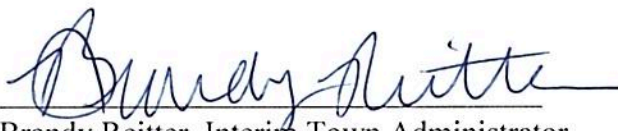
**Adjournment:**

There being no further discussion, Mayor Terrell adjourned the meeting at 9:37 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES  
SAGUACHE, COLORADO

  
\_\_\_\_\_  
Elvie Samora, Mayor

ATTEST:

  
\_\_\_\_\_  
Brandy Reitter, Interim Town Administrator