

TOWN OF SAGUACHE
Board of Trustees
Regular Session
November 16, 2015

The Town of Saguache Board of Trustees met for a Regular Session on November 16, 2015, with Trustees being present as follows:

Greg Terrell, Mayor	Present
Luana Lovato, Mayor Pro Tem	Present
May Engquist, Trustee	Present
June Savage, Trustee	Present
Tony Sandoval, Trustee	Present
Kate Vasha, Trustee	Absent (excused)
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: Robert P. Trujillo, Lorraine Lopez, Barbara Donahue, William Donahue, Byron Williams, Adrienne Garbini, and Pete N. Garcia.

Call to Order Public Hearing:

Adoption of the Saguache Municipal Code is to provide codification of all ordinances of the Town of Saguache.

- Review/Discuss/Approve Ordinance 2015-4: An Ordinance of the Town of Saguache, Colorado Adopting by Reference and Enacting a New Municipal Code for the Town of Saguache; Providing a Penalty for the Violations for the repeal of Certain Ordinances not included therein; Providing a Penalty for the Violations thereof; Providing for the Manner of Amending such Code; and Providing when such code and this Ordinance Shall become effective.

Mayor Terrell called the Public Hearing to order at 6:32 p.m. he stated the hearing is for the adoption of the codification of all ordinances for the Town of Saguache, and the Municipal Code. Town Attorney Eugene Farish began by reading the public notice for public hearing as pursuant to section 31-16-203 C.R.S and the notice reads the Board of Trustees and the Town of Saguache hereby gives notice that a public hearing should be held at Saguache Town Hall 504, San Juan Avenue, Saguache, Colorado at 6:30 p.m. on November the 15, 2015, (adding that notice had been given of the changed location) concerning the towns adoption of the Saguache Municipal Code the purpose of the Saguache Municipal Code is to provide a codification of the ordinances of the Town of Saguache. The Saguache Municipal Code was published by Municipal Code Corporation. On October the 19, 2015 the Saguache Municipal Code is scheduled for adoption following the public hearing November 16, 2015. Copies of the adopted ordinances in Saguache Municipal Code are available for public inspection at Town Hall.

Town Attorney Farish added that Trustees have been going through this process for three years, and went through all ordinances and had them sent to a codifier to put them together into broken down into general provisions, administrations, and appendences such as how the town is organized, rules

and procedures for board of trustees etc. He added there is a section on revenue and finance, and regulations.

Attorney Farish asked if there was any testimony on the Code- there was none.

Attorney Farish asked if the Town Trustees had any questions – there were none.

For the record, the public hearing and the matter was properly presented to the Board of Trustees for approval.

MOTION by Trustee Engquist; Second by Trustee Savage

Trustee Engquist moved to approve the Saguache Municipal Code as presented.

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

VOTE: 6 – Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Adjourn Public Hearing: was adjourned at 6:49 p.m.

Call to Order: Mayor Terrell called the meeting to order at 6:49 p.m.

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

Additions/Deletions to the Agenda:

Move Under Citizen Comments: Discuss/Approve Submitting Grant for Walking Brochure

Add Under Citizen Comments: Byron Williams – Discuss Sign

Add Under Old Business – Discuss RFP – Sewer work and FEI -Susan McCannon.

Consent Agenda:

The consent agenda includes the Regular Session minutes for October 19, 2015, Special Sessions on October 28, 2015, November 11, 2015; and November List of Bills; Clerk’s Report (written); Maintenance Report (written)

MOTION by Mayor Pro-Tem Lovato; Second by Trustee Savage

Mayor Pro-Tem Lovato moved to approve the consent agenda for November 16, 2015.

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

VOTE: 6 – Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Assignments and Commitments Review:

Discuss future workshops (emergency preparedness, water treatment, water/sewer rates, sidewalk policy): Tabled for January meeting.

Citizen Comments:

Karen Peeples: *Was not present.*

Byron Williams Discuss Sign: Mayor Terrell asked the Trustees if they had seen the sign submission from Byron Williams; there was a nod of heads. Byron Williams stated he wanted to know if he was in the ball park so to speak with the design of the sign. Mayor Terrell stated essentially the Town has nothing to do with the sign. He reported he did speak with Rick from CDOT who informed him that if you look at the post the sign will sit on its far enough from the highway that you may not need CDOT approval. Mayor Terrell also stated that this is a Chamber of Commerce project, but he personally likes the sign. Byron Williams said the sign design is preliminary and it was designed by Mike Cowlan, the size would be around 4x8 feet, he added the sign would not be lit, and would be an aluminum material mounted onto wood. The sign would be located between San Juan and Denver Avenue and the sign would be double-sided. Byron Williams stated he wanted us to know that if the sign meets with the approval of the Town and there are no objections from the Board. Mayor Terrell added a suggestion that he gets with Jane Martin to possibly discuss the color selections for the sign. He asked if there was nod of heads for approval. Permission was granted.

Discuss/approve Submitting Grant for Walking Brochure: Adrienne Garbini reported the Historic Preservation Committee is seeking to apply to a grant program run by History Colorado. The grant program is called Certified Local Government Sub-Grant program. She added they would be writing the grant under the 5th provision which is Public education programs, activities, or publications that create an awareness or understanding of local, state, or federal preservation programs, or that inform broad sectors of the public on preservation issues, including website development. She added this grant requires no matching funds; the application is due December 1, 2015 which she will be doing on behalf of the Historic Preservation Committee. If awarded the grant they will use the funds for a comprehensive photographic survey of historical resources in Saguache, and around. They will be updating, expanding, and redesigning the historic walking tour of Saguache publication, and would be publishing it in large quantities and distributing the publication of the tour for free. It would also be accompanied by a new website with image, audio, and video resources; that would also be featured in the publication. If awarded the grant they will find out in early 2016, the project would have to be completed no later than June 30, 2016. Mayor Terrell asked if the walking tour website would be incorporated with the Town of Saguache website. Adrienne Garbrini responded that yes, that website would be able to link to other sites.

MOTION by Trustee Viridin; Second by Trustee Sandoval

Trustee Viridin moved to approve Adrienne Garbini submitting application to History Colorado for the CLG Sub-Grant program.

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

VOTE: 6– Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Robert Trujillo: Mr. Trujillo introduced himself as a local, native to the Town of Saguache, he added he was at the meeting because of the Town Administrator position that the Town is trying create. He stated he feels that money could be used for a town police officer, as it was years and years ago when the town still provided its own law enforcement. He added this code enforcer opening position could be applied to a maintenance worker, adding that one day they would be retiring and the Town will need someone trained on Water/Sewer etc., He feels that a Town Administrator would be a waste of money, as the Town Clerk Garcia has done fine job throughout the years for the Town. He stated that after going by Town Hall last Thursday to pick up a copy of the RFP for Town Administrator; that at that time there had only been one RFP picked up. After reading through the RFP it seems as if this person will be hired to oversee maintenance workers, and staff inside the Town Hall. He added this person will also be writing grants for the Town? Mayor Pro-Tem Lovato responded yes. Mr. Trujillo responded than why not just hire a local grant writer. Mayor Terrell responded that in the past the Town has done that. A short discussion continued on the hiring of a grant writer. Mr. Trujillo then asked how much this person would be getting paid \$40,000.00-\$50,000.00 maybe more. Mayor Terrell and Mayor Pro-Tem Lovato responded that yes possibly. Mayor Pro-Tem Lovato went on to say that the Town Administrator position would be to oversee the projects in Town. She added that some of the Town projects are on hold because there is no one to oversee them. They would be responsible for maintenance staff, they would be responsible for writing grants, and bringing in large sums money for the Town. The grant administration of those grants, writing RFP's etc., in her opinion the position would be beneficial to the Town. Mr. Trujillo also stated he had never hear of any grievance coming from Town Hall having to do with the Town Clerk, he added that she's basically doing this job already minus the grant writing; so why not just hire a grant writer, and call them a grant writer. He added that the money that's going to be used for the Town Administrator could be used elsewhere with maintenance, or for a town officer. Mayor Pro-Tem Lovato responded that with a Town Administrator writing grants, would allow for grants to be written to pay into law enforcement, or to hire more staff in the maintenance department. Mr. Trujillo lastly stated that it just doesn't make sense to him. Mayor Pro-Tem Lovato thanked Mr. Trujillo for coming to the meeting and for giving his point of view. Mayor Terrell stated that last May the Town had looked into hiring someone for grant writing and that did not work out. He added that the purpose of the Town Administrator is to also take some of the pressure off of the maintenance department, and Town Clerk. He added that the Town Trustees are looking at it as helpful, so that the maintenance department and Town Clerk won't have to do all of the extra work that comes up. Mayor Terrell also added that there is a DOLA grant

that will help pay for a Town Administrator over the next three years. He stated that the first year the grant will pay 75% of the Town Administrators pay, the following year 50%, and the third and final year of the grant will pay for 25% of their wage. He added that the Town is looking for grants for the sewer, paving, and for basic infrastructure etc., and those grants will be a huge undertaking and will need to be administered. Mayor Terrell also added that this position is a contract trial basis for three months to see how this is all going to work. A short discussion continued.

Boards/Committees Reports:

Planning Commission Update: *The Planning Commission has no update at this time.*

- Review/Discuss/Approve Revised Master Plan: *Tabled for December Meeting.*
- Review/Discuss/Approve Building Site Permit and Excavation Permits: *Tabled for December Meeting.*

Historic Commission update: Trustee Engquist reported that she had met with Masons and will be working towards proceeding with the option to purchase agreement. She added that Adrienne Garbini has been working hard on a grant that will be used to update the walking tour.

Ordinances/Resolutions/Public Hearings:

Attorney Report:

Discuss Ordinance amending Saguache Municipal Code regarding fees, charges, and billing procedures for delinquent accounts: Town Attorney Farish began what he had done is taken the code from the Town of Center and tried to morph it into something for Saguache. He added that the procedure itself is more like a work session to figure out. What he wanted was for the Town to look it over and see if this something that could work for the Town of Saguache. Town Clerk Garcia reminded Trustees, this had been on the agenda at the October meeting where she had made the recommendation to keep the existing process the town has, as she felt it was not a good idea for the Town to get into budget billing, because we are not debt collectors. She also Deputy Clerk Reed also stated that the question came about because since she had started work in January there are still accounts with delinquent charges where tenants of homes had not paid the water, and moved. The problem is how do we get the property owners to pay those delinquent fees if their renter did not make payments?

MOTION by Trustee Engquist; Second by Trustee Sandoval

Trustee Engquist moved to approve keeping the Saguache Municipal Code regarding fees, charges, and billing procedures for delinquent accounts the same.

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

VOTE: 6 – Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Discuss trenching agreement: Town Attorney Farish began by letting Trustees know the only model he could find for a trenching fiber cables to look at was from Blanca, Colorado. He feels that some areas of Blanca’s trenching agreement could be pulled out and applied to the Town’s. He added that the trenching agreement can be tailored to what the town needs, and can be used as administratively, and doesn’t need to be part of the code. Mayor Terrell stated there have been problems in the past where people just start digging and it has created problems. Public Works Director Pacheco stated that it’s been a problem when accessing water/sewer lines and finding that fiber optics had been laid on top of them, it really becomes a hassle. Mayor Pro-Tem Lovato stated she’d like to have more time to review as she feels the current model is a little generic and needs to be specific to fiber optics. Trustees continued to discuss trenching agreement when it was decided to continue discussing the trenching agreement at the December 8th budget meeting after everyone has had a chance to review, and give suggestions.

Discuss possible resolution to Saguache Board of County Commissioners requesting forensic audit:

Mayor Terrell stated there has been discussion amongst residence in the county and one of the things brought up was pressing the county to do perform a forensic audit. He added this came about due to red flags being raised he suggested possibly forming a resolution with other neighboring Towns in the

county, this is because such a large amount of revenue is brought into the county and the money that goes to the Towns is based on their accounting. Some of the red flags have included money that seems to have come from nowhere being dispersed, or bank accounts that didn't exist suddenly existing. Mayor Terrell stated he himself and other residence have gone to the County Commissioners seeking answers to what's going on, and have yet to get a response. Mayor Terrell feels in doing a resolution that attention could be put on the County Commissioners to have a solid financial base rather than what's been going on with red flags. He added the idea originated on the other side of the Valley, and he had been asked to bring this information to the board. He said the resolution is nonbinding but is a suggestion. Mayor Terrell again stated the revenue brought into the Town is based on the county's accounting, so the Town has a huge stake in it. He also stated one of the red flags for the Town itself was when a check had come in from the county for \$10,000.00; and where did that money come from. Town Clerk Garcia responded that the money came from the highway user tax account that the county was putting in the wrong place, and this had been happening for years and only three years of that revenue was given to the Town the rest was lost. A short discussion continued amongst Trustees in regard to the County's budget and the current lawsuit they are under investigation for. Trustees decided they would contact neighboring towns including Center to see if they would be interested in creating a letter to the County Commissioners to request that they hold a forensic audit.

Discuss Christmas Party: After a short discussion Trustees and staff decided to have the Christmas Party on December 15, 2015 at 5:30p.m, location and further details are to be decided at the December 8th, meeting.

Old Business:

Ditch Update: Public Works Director notified the Trustees the head gates have come in and he will be installing two of them this week. He added they will be doing working on Christy and Denver Avenue to get those ditches open up. Mayor Terrell also added that Dan Pacheco had a great idea on possibly hiring Perry Hazard to do the ditch cleaning on Mr. Hazard's land, this way there's no hassle with it. Mr. Pacheco added Mr. Hazard is very particular about what's being done on his land. He added Mr. Hazard has all of his own equipment as well. He suggested with approval from Trustees that he go and speak to Mr. Hazard to see what he would quote the Town to do the work on his land, and he will report that information to Trustees at the regular session meeting in December. Mayor Pro-Tem Lovato asked if this was something that needed to be opened up for RFP. Mayor Terrell responded that is not the purpose of this, the purpose is establishing a good relationship with Mr. Hazard, because it is his property and he is very picky about just anyone on his property. So even if it was put to bid he could nix that. Mayor Pro-Tem Lovato responded if he chooses not to do the work, could we ask Mr. Hazard to join in a RFP process. Mr. Pacheco responded he will speak with Mr. Hazard. Trustees gave a nod of head that Public Works Director Pacheco to speak to Perry Hazard about the work that needs to be done on his property. Town Clerk Garcia did state that the work be planned in 2016 due to budgeting. A short discussion continued on ditches, and what it's going to take to open up ditches that had been filled in. Dan Pacheco also stated that in regard to Steve Nguyen that he's unsure if the ditches can be used for the Town's augmentation plan, he's looking also at the fact the Town may need to build a recharging pit close to Saguache Creek. The purpose of the pit is to allow the water has been taken out of the aquifer to be back in, for every gallon taken out a gallon must go back in with a twenty four hour time. He added that an ideal place would be on John Stephen's land where the Town's ditch runs right next to the Saguache Creek.

Review/Discuss/Approve Code Enforcement Officer: Town Clerk Garcia re-posted for the code enforcement position. Two applications had been turned into the Town by dead line. Mayor Terrell suggested the Town hold off on making any decisions until they see where they are at with Sheriff's Office after the public meeting. Mayor Pro-Tem Lovato also asked that the applications be scanned and emailed to her. Trustees decided to hold off until they see if something can be worked out with Sheriff's Office at the upcoming public meeting. Town Clerk Garcia also reminded Trustees that the advertisement for the old patrol car has closed and there were no bids made for the car. She asked what they would like to do with the car at this point. A short discussion continued about the old patrol car no decisions were made.

Discuss donation of clamshells- Community Thanksgiving Dinner: A short discussion about donating the clamshells had taken place. Town Clerk Garcia also brought up that the freezer at the community building was going to be switched with refrigerator unit that is located at the Welcome Center. Mayor Terrell then asked Public Works Director Pacheco where they were with that.

Mr. Pacheco responded he would be moving the unit on Thursday morning. Mayor Terrell then offered his trailer for the transporting of the refrigerator, and also stated that he could help if they could do it early on Thursday morning. Mr. Pacheco responded that he could do it on Wednesday at 1p.m, but added that he would need help to move it. Mayor Terrell offered to help move the refrigerator unit and that he would also find more help to move the unit.

MOTION by Trustee Engquist; Second by Mayor Pro-Tem Lovato

Trustee Engquist moved to approve the Town giving the clamshells to the Community Thanksgiving Dinner.

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

VOTE: 6 – Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

Discuss Susan McCannon RFP: Town Clerk Garcia began that Susan McCannon had her go to a QBSColorado.org that has templates and samples for RFP’s that CDPHE likes for applicants to use. She also informed the Trustees that she had completed a draft, but there are some dates blank. She added it won’t go out until December 16th so that gives them some time to go over it, she also stated Susan would help with the RFP process. Mayor Terrell added this is a preliminary item to work on that is for the study and design for the I&I sewer system. Town Clerk Garcia added that the same bidder could also put in for doing the construction. She added the RFP will close on January 26, 2016. She mentioned the Trustees will select one of the proposals by February 16, 2016. Mayor Pro-Tem Lovato suggested setting up meetings with firms as it may be beneficial, if we have one or two top candidates they’ll need to be interviewed. Town Clerk Garcia also stated the work is not set to begin until 2017. Mayor Pro-Tem Lovato asked how long it was going to take them to do the initial study. Public Works Director Pacheco responded that it could take easily 9 months to a year. Mayor Terrell stated the reality is we will be starting slower but finishing with the actual project ahead of time. He added that Susan laid everything out clearly and also gave suggestions on how to go about the loan applications etc. A short discussion continued amongst Trustee on the process they’ll be taking with applicants. Town Clerk Garcia stated that she will get in touch with Susan and get the blanks filled in; she will also update the Trustees at the December 14th regular session meeting.

Discuss/Approve Submitting Statement of Opposition under Augmentation Plan: Mayor Terrell asked Trustees if they had all gotten a chance to review Peter Nichols report. He added this is the right things to do, to have Mr. Nichols file a statement of opposition on the augmentation plan.

MOTION by Trustee Engquist; Second by Trustee Viridin

Trustee Engquist moved to approve submitting the Statement of Opposition under the Augmentation plan.

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

VOTE: 6– Aye; 0– No; 0 – Abstain

Let the minutes reflect the vote was unanimous.

New Business:

Discuss/Approve 2016 Optional Coverage Quotes- CIRSA: Town Clerk Garcia reminded everyone they had been given copies of the optional coverages that the Town could purchase. She added in 2015 the Town had purchased the “Equipment Breakdown” she added that its \$269.00, she also added in 2015 they also had done the “Death and Dismemberment” option if they would also like to do those again, but it’s up to the board. Town Clerk Garcia recommended that both would be good to have.

MOTION by Trustee Sandoval; Second by Trustee Viridin

Trustee Sandoval moved to approve the purchase of two optional coverages “Equipment Breakdown” and “Death and Dismemberment”

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

Discuss/Approve Selection of Temporary Town Administrator: Mayor Pro-Tem Lovato stated that she would like to interview the two applicants who handed in applications. Trustee Engquist responded after reviewing the applications that there is a huge difference in cost. Mayor Terrell made a recommendation they not interview for the simple reason as the one from Monte is a great grant writer, but has no government or municipal experience, she’s also a professor. Mayor Pro-Tem Lovato added that she’d like to do a list of pros and cons and they both bring a lot to the table. More discussion continued amongst Trustees when it was decided that applicants would be contacted to see if they were available on Wednesday for interview, no motion was made.

Discuss Town Christmas Party/Tree Lighting Ceremony: Christmas party is set for December 15th at 5:30p.m. Mayor Terrell reminded Trustees the Christmas Tree Lighting is scheduled for Saturday, December 5th at 5:00 p.m. Trustees and Town Clerk Garcia will be working on goody bags. Marge Hoglin will be doing hot cocoa and cookies at the Welcome Center. Community member Lorraine Lopez stated that she would like to be involved in bringing the community together through signing Christmas Carols; and offered to get something organized. Mayor Terrell stated he would like to see Trustee Sandoval light the Christmas tree.

Discuss Changing Columbus Day to Indigenous Citizen’s Day: *Tabled for January Regular Session*

Discuss Coleman Broken water line: Public Works Director Pacheco stated the line that people are thinking is broken is not. He stated that under the road there is an 18x18 wooden box sub drain. He added the reason he knows this is that five years ago himself and Dave Martinez had actually dug it out and did not find anything that is broken. The only thing they found was the 18x18 wooden box sub drain that can get plugged, and you will see the water when the sub water is high. Dan Pacheco did a state that if it was Coleman’s they would be responsible for the repair. He also suggested writing something up in the paper so that people aware.

Discuss Possible Bond Issue: Mayor Terrell stated that the Town could look into exploring a bond issue. Town Clerk Garcia suggested that they look at putting the bond on the ballot for 2018, as the work wont beginning until 2017. Mayor Terrell added that he’d like for everyone to do a little investigating to see about getting the bond issue on the April ballot. He would also like to get more information from Attorney Farish and further discuss the bond issue at the January regular session meeting.

Discuss moving the date of the Regular board meeting in December: Trustees had a short discussion on moving the regular session board meeting to December 14th, rather than December 21st which is very close to the holiday.

MOTION by Trustee Viridin; Second by Trustee Savage

Trustee Viridin moved to approve moving the December regular session board meeting to December 14th, at 6:30 p.m.

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

Discuss/Approve Submitting Grant for Walking Brochure: *Discussed under Citizens Comments.*

Trustee Comments: The Trustees had no comments.

Executive Session (if needed): None was needed.

Adjournment: There being no further business, the meeting was adjourned by Mayor Terrell at 9:30p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO

Greg Terrell, Mayor

ATTEST:

Therese Garcia, Town Clerk