Minutes of the Board of County Commissioners Meeting, held on March 11, 2015 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
Jason Kelly, County Attorney
Dennis Hunt, Interim Administrator
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Office Manager

Call the Meeting to Order

March 8th is the 50th Anniversary of the Vietnam War. As of 2013 the total number of US armed forces killed in Vietnam was 58,253 and the wounded was 153,363. As of 2014 there is 1,638 that are still uncounted for. In 1965 President Johnson authorized the landing of the 9th Marine expedition brigade about 5,000 strong that remained until March 8th.

Moment of Silence

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

M/S Dunne/Yohn motion to approve the agenda of March 11, 2015. Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-February 11, 2015
Public Hearing –Tu Casa Children’s Advocacy Center
Public Hearing –BOA Donald & Linda Hostetter
Public Hearing –Amendment to Zoning Alamosa County
Special Meeting-March 3, 2015

M/S Dunne/Yohn motion to approve the Minutes of February 11, 2015 and March 3, 2015. Motion was passed unanimously.
Approval of Bills/Obligations

M/S Dunne/Yohn motion to approve the Bills/Obligations
Motion was passed unanimously.

Public Comment

Dan McCann who resides at 1809 Sunset spoke. He has been here 19 years plus and ran for city council 4 years and county commissioner once. For the first time he has a good relationship with all 7 city council. In the County they are dropping like flies. Hopefully you can bring in some people with connections to the valley. There is sales pitches you could use such as ski wolf creek, hunting, and fishing. He has less problems with highway going south than north. He has 1800 sq. ft. and is paying $400 in property tax so this place is cheap. We have some drug problems but we have them everywhere. Here you can get a handle on it. You have some good things to sell here. You have a new Sheriff and new Police Chief and they are not going anywhere. Stability is what they need.

Approval of Consent Agenda

County Clerk & Recorder’s Report for January 2015
Department of Health Care Policy & Financing Contract Amendment No 1 –Long Term Care
Rebound Physical Therapy Agreement
Rio Grande Water Conservation District Board Appointment-Greg Higel
Agreement to Provide Professional Consulting Services-Maximus
SLV Housing Coalition CDBG Grant Contract Routing#77103-Down Payment Assistance
Public Policy Services Engagement Agreement George K. Baum & Company
Rio Grande Water Conservation District Contract to Buy and Sell Real Estate (Land)
Authorization Letter to Alamosa State Bank to add Frank Muniz on County Credit Card

Dennis Hunt would like to pull agreement to provide Professional Consulting Services Maximus, Rio Grande Water Conservation Contract and Public Policy Services Engagement Agreement for further discussion.

M/S Yohn/Dunne motion to approve Consent Agenda without Professional Consulting Services Maximus, Rio Grande Water Conservation District Contract and Public Policy Services Engagement Agreement
Motion was approved unanimously.

Agreement to Provide Professional Consulting Services-Maximus
Mr. Hunt stated Maximus Contract Exhibit B Consultant Services on page 7 says “Consultant reserves the right to subcontract for Services hereunder. Consultant agrees to notify client in writing of any such subcontract.” If could strike that out and add “Consultant may subcontract for the Services hereunder only upon the express written consent of Client, which shall not be unreasonably withheld” stated Mr. Kelly.
m/s Yohn/Dunne motion to approve agreement to provide Professional Consulting Services –maximus
  Motion was approved unanimously.

Public Policy Services Engagement Agreement George K. Baum & Company
Mr. Kelly stated in terms of doing public outreach for the Judicial Center the funding is an issue.

Commissioner Allen thought it was premature to approve agreement. Does this have to be done immediately? The next task force meeting is March 31st. The last grant that was presented that information was put in the grant information of how that outreach was going to be out to public. Once you certify a ballot question then you can’t cease it. You can table until after next 12th Judicial.

Commissioner Dunne stated some funds will come from the Judicial Department. She has no problem with tabling it. George k Baum has provided them with a lot of free services through the year.

Commissioner Yohn stated on the third page under agreement says “arrange for the payment to GKB of an underwriting fee, structuring agent fee or placement agent fee for and related to the Transaction, to be mutually agreed upon based on a percentage of the par amount of the bonds or certificates”. This is the underwriter agreement stated Kelly it was pulled off agenda and it is premature.

m/s Dunne/Yohn motion to table Public Policy Services Engagement Agreement with George K Baum until after meeting with 12th Judicial task force.

Rio Grande Water Conservation Contract to Buy and Sell Real Estate

We drew this up and they came back with some revisions. 1. Closing costs did confirm the costs would be shared between the county and the buyer. 2. Seller disclosures -land use and he has looked over it. Commissioner Yohn normally closing costs are shared so that is not out of line. Commissioner Dunne stated the only thing noxious weed is perennial pepper weed and we all deal with that. Everything is pretty standard stated Commissioner Allen.

m/s Yohn/Dunne motion to approve Rio Grande Water Conservation Contract to Buy and Sell Real Estate
  Motion was approved unanimously.

Public Hearings

1041 Permit Amendment –SLV LLC,(First Solar)

REFER TO PUBLIC HEARING MINUTES FOR MORE INFORMATION

Commissioner Dunne stated she appreciated the amendment regarding the soil. The reason for water is to spray during construction. They planned for mitigation of dust. Once construction is
complete native soil maybe compacted or graveled while remaining of site will be vegetated and may be seeded if necessary. Important will be held to that. It will increase the clarity of the air. They are going to make sure no problem with noxious weeds and address the dust.

Melvin DeHerrera stated vegetation is not going to grow without water. Chico is hardy and will come right back.

Commissioner Yohn stated they have heard the concerns and they have addressed this. Amendment 6 is one concern how emergency access will be gained if workers are in there and not have adequate transportation. Do they have something to transport individuals out or do you have an emergency response plan.

Roy Skinner stated they do develop emergency plans for projects. In case of emergency they would rely on emergency services. It is not like they cannot bring in emergency services but getting a fire truck would be difficult they would have to bring in smaller vehicles.

Commissioner Yohn stated he is not familiar with emergency services if they have small vehicles. They would have to park outside of the perimeter of road.

Mr. Skinner stated ambulance can get in but a fire truck would be challenging that is why they are not proposing to have road inside facility. If you have a fire within facility they would let them burn there and control on the outside.

Mr. Lepke asked for clarification he appreciates the letter from Land Use but the permit was granted and approved to LLC. It was published in Valley Courier. It was courtesy of First Solar to notify the neighbors. It was a lack on her side for the letter not being sent out stated Ms. Baird.

It is Vacant land no water use there.

Commissioner Allen when started process in 2010 they require to be open-transparent. They encourage open houses to talk with neighbors. The 1041 permit is public information. They try to cover every aspect. There is a wildlife assessment and a soil assessment in 1041 application. This went to the Planning Commission and Mike Gibson sits on board. He was shocked when they applied for 250 ft. that is a whole season of alfalfa. It is up to and they will not need that much. It is not going to be a well it will be purchased somewhere else. He is a proponent of property rights. Owner of land went through proper procedure to sell land. What buffer between property line and construction would actually start?

Mr. Skinner stated he doesn't know how far the fence would be from the property line. 20-40 setback from equipment to facility. If a house is close to be respective of the neighbor and setback to 200 ft. They did this in another facility in Mosca. They can do this stated Mr. Skinner. Land use can get a hold on it if dust control if it gets out of hand. They can handle dust with gravel.
Mr. Kelly stated he had questions. Amendment 2 did you look at co-locate on existing one. It is possible but the issue is poles are owned by Xcel. The poles are not tall enough to put additional lines. Three lines for each conductors on each circuit. Their lines would have multiple lines so height would be a problem there.

List of Exhibits
1. Staff Report
2. 2. Letter from Applicant
3. 1041 Permit –LRE Alamosa, LLC
4. Resolution No. 2010-G-013
5. Resolution No. 2012-G-007
6. Resolution No. 2012-G-003
7. Public Notice for the BOCC
8. Warranty Deeds
9. Assessor Property Cards
10. List of Adjoining Property Owners
11. Neighbor Letter
12. Open House Leaflet

**m/s Yohn/Dunne motion to approve 1041 Permit amendments for First Solar Motion was approved unanimously.**

Commissioner Yohn stated they are trying to make it easier to proceed but not diminishing environment by any means.

Commissioner Dunne stated solar is clean energy and she would like Alamosa use totally. The panel’s maximum height is 13 ft. The amount of tax dollars that go back into our schools and roads helps our community. It works harder than vacant land.

Commissioner Allen stated they help with our community development fund as well.

**Alamosa County Treasurer**

**Request for Assignment of County Held Tax Lien**

Lois Widhalm was present.

I requested to meet with the Board to discuss a request that she has received from Jeff Otey who is seeking an assignment of a county held tax lien for parcel 541718107036. The property legal is “Deer Valley Meadows Lot 36 Blk G unit 1, 2.89 acres. There is a county held lien from 2010 on this property with taxes, fees, and interest owing in the amount of $877.05. No time since then has the owner come forward to relieve. They would be eligible for a Treasure’s deed if they had interest. No indication from the Board as to their interest and Mr. Otey has come forward in assigning property to him. By paying the full delinquent taxes $671.42 and having a waiver of fees of fees and interest due of $205.63. If awarded she would do this with a $4 assignment fee. He could immediately apply for a Treasure’s deed and pay current taxes of $108.76. Her
position statutory does not allow her to relieve that interest. They do need to try hard to have properties back on tax roll.

Jeff Otey who resides at 7758 Deer Run Place in Deer Meadows spoke. He is interested in buying this piece of property. He is the only one that lives out there. He is interested in buying all the property in the cul-de-sac then he would petition if he could buy cul-de-sac. He has talked with Phil West with Road & Bridge to not to come and grade there because he does it himself and he is trying to buy the cul-de-sac. His issue would be paying the interest and the fees if he owned this before he would see why he would have to pay this but this would take this property off the lien. It will not be a purchase but an assignment of a lien. It will not change the ownership of the lien until he would go through a deed application and would result in her issuing him a Treasurer’s Deed that will go into his name.

Commissioner Yohn stated he would think this would be a good thing for the county. He has a conflict with waiving all the interest because not normally it is not done and is assignment. He would like to see the whole amount but he is not in objection to it.

Commissioner Dunne stated appreciate him wanting to buy the property.

Ms. Widhalm asked Mr. Kelly to address one question regarding the waiver of interest. Mr. Kelly stated the Treasurer is limited to how much interest she can waive. It is by statutory $50 or otherwise indicated by the board. They can increase the amount she can waive by a resolution which is an option.

Commissioner Allen stated when you own the land it is easier to control your neighbor. His concern is what precedence does this set for waiving fees to others.

Mr. Kelly stated you are certainly setting a precedence but the amount of interest is rather insignificant at $205. By the county waiving interest but having property back on the property tax roll it would factor this out and have a net gain. There is some reason for this to come back to the board. Each case is different stated Ms. Widhalm. She would not feel comfortable treating each application the same. Mr. Kelly stated by having them come before the board it prevents it from becoming arbitrary. This was delinquent since 2009.

Commissioner Yohn stated instead of striking this out and get back on the tax roll you get revenue off of this.

Commissioner Allen asked Mr. Otey if he ever met the owner before. No he never met anyone. He is the only one living on Deer Run. He doesn’t want to worry about someone pulling a camper beside him, living in it, and dumping everything on the ground.

Commissioner Yohn stated this is not a purchase from the County. Ms. Widhalm stated it would be a lien.

They will follow the requirements of applying for a Treasurer’s deed they would have to notify the owner and Mr. Otey understands this.
m/s Dunne/Yohn motion to waive interest and fees since 2009 for this property and assign the lien to Mr. Otey upon payment of the actual taxes owned
Motion was approved unanimously.

**Alamosa County Sheriff’s Department**

Sheriff Jackson was present.

*Alamosa County Inmate Commissary Credit Card Request*

The problem that has arisen is they have a significant amount of money that is in this account, originally they thought they could get a debit card but since it is a two party checking they are unable to. The Bank suggested they can get a credit card and pay back through this account. They are looking at purchasing exercise equipment. Anytime the jail administrator needs to purchase anything from this account they can with the credit card. WSB audits this. Captain Duarte is responsible for this account. They make 15% from the company that does this commissary account. There is a significant amount that they could benefit from. It is from the sales of candy, toothbrush, underwear or anything the inmates need to purchase.

Dennis Hunt stated a limit needs to be placed on the credit card.

Commissioner Yohn stated they had one before. When an inmate leaves and they have money left they write a check to them which needs two signatures. This is no longer a budget item under Sheriff and no one knew the value or transactions.

Ms. DeHerrereae stated same account nothing changed reported to Treasurer. It is restricted what money can be pulled out for. There is statutory rules of what money can be used for. It has to be used for inmate benefits. It is part of the County’s annual audit and has always been. Two accounts they are aware of which evidence is the other. Who has control of the evidence account asked Commissioner Allen? Carol Orton and Kristy Duarte are in control. Why is it a separate account asked Commissioner Yohn. Ms. DeHerrereae stated this is a separate account part of issue is how many credit cards they have. Not sure if Sheriff Office ever purchased items for inmates benefit. Ms. DeHerrereae stated this is a process for actual control. If there is an account already why don’t they apply for a credit card for automated payment like a debit card? They requested a debit card but because the checking system is two party checking so cannot. Should they exceed the amount in that account will it come out of General Fund? He doesn’t want to exceed the account.

Mr. Hunt asked if the County has a Credit Card Policy right now. No stated Mr. Kelly. Commissioner Dunne stated she is interested in the cash flow. It is deposited at SLV Federal Bank stated Ms. Duarte. Can we change to a one party and apply for debit card. But as long as limits of credit card are not exceeded. Alamosa County is responsible for the credit card stated Mr. Hunt. His recommendation is to put on the credit card Alamosa Commissary account.

Ms. DeHerrereae stated they can have a big expenditures such as mattresses.
Commissioner Dune stated she appreciates they want to use this for the inmates. It will help with morale of inmates as well as the deputies. With commissary things are expensive. They are in process of reviewing vendors as well stated Sheriff Jackson.

Commissioner Yohn stated will make things easier but there has been concerns with the commissary in the previous years. The amount in the commissary is in the neighborhood of $30,000 stated Sheriff Jackson.

**m/s Yohn/Dunne motion to authorization credit card for County Inmate Commissary not to exceed $5000.**  
Motion was approved unanimously.

He requested from Kirk Taylor Pueblo County Sheriff evaluation of his jail. Two were his Commanders 1in patrol and 1 in detention, Sergeant and the Sheriff came. After initial briefing of how they run the facility they asked to be treated like a prisoner from the beginning. They observed everything. They were given a verbal report and emergency needs that need to be made immediately. They suggested the female pod be kept at 8. It was an unofficial evaluation but gives them an idea of what is going on. They plan on the next 90 days that will coincide with the new policy and procedures that will address most of these items. One of their huge concerns was the air quality.

Commissioner Dunne appreciated the initiative he took to do this. It was very informative. They are willing to come back after they improve things to re-evaluate stated Sheriff Jackson.

Commissioner Yohn stated a lot of times they don’t know what they are missing.

Commissioner Allen stated a lot of things they brought up were easy to fix. Maybe they could sit down with maintenance department, Sheriff, and Commissioners to discuss things. They talked about a handbook for the inmates. They found one but the problem with that is they will destroy it so they will have it in the kiosk. They do run into some who cannot read so take consideration to that and are talking about a Spanish version.

Inmates being productive and be involved in activities stated Commissioner Allen. If you keep them busy it will change temperament of facility. A misconception of the inmates can be working on roads. 75% are not eligible for trustee so if they are just sitting there thinking of things to do such as fighting. They purchased a ping pong table. They are going to keep them active. They have instituted a system to do regular pod and cell checks every 30 minutes. They will have Software that records a deputy checks the pods and cells.

Shawn Woods and Kristy Duarte were presented. Mr. Woods stated they were called out 6:30pm. When he was notified he picked up the Sheriff and they responded. The Sand Dunes security handled their own incident. If was their job to assist. They realized the Sand Dunes officer on charge was new. They reached out to their resources. They had an Airplane that detects heat and it was flown out. They had a debriefing and had several responders that came in and assisted. They brought in 5 ATV’s from Rio Grande. The problem he sees down the road is if Rio Grande had something going on they wouldn’t have been able to assist. Lucky that one
respondent was able to assist. If he did not have Facebook and seen the child he wouldn’t have been able to known what to look for.

Commissioner Dunne asked if we have any ATV’s. We have two stated Mr. Woods but they are old and will have to see what needs to be done with them to get going. They were told Search and Rescue has some but they had to ask around for some.

They did have resources that they were able to use but it was controlled by the Sand Dunes Rangers stated Jackson. Next time we have incident command the Sand Dunes will be there. If it was a prolonged search they would have the National Guard to assist.

Commissioner Yohn asked where we are on vehicles. Sheriff Jackson stated they purchased 7 vehicles from Jefferson County. Two still need to be delivered which are the expeditions. He didn’t exceed $26000. They put a request for a jail van and found one from El Paso County with a good faith gesture for $300. This is in the works. Vehicle wise they will be good for a year or two.

**Alamosa County Public Health Department**

Della Cox-Vieira was present.

She understood in 2013 the Board approved a full-time Physical Therapist and they never got anything. She would like to try again. If we put together an exempt position they could offer benefits perhaps they could get someone interested. One physical therapist they have is thinking about retiring.

Commissioner Allen asked if we have been without a physical therapist since then. One retired last year and the other two are contracted stated Ms. Cox-Vieira.

Connie Ricci stated they have been advertising for a physical therapist since October and had no hits for that. They would like to advertise as a full time position maybe that would be more attractive. They have not had much luck with a contract set up. Commissioner Allen asked if she would need the other two contracted. She would need the other two contracted already. When they contract it costs more. Commissioners agreed upon this since the position is already allocated in the budget.

**Mennonite Volunteer Service Program**

Alice Price approached her with a volunteer. He is currently finishing up his senior year doing a standard pre-med program. He would like to get experience in the health realm. A five reference summary was presented. They wouldn’t be putting him in with patients since he doesn’t have any licenses. He could work on experience with the epidemiologist, projects with Public Health projects like CHAMP and Health Fair and Quality Assurance with Home Health. There is a monthly stipend of $900 a month that is paid to Mennonite Services. She did get a copy of general liability but doesn’t cover professional liability but that is not needed because he is not a professional.
Commissioner Dunne stated she has had a lot of experience with the Mennonite Volunteer Services and it has been great.

Connie Ricci stated she checked with Workers Comp the Mennonite Volunteer program has this so the County doesn’t have to purchase this.

Ms. Vieira stated it is for a year and usually starts in August.

Commissioner Yohn asked if we have ever done this before so he is sure there is some liability but wants to make sure it’s there. Mr. Kelly stated he would like to look at the liability and since paying the organization they would have to have some type of agreement. They do stated Ms. Cox-Vieira she signed a standard contract with one at Saguache County.

Lynnae Rappold is going on inspections with the Public Health Directors so they can see what she does. It is a wide range of things she inspects. It was very helpful.

Commissioner Dunne asked if Saguache County has hired anyone yet. Not yet they have two co-directors that they are working with.

They received some additional funds for Ebola disease and she would like to make it a regional effort.

Commissioner Dunne asked if she is coordinating with Adams State University because that would be the main place this would come in. Yes stated Ms. Cox-Vieira creating a broader network it will be to improve planning and monitoring the process.

Hantavirus is coming as the weather is becoming warmer. A notice will be going out.

Rabies recently exposure to wildlife but neither animal tested positive for rabies. One was just sent this week and they are waiting for results. It was not in Alamosa County.

Commissioner Dunne congratulated them on working on the Tobacco Free parks and the 9Health Fair.

**Alamosa County Road & Bridge**

Phil West and Tim DeHerrera were present.

**Employee Position Request**

He would like to request for two people. With the last snow storm they had 5 people on Sunday and trustees on Monday. Then two of the Airport snowplows broke so they took 2 loaders. Restrictions of FAA are getting tighter and tighter. Everything has to shut down when they shut down the Airport. They had 2 loaders and a backhoe plus 2 graters working there. They had to shovel snow off roof. Eagle air had to make like 12 trips so they lost a lot of time. It takes 1 guy to do the skid test and one to do Nodems. They could split Chris and Tony to do two 12
hour shifts. They could run 2 plows 24 hours a day which would allow them to get their roads. They do the majority of the snow removal. He likes to plow before it packs and then it melts and gets muddy. He doesn’t have say out there but they do majority of snow removal. Since they will be in second quarter he has enough to pay them this year but would have to budget for next year.

Mr. Hunt asked what the cost was to clean the airport. Mr. West stated he didn’t add it up but they can. It took 5-8 people with 2 blades and 3 loaders. They could look at contracting snow removal out. Other Airports do this. It would free up his people stated Mr. West. Normally they don’t get that much snow but there is nothing to say they won’t.

Commissioner Dunne stated it makes more sense to contract someone then to hire people for a snow storm that we may never have. How many hours did they put in? They put in 73 hours stated Mr. DeHerrera.

Commissioner Yohn stated he is sure there is someone who would contract for snow removal. They realize how much they do but more and more demands are being put on them. There is a lot of work to be done. They should consider one position at a time. Make sure they have enough for them to do. They have ideas for more for them to do.

Commissioner Allen stated it wasn’t in budget to do this. They need direction for future years. It is hit and miss. They should sit down and discuss what plans are for the years coming. They can have Airport sit down with them as well. It hasn’t been run by Finance and Human Resources.

Commissioner Dunne stated they need to plan better.

Dennis Hunt stated planning is required by statute for Road & Bridge. He is working on a surplus mower for Airport.

Commissioner Yohn stated they need to look at the obligations they are putting on Road & Bridge and all the calls they are getting complaining.

Commissioner Allen stated that was an emergency situation and how often do we have a foot of snow.

Mr. DeHerrera stated they can be short-handed so they do run into this.

Commissioner Yohn stated he mentioned to the Board that there are some good applicants out there right now. The timing is good for Road & Bridge and the applicant. We do need structure.

Commissioners decided they would like to have a worksession.

The Pink Elephant project is done. They had comp time there as well. Around 200 loads they took.
Administrator

Emergency Manager Appointment

They are proposing Christy Duarte for Emergency Manager. Mr. Hunt talked to both the Sheriff and Christy. They both agreed. He is working on the structure. He did let them know when she is working as Emergency Manager she is working under the Board jurisdiction. The Board is to oversee that position. The reason is during an emergency for example a fire has to approve a slurry bomber which is $30,000 so they don’t want to lose control of that. This is not uncommon it is the norm. Commissioner Dunne asked the situation with the lost boy she should have been out there but was left to run the jail. This wasn’t considered an emergency it was a Search and Rescue situation. Commissioner Dunne stated they are required to appoint by statutory 24-32-2107. This was repealed stated Mr. Kelly it is now 24-701-33.5.

m/s Dunne/Yohn motion to appoint Christy Duarte as Emergency Manager Motion was approved unanimously.

Back into session at 2pm.

Worksession

Alamosa County Roadway Access to Family Center

Board/Staff Updates

Adjourn

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

ATTEST:

Belina Ramirez, Office Manager

Darius Allen, Chairman

Marianne Dunne, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for SLV LLC was held on March 11, 2015 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
Dennis Hunt, Interim County Administrator
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Office Manager

Proposal: The applicant is seeking amendments to an HB 1041 permit for the Site Selection and Construction of a Major Facility of a Public Utility as set forth in the Alamosa County Guidelines and Regulations for Areas and Activities of State Interest.

Location: The 255-acre site is bounded by County Road 9 South to the South, County Road 8 South to the North, and private lands to the East and West. The legal description is the NW1/4 of and a fraction of the SW1/4 of Section 16, T.37 N., and R.10 E.

Project History and Background: The applicant, San Luis Valley, LLC, is seeking amendments to an HB 1041 permit. The original permit was issued by Resolution No. 2010-G-013 on November 23, 2010. A second hearing to extend the permit was held on October 24, 2012 and was approved by Resolution No. 2012-G-007. That resolution was amended March 27, 2013. The permit was transferred and amended again on March 26, 2014 by Resolution No. 2014-G-003. The project site was originally acquired by the Sustainable Energy Development Company, LLC (SEDCo). SEDCo president, Patrick Guinness, has been involved with the project throughout its development. The project was transferred to Lincoln Renewable Energy, LLC and their 1041 permit application was submitted on December 2, 2009. In late 2013, the project was sold back to SEDCo and the project permit was transferred to San Luis Valley, LLC. Since that time, San Luis Valley, LLC and the project’s 1041 permit were purchased by First Solar, Inc. First Solar has installed over 10 gigawatts (GW) worldwide and has developed, constructed, and operate some of the world’s largest and most successful photovoltaic (PV) power plants.

Public Notice: Notice was published in the Valley Courier on February 11, 2015 and courtesy letters were sent to adjacent land owners within 1,500 feet of the subject property.

**HB 1041 Permit Amendment 1:**

Under Section 2.1, Paragraph 3:
An inverter will be fitted for each solar array and will either be placed inside a prefabricated environmentally controlled, secure enclosure, or will be placed on an open pad with security fencing and may include an overhead sun shade.

Reason for Change and Analysis:
The applicant believes the perimeter security fencing should be sufficient protection for the proposed inverters and that additional interior security fencing would be redundant. Additionally, a sun shade may or may not be needed for the inverters. Staff has no objections.

HB 1041 Permit Amendment 2:

Under Section 2.1, Paragraph 3:
The inverters will be connected to the 1.0 or 2.0 kVA transformers, which will be interconnected via a series of fully-rated 34.5 kV underground cables and associated switching equipment. This system will ultimately connect to the facility’s on-site 34.5/69 kV substation via a 34.5-kV overhead transmission line that is anticipated to be up to 70 feet tall and constructed of wood or steel poles that will parallel the western edge of the project site.

Reason for Change and Analysis:
The applicant is requesting that instead of an underground distribution line, the line would be an overhead line and up to 70’ tall. The line will be less than a mile long and would parallel an existing overhead 69 kV transmission line along the western edge of the project boundary. Staff anticipates that the placement of an aboveground line will not disturb the viewshed in the area as there is already existing transmission infrastructure in place.

HB 1041 Permit Amendment 3:

Under Section 2.1, Paragraph 4:
The facility’s substation will be located in accordance with the County’s setback requirement. It is anticipated that the substation will sit on the northwestern edge of the project site, closest to Xcel’s existing substation and 69 kV line in an existing utility ROW. The facility’s substation will increase the electricity from 34.5 kV to 69 kV. The facility’s 69 kV transmission line will run over traverse the Applicant’s Permittee’s property and in to Xcel’s utility ROW and will cross the existing transmission line before reaching the proposed POI. The length of the facility’s transmission line is anticipated to be up to approximately 1,000 feet less than 200 yards.

Reason for Change and Analysis:
The applicant is requesting that the length of the 69 kV transmission line that connects the facility’s substation to the Xcel substation be increased by 400’ and to specify that the line will cross above the existing transmission line to the point of interconnection (POI). Staff believes
that an increase of 400’ is negligible and that the impact to the site will not be any greater than the existing transmission infrastructure.

**HB 1041 Permit Amendment 4:**

**Under Section 2.2, Paragraphs 1 and 2:**
Although the layout and design of the project support facilities is preliminary, the facilities will include parking for employees and visitors. The small public visitation and employee parking area at the perimeter of the facility will allow for observation of the facility. The parking facility will be self-serving, and maintenance will be provided as needed. This parking area will be constructed of clean, well-graded gravel to reduce the potential for dust generation. There will be onsite parking for employees, contractors, and invited visitors within the secured site and facility access will be controlled.

**Reason for Change and Analysis:**
The applicant is requesting that parking be restricted to employees, contractors, and invited visitors for security purposes and that the gravel paving requirement of the parking lot be removed. Staff believes this will not be a conflict because a public viewing area is not required by 1041 Permit Regulations and the applicant has proposed other measures to mitigate dust that are less impactful to the site than gravel.

**HB 1041 Permit Amendment 5:**

**Under Section 2.6, Paragraph 1:**
Water for construction and operations panel cleaning will likely be brought in via a water truck and purchased from the local contractor through their meter and supplemented if necessary may be purchased from an approved source and trucked into the site or may be obtained from an existing commercial well. Water from the existing commercial well may be trucked to the site, or if the commercial well is in close vicinity to the project site, a short water pipeline sized up to 8-inch diameter and less than a half-mile in length would be constructed from the well to the project site. Appropriate easements and road crossing permits would be obtained for construction of the water pipeline if applicable. It is estimated that approximately \( \frac{1}{2} \)-acre foot \( \frac{250}{\text{acre-feet}} \) of water will be required during construction, and approximately \( \frac{1}{2} \)-acre foot per year for panel cleaning will be required for operations.

**Reason for Change and Analysis:**
The applicant is requesting an additional option for water. The permit states that water would be purchased offsite and brought in by water truck. The applicant would like the option to obtain water from an existing commercial well and either truck to site or, if the distance is less than a half-mile, to install an 8-inch diameter water pipeline. The applicant would be required to secure easements and permits both to obtain the water and construct said pipeline. Staff asserts that the
significant increase in water, from 1 acre-foot to 250 acre-feet, to be a more accurate estimate for the maximum amount of water required for construction and believes it may be necessary in our arid climate as it is primarily allocated for dust abatement.

It is important. according to an email –comparable only to purchase augmented water -250 is excessive compared to cogentrix and great sand hill, district is position is –water would have to be taken out of . measured by pump meter

**HB 1041 Permit Amendment 6:**

**Under Section 5.2, Paragraph 2:**
The facility will be designed to allow operations and emergency vehicles (if necessary) to access the site all-areas. There will be a few primary arteries to reach the panels and project substation, etc., from the site’s access point on Coop Road.

**Reason for Change and Analysis:**
The applicant is requesting that the requirement of access to the entire site for emergency purposes be removed. They intend to build roads along the perimeter of the site of sufficient size and quality to accommodate fire trucks but the interior roads between panels will be more narrow and difficult to access. Staff contacted the Alamosa Fire Chief, Don Chapman, to verify this change and he responded that exterior access should be adequate.

**HB 1041 Permit Amendment 7:**

**Under Section 6.3, Paragraph 1:**
The Community may voice concerns over the potential for increased dust due to construction. The Permittee is aware of this concern, so during site preparation and construction, the general contractor will implement a Storm Water Pollution Prevention Plan and follow Best Management Practices (BMP) for pollution prevention, including limiting the potential for dust by regularly applying water and/or other spraying dust suppressants as necessary throughout the construction process. Dust will be less of an issue during commercial operations than the current state of the site. since the entire site is planned to be covered with gravel or natural ground cover. Once construction is complete, native soil at parking areas and driveways may be compacted or graveled and the remainder of site will be allowed to revegetate, and will be seeded where necessary with non-invasive, low growing vegetation, to control dust on an ongoing basis.

**Reason for Change and Analysis:**
The applicant would like to limit the amount of gravel installed on site both to reduce costs and to facilitate the future decommissioning of the site. The applicant asserts that the most feasible and sustainable approach to dust mitigation is to “compact native soils in parking areas and driveways and to allow the site to revegetate naturally from the existing seedbed in the soil, and
apply a non-invasive seed mix where necessary at the appropriate time of the year to take maximum advantage of seasonal precipitation". Staff believes that the intent of the original permit was to insure dust abatement both during construction and over the life of the project and to minimize disturbance. Compaction, natural revegetation, or seeding is considered sufficient to be in accordance with the original application.

**HB 1041 Permit Amendment 8:**

**Under Section 10.2, Paragraph 3:**
...Additionally, dust generated at the site will likely be reduced by compacting native soils on parking lot and assembly areas with the placement of gravel on parking lots and assembly areas.

**Reason for Change and Analysis:**
The applicant is again requesting to reduce the amount of gravel required for the project because of expense, the amount of disturbance required to install it, and the difficulty of removal at the end of the project life. Staff has no objections.

**HB 1041 Permit Amendment 9:**

**Under Section 8, Development Schedule:**
The following indicative schedule replaces the schedule provided in Section 8 of the application:

- 12/2014 – 3/2015 - 1041 Permit Modification
- 3/2015 – 1/2016 - Engineering
- 1/2016 – 6/2016 – Construction Permitting
- 5/2016 – 10/2016 – Construction
- 12/2016 – Commercial Operation

**Reason for Change and Analysis:**
The applicant is submitting a new project timeline for construction. Staff understands that the Investment Tax Credit, the Federal tax credit that has driven utility-scale solar development in recent years, expires on December 31, 2016 and believes that if the amendments to this permit are approved, the applicant will be on track to begin commercial operation by December 2016 to the benefit of the community at large.

**HB 1041 Permit Amendment 10:**

**Under Section 9.2.2, Paragraph 3:**
During construction, it is anticipated that there will normally be one shift per day, 5 days
per week. At times, it may be necessary to work longer hours or weekends to maintain project schedule. The estimated maximum number of workers during this period construction is expected to be approximately 500 and an average number of workers during construction is expected to be approximately 250 workers, 75–125 per day, depending on the stage of the project.

**Reason for Change and Analysis:**
The applicant is requesting an increase in number of construction workers and in increase in hours and days of construction. Staff sees this as a business decision that could help increase local employment and could expedite the construction timeline. The construction phase, which was originally projected to take up to two years, is now condensed to 6 months which will ultimately limit the impact on the neighbors.

**Department Recommendation:**
The applicant has met all submittal requirements for an amendment to a HB 1041 permit for the Site Selection and Construction of a Major Facility of a Public Utility. The Land Use staff has reviewed the request and recommends approval of the proposed amendments to the HB 1041 Permit for San Luis Valley, LLC as presented.

Roy Skinner with First Solar at 135 Main St, San Francisco was present.

Commissioner Allen asked if anyone is in favor of or opposition to this 1041 Permit Amendments.

William Lipke who resides at 7913 Rd 9 spoke. Miriam his daughter who is a student at Alamosa was also present. He does value business. He believes in American entrepreneurship and clean solar. He appreciates the views. At Alamosa high school they don’t even notice the solar. Maybe this height can be considered. It obstructs the view the lower the better. Would this affect their wells with that water capability? At this point they are not going to put in solar panels in area where Melvin DeHerrera is interested in purchasing. What affect would there be on property values if consider height.

Commissioner Allen stated the 1041 permit application is already approved just amendments is what they are considering today.

Ms. Baird stated they are hold to their documents. Accurate representations of what they are proposing and they found some deficiencies. They made some changes to match what they are actually going to build. If they wanted to start construction tomorrow they could have. It is a courtesy they are coming today. She is not an appraiser but she can say Alamosa County Assessor only assesses property based on its use. It will only be assessed at a residential rate. People’s taxes should not fluctuate other than what naturally does. 250 acres ft. is what the
maximum water they would use. They don’t want them to come back and say they don’t have sufficient quantity of water. They probably will use a lot less. Panels cannot be any taller than 13ft. Photos were presented to show what they would look like. Neighbors will be able to see panels but it doesn’t obstruct views much. Other solar facilities neighbors don’t have any complaints even during construction.

Mike Gibson who sits on Planning Commission and Manager of Water Conservancy District spoke. Their office is located at 623 4th St. Back in 2009 was involved with Patrick Guinness when it started. Does have augmentation water available that has been approved by water court for one time use such as in construction. They do this on an annual basis. Rio Grande County does this so they could get water on the roads. This is water that has gone through water court and is in storage. They arrange water to be released from reservoirs, water flows in river and taken out at a specific location agreed upon them. They provided water for the North solar facility where they had to use a recharge facility to put in a well and pump water out. The process is relatively simple and worked well. The District is in the position to provide water in this construction phase which water would be released from river and brought to the site. Multiple options are offered to applicant such as a commercial well may exist, acquiring from city, or acquiring from Water Conservancy. This decision was made on a manager standpoint. It is excessive but it is their decision. They can provide up to that amount of water if that is what they require.

Dan McCann who resides at 1809 Sunset spoke. He knows Dr. Lepke and what he has done for the music department is amazing. He has provided the community with a lot of good entertainment. He is a good man. People here work together here to make things go right. People around here do work together.

Melvin DeHerrera who lives adjacent to project spoke. His concern is with the water situation. Where are they going to get 250 ft. of water? They are in a drought situation. This is a concern. The neighbors on the north side of the project with all dust that is going to be created is a concern. Are they going to put a base on the project or leave sand? The way it is because chicos will come right back up or sand will come up and cause a dust problem. It will lower their property values.

Dwight Smith who resides at 8303 County Rd S spoke. He borders on south and west. He has several concerns. He understands the permit has been approved but just looking at the amendments. He doesn’t hear well enough how the water works. He has a 700 ft. well and it is a free flowing well and at certain types of year he loses his free flow. At time of farming it stops free flowing. If putting another well he will lose his free flow at times of year. What is this going do with his well? They have a lot of wildlife area and the fence will fence off a mile of area. Deer will be fenced to the north and west of him. His biggest concern is water.
Ms. Baird stated there is no proposal to drill a well on site. They are not trying to drill a well. They will get water from an existing well or buy from Water Conservancy and bring in water or from the city. The County would hold them to a study if they were applying for a well.

There being no further business, the Public Hearing for SLV LLC was adjourned.

ATTEST:

Belina Ramirez, Office Manager
Darius Allen, Chair
Marianne Dunne, Vice-Chairman
Mike Yohn, County Commissioner