Minutes of the Board of County Commissioners Meeting, held on April 13, 2016 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  Darius Allen, Chair  
Marianne Dunne, Vice-Chair  
Mike Yohn, Commissioner  
Gigi Dennis, County Administrator  
Jason Kelly, County Attorney  
Belina Ramirez, Deputy Clerk

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition of Otero Jr College TB testing Contract under Consent Agenda.

m/s Dunne/Yohn motion to approve April 13, 2016 Agenda with addition.  
Motion was approved unanimously.

Approval of Minutes

m/s Yohn/Dunne motion to approve minutes of March 23, 2016  
Motion was approved unanimously.

Bills/Obligations

Commissioner Yohn requested UAS Funding not having a line item so he would like to pull this and discuss during Board & Staff Updates.

m/s Yohn/Dunne approve Bills/Obligations with exception of UAS Funding Voucher to discuss further  
Motion was approved unanimously

Public Comment

Consent Agenda

Business Lease –SB94 Probation Office
Letter of Engagement –Kutak Rock LLC
Alamosa County Investment Policy
Agreement to provide Professional Consulting Services-Maximus Consulting Services
Clerk & Recorder’s Report for February
DHS Contract-Therapeutic Interventions to treat addictions in County Jails
Otero Jr College Contract-TB Testing

Jason Kelly requested to remove the Letter of Engagement for Kutak Rock and Otero Jr College Contract as he hasn’t had a chance to review so if we could discuss under Board & Staff Updates.

m/s Dunne/Yohn to approve Consent Agenda with the exception of the Letter of Engagement with Kutak and the Otero Jr College Contract
Motion was approved unanimously.

Public Hearing

Land Use & Development Code Fee Change

Commissioner Yohn asked where did you came up with these fees.

Rachel Baird stated she brought this up at the last Commissioners meeting showed compared values from the other six Valley counties of what they were charging. We need to streamline the process.

Commissioner Yohn stated we did see those but he just wanted this restated.

Commissioner Dune stated to form a major subdivision costs the County $3000

Rachel Baird stated we haven’t done one since 1981. We did something between the old code for River Dance.

Commissioner Allen asked if there were any responses. Sometimes they ask for environmental assessments.

Rachel Baird stated it is at the discretion of the Board to request other things. The last time was 2007 that they adjusted the fees.

Gigi Dennis asked if the fees will be published under our Website.

List of Exhibits

1. Staff Report into record
2. Notice of Public Notice

m/s Yohn/Dunne motion to approve Land Use & Development Code Fee Change
Motion was approved unanimously.

Adams State University

Beverlee McClure was present. She thanked the Board for the contribution that came from Conservation Trust Fund. They really do appreciate the gift. They want to reassure the Community that the College is still accredited. Unfortunately in 2014 they were mentioned in an article of higher education that claim two athletes took their online classes that ended with us put on probation. We are still fighting this. At the last board meeting they approved a new program for Masters in Business Administrators. Credits are transferable this doesn’t affect their degree. They know this will be reversed just don’t know when. The Economic Impact study we presented shows everyone what the
return investment of the University. The impact is a 78 million which means for every State dollar that is invested in the University we have an 11.5% return. We have the highest Pell Eligible students in the State. We also have an economic impact. We employee 800 people but with impact we are responsible for 347 jobs. Our budget looks like we are going to be in-between. We look forward to great things.

Commissioner Yohn stated damage control is hard but we appreciate it.

Beverlee McClure stated internally we were already prepared for accreditation to show to that we are going the beyond.

Commissioner Dunne stated she is pleased that they hired you. It has been a challenging year for you. She thanked her for being a wonderful leader. It is a great institute for higher learning. She also appreciates the collaboration with Trinidad State Jr College.

Commissioner Allen stated Adams State is important to our community. What would happen if it wasn’t here?

Commissioner Yohn asked if about the guaranteed tuition for 4 years which is not in this impact study. I this unique to ASU.

Beverlee McClure stated we were the 1st and for a while the only one but now CU has followed in their footsteps. Tuition would be able to be locked in through their fourth year. The reason we are able to do this we get reimbursed more for a sophomore, more for a junior, and then more for a senior. This is a great way to reward institutions to keep students to continue. She doesn’t foresee this will change for us because there are some in the State that have to reevaluate this.

Commissioner Dunne stated ASU is a cultural aspect for the community. She loves the concerts and performances. The Drama department is excellent. It is a boom for the rural community.

Beverlee McClure stated April 22nd they have Paul Newman which will be his last performance. Thursday night Hampton Sides the author of “Blood and Thunder” will be here. They are looking for more and better ways to make it better.

Land Use Department

Rachel Baird was present.

Invenergy HB 1041 Permit Clarification: We approved a 75 MW solar facility on October 14, 2015. The permit documents were signed and filed. On March 4, 2016 the company was reviewing the permit documents and noticed that the battery storage component was left out on the final permit. They looked at some language so it would amend the first page to read “To Construct and operate up to a 75 MW (alternating Current (AC) solar photovoltaic (PV) electric generating power plan with an option for energy storage on approximately 480 acres.”. This is a clarification not an amendment.

Commissioner Allen stated when they came in they did mention battery storage.

Commissioner Dunne stated yes this was a big part of their project.

Commissioner Yohn stated there was quite a deal of discussion on the battery storage and the footprint that it was going to start.
m/s Dunne/Yohn motion to make permit clarification
   Motion was approved unanimously.
   
Rio Grande National Forest Plan Revision MOU
   Rachel Baird stated the Rio Grande National Forest is doing a Forest Plan revision. She was asked by County Administrator if she was wanting to be a part of this. Later she was approached by Erin Minks of the Rio Grande National Forest if Alamosa County was going to have representation for the Forest Plan Revision. We have very little National Forest, it is very little in the top of the Sangre de Cristo property that is east of the Sand Dunes. They only received one formal commitment from one county so they are really trying to get commitment from the counties. It will take very little of her time.
   
m/s Dunne/Yohn motion to approve Rio Grande National Forest MOU and have Rachel Baird as representative for the plan revision.
   Motion was approved unanimously.
   
Rachel Baird stated she is not sure if they will have regular meetings but just send documents for her to review.

Commissioner Allen stated we do have very little National Forest but it does have some impact on economic development.

Commissioner Yohn stated that is where the fires are. He appreciates her willingness.

Arthur Danforth Zoning

We did a conditional zoning amendment. The homeowner came in and was in the impression of the amendment being never approved. We were officially waiting for CDOT to formally approve. Now the homeowner would not like it to be commercial. They would like to build a home. They would like to formally repeal it. They would have had to close their access from Hwy 160 and they didn’t want to comply with that.

Commissioner Yohn stated his initial concern was the property owner’s position on this but they are wanting to go back to residential. Is this going to be subdivided since they still have access to Hwy 160. This would be CDOT and they may eliminate the access.

Jason Kelly stated nothing changed in regards to access. Zoning reverts back. They went to CDOT and was told to close this access and they didn’t want this.

Commissioner Dunne stated Becerra Lane connects with Hwy 150.

Rachel Baird stated no it does not. It is parallel. They could close access if it is a dangerous access. They do have that authority.

Commissioner Yohn stated this is before he had access to Hwy 150.

Jason Kelly stated no it was already there when he applied, they wanted to move to another access.

Rachel Baird stated for the amount of traffic generated it deemed to be too dangerous. Becerra Lane would be adequate. He always had access for his personal driveway. It will remain a private driveway.
CDOT won’t review because it is not for a business. She can warn them. It is good to notify all who have access on Hwy 150.

Commissioner Allen stated the applicant wants it to go back to residential.

Commissioner Yohn stated this was really never approved commercial so no action needs to be taken.

Jason Kelly stated he would like this formally recorded.

Rachel Baird stated this is for recordkeeping they would prefer to have this in writing.

Jason Kelly stated he read the minutes from prior meeting and it was never followed through. Basically it stated if you want this zoned Commercial then the access is not sufficient so you will have to go back and widen everything. The applicants did not want to do this because it would be too much money so now it is being dropped.

Rachel Baird stated they are working on a SLV Council Government grant. She doesn’t need formal approval on the grant but it does mention of letter of intent. This is for $10,000 for storm water retention landscaping.

Jason Kelly stated for application of grant you don’t need approval from the Board but for acceptance you do.

Commissioner Allen asked if this grant requires a 100% cash match or can it be in-kind.

Rachel Baird stated it is one to one cash match but Andrew said how every much he did on Annex landscaping they could double the amount.

Commissioner Yohn stated it still makes the dollar go twice as far.

**Public Health Department**

**MOU-Regional Waste Tire Grant**

Della Cox-Vieira Baird was present.

**Regional Waste Tire Grant**

This MOU is a renewal this will be their third scope of work for this program. This Project is run through the Environmental program. This Project provides outreach, inspection, and oversight of entities that generate waste tires and haul them to keep them off the landscape. Part of this is for a waste tire event. We have had the last two previous waste tire collections in Alamosa and per the recommendation of CDPHE that we rotate them. So the next County on board will be Costilla County and the next would be Saguache County.

Commissioner Yohn asked so this has always been Regional.

Della Cox-Vieira stated it has always been Regional. We are the fiscal agent so it helps funding with our two Regional Environmentalists.

Commissioner Allen asked how much is the grant for.
Della Cox-Vieira stated $15,000. It is the same amount as last year. $8,500 is for personnel. It helps with travel and build relationships outside the food service.

Commissioner Allen stated they have done tire collections before but he would like to caution when we advertise this it encourages everyone to save tires until a next tire collection. Can we use the money another way? This starts a problem with calls come in asking when we are doing our next tire collection so people wait.

Della Cox-Vieira stated it becomes a counter-productive measure.

**m/s Dunne/Yohn motion to approve CDPHE Regional Waste Tire Group**

Motion was approved unanimously.

**Interagency Oversight Group MOU**

The way this works is it is sent to be reviewed by the Board, then sent back to the State to review, then sent back to the Board for signatures. Last year the Board signed at initial review so the State signed without modifications. This time we did have some requests for some additional detail until section 3 which asks us to identify the population. It serves children and their families through their process that provide services to them to lead them through to success. They had to articulate the two generation approach where they work with not only the children but their families. They work towards long term solutions for a successful change within their own dynamics and the way they work with the community. They had to articulate some process measures and some data. These are actions that the group are already doing. They just had to document better.

Commissioner Dunne stated this is between Rio Grande County and Alamosa only.

Della Cox-Vieira stated yes.

Jason Kelly stated in the years past it came through DHS.

Della Cox-Vieira offered to bring to the Board to look at since she is meeting with them first.

Commissioner Yohn asked if this is something already happening.

Della Cox-Vieira stated some require being voting members some not. They are mandated partners. They do attend the joint meetings.

Commissioner Dunne stated she couldn’t imagine them meeting twice a month.

Della Cox-Vieira stated no the staffing sessions for the children in youth that are involved in the program that meet twice a monthly. They come together to discuss needs, successes and challenges.

Commissioner Dunne asked how many years has it been going on.

Catherine Salazar stated it has been 5 years.

Commissioner Dunne stated it is probably too soon to determine if it is successful.

Catherine Salazar stated there are successes but are far between.

**m/s Dunne/Yohn motion to accept the content of the MOU Interagency Oversight Group**
Motion was approved unanimously

Commissioner Dunne stated on the financials there is a calculation of percentage wrong.

The 9Health Fair is Friday April 15th.

CTSI

Jon Wagner was present.

He brings the last 5 years of the trend analysis of the loss management. He provided reports of the Colorado Counties Casualty Property Pool (CAPP) and the report of the Workers’ Compensation Pool.

There are three types of Liability issues that come up through law suits: Public Officials Liability, Employment Activities Liability, and the Premises Liability. They don’t want to rely on Colorado immunity. There are six different immunity that excludes liability such as automobile coverages or law enforcement/jail activities.

The CAPP Loss Ratio shows we went up to 86% for Alamosa. The Report showed the Frequency # of Claims is 29, the Severity dollars of Claims is $126,269, and the Average Cost per claim is $4,354. Law Enforcement was the highest in Division and for the highest accident was inmate related. Last year your highest was vehicle related so we offered “Driver Training”. The Compensation Pool showed the Frequency # of Claims is 156, Severity $ of Claims is $959,048, and the Average Cost per Claim of $6,148. This showed Law Enforcement being highest in frequency in claims with Road & Bridge being the highest in cost. Slip, Trip, or Fall was the most frequent in type of accident.

The Commissioners requested him to give this report at their next Department Head Meeting.

Board/Staff Updates

UAS Funding

Commissioner Yohn stated the UAS is starting to require invoicing for payment where this is not budgeted for and having no revenue coming in. How is this funding and how much.

Gigi Dennis stated she discussed this with Brittney and they first decided to put under advertising/office supplies but after decided to put under Commissioners expenses because it is UAS and because there isn’t a line item designated. This class has come up in Florida. Any information we have received is from UAS. This class is being held by the FAA. It is the best interest to see what the government is saying by getting it straight from them and not from Constantine. They are trying to minimize on the costs.

Jason Kelly stated we have reached a point where we have to something. He attended a symposium where 130 people attended. All we can tell them was we have 5 COA’s with no flights coming in. They are running into a road block to implement what to do. There are some trials with info from UAS. He talked to Constantine about his concerns. He will be down next week to discuss the concerns further. FAA is issuing new rules. It may impact what we are doing. It may limit what we require. Hearing it from FAA is an opportunity to get straight from FAA. He is hoping it is worthwhile. He can make some contacts and get some information. We are not alone after attending the symposium.

Commissioner Allen stated we need to stay active and pursue.
Gigi Dennis stated Constantine has someone who could help build a website. Chafee County is jumping on this.

Commissioner Yohn stated he wants to pursue UAS but they need to know how to fund it, how much, and where it is coming from. Do we want to keep this under the Commissioner’s budget or put a supplemental? Do we want to put a cap on it or see what it costs?

Commissioner Dunne stated we have to stay on top of this because we have the University and the College involved and lot of effort for three years.

Commissioner Yohn stated the costs could add up quickly. There is also $500 for a booth.

Gigi Dennis stated we are co-sponsoring a booth with Constantine at an event in New Orleans.

Jason Kelly stated he knows of one other conference recommended by Constantine in New Mexico in December. The Registration is around $500 and is three days long.

m/s Yohn/Dunne motion to approve UAS Voucher and recommend putting $5,000 limit under Commissioners budget for this year and maybe do something for next year

Motion was approved unanimously

Kutak Rock Engagement Letter

Jason Kelly stated they got the Engagement Letter. The fee is $55,000 for bond council it only gets paid if bonded out. They need to change Routt County to Alamosa must have been a template. They will provide all the documents and they provide the bond council opinion. The document stated they provide legal assistance for finance structure, work with county officials as well as underwriter, they will participate in the direct development & participation of legal documents meetings with companies, mortgage companies including a lease purchase agreement, purchase agreements and continue disclosure undertaking Resolution of County authorizing Financing, assists request to any rating agencies or insure, issue a bond opinion, arrange for closing costs, prepare closing transcript, and perform all of the functions customary with the scope and duties of the Bond Council. There are some limitations. They do waive any conflicts. They don’t anticipate any conflicts but they have to let us know that. The fee is pretty reasonable.

m/s Yohn/Dunne motion to approve Letter of Engagement with Kutak Rock LLC

Motion was approved unanimously

Otero Jr College

This the contract that we do each year for TB testing for the Migrant Headstart.

m/s Dunne/Yohn motion to approve Otero Jr College Contract

Motion was approved unanimously

County Administrator
Gigi Dennis stated they need to Appointment someone to the Rio Grande Water Conservation District as board member. The got three applications and they need to appoint one. The three applicants interviewed were Rebecca Rain, Lewis Entz, and Steve Vandiver

Commissioner Yohn stated he was pleased to have 3 applicants and the quality of them.

Commissioner Dunne appreciated the applications.

Commissioner Allen stated Lewis asked to serve one more term. He feels obligated to him. Steve Vandiver knows more than anyone but he submitted a letter of resignation that would be uncomfortable for the ex-General Manager to review the new one. He understands Steve Vandiver will be hired as a consultant to the water users and he can still stay involved.

Commissioner Dunne stated Lewis Entz is up to date on water laws and he is a landowner. She feels there would be a conflict of interest if they subcontract him.

Commissioner Yohn stated he thinks Steve Vandiver would be able to express himself more not being in the management position anymore. His experience and where he has brought the board is impressive. He would recommend Steve Vandiver.

m/s Dunne/Allen motion to appoint Lewis Entz for another 4 years to the Rio Grande Water Conservation District Board

Motion was approved unanimously.

Adjourn

There being no further business, the Regular Meeting of the Board of Alamosa County Commissioners was adjourned.

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chairman

Marianne Dunne, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Alamosa County Land Use & Development Code Fee Change was held on April 13, 2016 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Darius Allen, Chair  
Marianne Dunne, Vice-Chair  
Mike Yohn, Commissioner  
Gigi Dennis, County Administrator  
Jason Kelly, County Attorney  
Belina Ramirez, Deputy Clerk

Rachel Baird was present.

Legal notice was published.

Issue before the Board of County Commissioners: Does the Board wish to adopt the proposed Land Use Fee Schedule:
- Floodplain Development $150
- Major Subdivision $50/lot + $3000
- Planned Unit Development $50/lot + $2000

Background: These applications are in the Alamosa County Land Use and Development Code but have no associated application fee. We have never processed an application for these uses and need to cover our costs for developing these permits. Furthermore, major subdivisions and Planned Unit Developments require an extensive review process.

Recommendation: That the Board of County Commissioners adopt the proposed Land Use fee schedule with an effective date of today, April 13, 2016.

Alternatives: Our options are 1) No Action 2) Approve the schedule with the date of April 13, 2016 3) Approve the schedule with a different effective date 4) Defer all action for now but reconsider at a later date.

Fiscal Impacts: The impact will allow the Land Use office to recover application processing costs.

Conclusion: By approving this proposed Land Use fee schedule you will allow the department to recover the processing costs and encourage development within the County if these applications are initiated.

Commissioner Allen asked if anyone would like to speak in favor of or opposition to this Land Use Code Fee Change.

No one made a comment.
There being no further business, the Public Hearing for Land Use & Development Code Fee Change Public Hearing was adjourned.

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chair

Marianne Dunne, Vice-Chairman

Mike Yohn, County Commissioner