Minutes of the Board of County Commissioners Meeting, held on March 12, 2014 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Mike Yohn, Chair  
Marianne Dunne, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Peter Kampfer, County Administrator  
Brittney DeHerrera, Chief Financial Officer  
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Correct Land Use Code Amendments to be under Public Hearing, Delete Dave Stong from Agenda, and add Medicaid Medical Transportation Broker/Provider Agreement to consent agenda.

M/S Dunne/Allen motion to approve the agenda of March 12, 2014 as amended. Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:  
Regular Minutes-February 26, 2014

M/S Allen/Dunne motion to approve the Minutes of February 26, 2014. Motion was passed unanimously.

Approval of Bills/Obligations

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

Public Comment
Approval of Consent Agenda
CDBG Contract for SLV Housing Coalition for Down Payment Assistance
Intergovernmental Agreement between Alamosa County Road & Bridge & SLV Regional Airport
Medicaid Medical Transportation Broker Agreement-Red Willow Inc
County Treasurer’s Report for February

Pull Intergovernmental Agreement between Alamosa County Road & Bridge for a correction and pull Medicaid Medical Transportation Broker Agreement-Red Willow Inc.

M/S Dunne/Allen motion to approve Consent Agenda with exceptions above.
Motion was approved unanimously.

Intergovernmental Agreement between Alamosa County Road & Bridge & SLV Regional Airport

Change paragraph 5 it was a template we used and we need to omit the word “Firefighters” from it and replace with the word “County”.

m/s Dunne/Allen motion to approve Intergovernmental Agreement between Alamosa County Road & Bridge and SLV Regional Airport as amended
Motion was approved unanimously.

Medicaid Medical Transportation Broker Agreement-Red Willow Inc

We had a contract several years ago but we needed to amend it and update it. They contract with the state where they do they direct billing with the state for transportation. This contract expired/lapsed. Is this annual asked Commissioner Yohn? Yes stated Mr. Kelly. There are just two public providers Red Willow and Little Stinkers stated Commissioner Allen.

m/s Dunne/Allen motion to approve Medicaid Medical Transportation Broker Agreement-Red Willow Inc
Motion was approved unanimously.

Public Hearing

Ken VanIwarden and Rachel Doyle were present.

Commissioner Dunne stated she hasn’t had time to study these so she would like to table everything except for Amendment #6 Flood Plains until our next meeting. There might be something else that needs amending.

Commissioner Yohn stated we could go through each one of these now.

Commissioner Allen stated we can make changes as time goes on but that is why we have a Planning Commission and Land Use to advise us on these. He has seen the changes they have made and he doesn’t see any problem with them. The rules for Flood Plains come from Federal Rules and Regulations where we have to make ours match theirs. Most of these are word
changes. He doesn’t have a problem with these. He asked if there is anything that really sticks out from before.

Mr. VanIwarden stated it is basically housekeeping. There are some omissions and a few additions but anything they did was for the better of the Community of Alamosa County.

Commissioner Allen stated we want to make sure we don’t make anything more complicated or worse for the citizens. One of the main things the Airport overlay was omitted out originally so the Planning Commission wanted this reinserted. It was referenced elsewhere but the section had been deleted so they are just putting it back stated Ms. Doyle. The second amendment was their hour stipulation for the Medical Marijuana facility. Commissioner Allen asked if they table this would we have to republish. Mr. Kelly stated the only issue is if the amendments were published, if adopted today they won’t take effect until 30 days from today unless they show it is necessary for public safety. You don’t have to publish everything in entirety but what has changed and list sections. Commissioner Allen asked if this meeting was advertised. It was on Agenda and notification in the paper.

If we are going to table this if we can look at Recreational Vehicle if we could change the time limit for vehicle removal asked Commissioner Yohn. There were issues that were pulled by the Planning Commission stated Mr. VanIwarden and that will come before the board later.

**m/s Dunne/Allen motion to accept Amendment 4.6 everything to do with flood plain but table the rest of the amendments**

Commissioner Allen asked Commissioner Dunne how much time she would need to look over them. Probably a couple of hours stated Commissioner Dunne.

**m/s Dunne/Allen withdraws motion and motion to table until after lunch 2pm Motion was approved unanimously.**

Commissioner Allen asked if they looked at the Pueblo Chieftain regarding their Marijuana regulations.

**Alamosa County Clerk & Recorder**

Melanie Woodward was present.

**Liquor License Renewal –Dune View Spirits**

This just started last year where there was a lot of controversy from the residents of Mosca. The owner Carly Triz stated they have had no troubles. They did a background check and it came back good.

**m/s Dunne/Allen motion to approve Liquor License Renewal for Dune View Spirits Motion was approved unanimously.**
Liquor License Renewal-Sally Corp dba Great Sand Dunes Oasis

They have been in business several years. She ran a background check and there were no violations.

m/s Allen/Dunne motion to approve Liquor License Renewal for Great Sand Dunes Oasis
Motion was approved unanimously.

Colorado State University Extension Office

Marvin Reynolds was present. Last fall when they working on their budgets one of the concerns was Counties didn’t know if PILT funds were going to go through. What was told if PILT went through to come back and see if they would support. They were given $26,000. When they put a budget together he puts together a minimal budget. In the past year they were able to put the differences in the budget because they had money saved up but they don’t have that money anymore. He originally requested $33,000.

Commissioner Allen asked if the other counties are funding more now that PILT funds went through. Rio Grande County and Conejos County gave what he requested stated Mr. Reynolds. Mineral County was asked $1000 but only received $750 which was the same funded as last year. Saguache County stated the same if PILT went through they would reconsider. Commissioner Allen stated he was caught off guard and didn’t know he was requesting more. He would like to speak with their CFO Brittney DeHerrera. Commissioner Allen asked what if this doesn’t happen. They will have some unhappy staff members they will have to cut back on some things such as mileage reimbursement stated Mr. Reynolds. Next year they will be in a tight spot they might have to talk with CSU Extension to see what you want to have in the Valley. Over the years they have had a budget that wasn’t fully funded. Right now he won’t know the exact numbers until the end of the year. Commissioner Dunne stated he has four employees. Four are funded through the Counties Budgets and one that is funded through the State SNAP. Commissioner Yohn asked who he wants them to take the money from to give to them. Commissioner Yohn stated there was discussion of PILT and he doesn’t think this was referred by Alamosa because we don’t receive very much where other counties rely on it very much. Once upon a time there was a formula that they used and they have got away from that. This year he took a four year average what each County gave and that is what he requested. Conejos County increased theirs to $15,000 and Costilla County increased to $2500.

At the next Valley Wide Commissioners Meeting he is going to try and get on the schedule to present how valuable it is to the counties. They have three agents covering six counties stated Mr. Reynolds. Alamosa is getting more than ½ of an agent because of the population it draws more time here. MaryEllen Fleming does food safety classes and food preparation classes. 4H takes a lot of their time. He does a lot of Natural Resources. Last year he worked with Alamosa Schools on some tree issues.

How many 4H agents are there in the state? 263 at one point stated Reynolds but it has dropped probably 220 now. They are working on getting a half time agent in Huerfano County. At one time they have a contract with the State he would like to see a copy of this stated Commissioner
Allen. He would like to see what we are agreeing to. It used to be population and assessed valuation. They are looking at ways to cut costs stated Mr. Reynolds.

Commissioner Dunne stated the Commissioners do understand the work CSU Extension does for them but they would like to discuss this with our CFO.

**Rio Grande Watershed Conservation and Education Initiative**

Judy Lopez with Rio Grande Watershed and Tom Speeze with DeNatale Water Consultants, serves as the Project Manager for the Rio Grande Basin Roundtable for Rio Grande Water Plan were present. A power point was presented.

**Rio Grande Cutthroat Trout issue**

At the end of this month the US Fish & Wildlife Service is required to hand in their formulized recommendation to the Regional Director of Fish & Wildlife Service in Albuquerque Office on whether the Rio Grande Cutthroat should be proposed for listing as Endangered Species Act. They have 90 days of comments on these proposals. There are 251 species originally in listing petitions. Options are warranted for proposed listing or not warranted. If not warranted can be pulled again to be revisited. At end of 90 days they have to make a decision.

**Alamosa County Public Health**

*Environmental Specialist Fees Approval-Resolution 2014-G-2*

Julie Geiser and Lynnae Rappold were present.

Lynnae Rappold spoke. These are proposed fees. The State doesn’t get any money from the fees neither do we. She did comparative studies which she set her fees considerably less than Arapahoe County stated Ms. Geiser.

Commissioner Dunne questioned the review plan for Child Care’s. What the plan review is for Child Care or Body Art new facilities. It is to prevent some facilities opening and having problems such as plumbing issues. The charges are charged in quarterly increments so if it doesn’t take the hour it would be charged in quarterly increments.

Commissioner Allen stated it is a great incentive for their sales to show they were inspected.

Commissioner Dunne asked how often you inspect. Child care and retail food depends on the risk. For infants they get inspected twice a year. Retail food is also risk based but it is based on what they do such as cooling, reheating, or next day service then they get inspected twice a year. Also it depends on how their inspection goes if they didn’t go well then they will be inspected more frequently. She tends to do unscheduled inspections and prefers to do them during their rush at noon. If they are too busy she will go back later to discuss the results of the inspection.

Commissioner Yohn asked about CSU Extension regarding food safety classes. They have spoken. Part of CSU Extension classes is nutritional stated Ms. Rappold. Some counties do as a partnership that saves Environmental Health time.
Commissioner Allen stated we can adopt and at a year’s time they can see if they need to change them.

**m/s Allen/Dunne motion to accept the Alamosa County 2014 Environmental Health Specialist Fee Schedule**

*Motion was approved unanimously.*

Baby & Me Tobacco Program is where they work with pregnant women to quit smoking. They are tested regularly and if not positive for smoking they get diapers. People from other counties are coming here to do it so they are looking at getting us more money for doing this.

Samantha Escobedo will be going to Atlanta for training. They have a cost savings that will pay for her training. Joleen Trujillo has been hired for Emergency Management Planner and has received $2000 to attend Conference. She will be going next week to Denver for orientation. She would like to use some EPR funds to get Andrew a generator. She would like to update the linoleum in their nurse’s room as well.

They are replacing the server and 10 new computers.

They have 464 active and 18 clients pending for Options for Long Term Care. It looks like they are in the red but they haven’t received funds from Health Care Policy & Finance.

She is requesting to fill vacancy of Joleen’s old position of OLTC Case Manager.

**m/s Allen/Dunne motion to approve employee vacancy**

*Motion was approved unanimously.*

The Personal Care Provider Program is serving 122 clients.

**Alamosa County Department of Human Services**

Joe Carrica was present.

**Employee Vacancy Request**

Most of his positions have been filled. They have announced for a TANF Case Aid and another for Adult Case Manager who has moved to Pueblo.

He got an email this morning on Tax Base Relief. This is a fund that allows them to get additional match from the state that you put 20% in. In Alamosa it is $300,000 a year. They know we are a low assessed County, a high poverty area with disproportionate number of clients that need services so they will give us an additional reimbursement. It is supposed to go through three levels. They got $260,000 this past year. This is asking the county’s support to agree that the Association should present this letter to the Joint Budget Committee and say they agreed we do this every year to fully fund. He is asking them to support this. Commissioner Allen stated
this Tax Base Relief Program started from a Commissioner from Otero County in 1975. Two years ago they had to fight to continue this. They did receive support from CCI then.

**m/s Allen/Dunne motion to write a letter of support**
Motion was approved unanimously.

Mr. Carrica stated he would email them today.

**Alamosa County Road & Bridge**

Phil West was present. They finished last Thursday pouring cracks at the airport. They got everything west of the runway. Next winter they will have the runway and the old airport highway to do. They took the kettle back Monday. They are still pouring cracks on the Henry Lane. They started on County Line 100. They are paving from the Waverly road to the railroad tracks. They build the bluff on the 160 down to the Costilla Line. The 4.4 off 150 they grated. He talked to a couple of contractors to buy some hand patch to blade. They have the spay/neuter clinic at their shop today.

Ms. DeHerrera stated they talked about during the preliminary budget not doing so much money on oil or road work especially now looking at the fund balance not having the money. Because of the engine work they are down and need to build the cash back up. Commissioner Yohn asked the 6 N needs patching, Stanley, and the 11 mile so how much material do you need. Not a lot stated Mr. West. As it gets older it gets more cracks and gets more water in it. Probably not as much as last year. Since Lane 6 is the second entrance to the National Park we need to think about this if not this year next year. At the most $5000 to hand patch those three roads. Mr. Kampfer stated he has placed some calls for help and assistance.

Commissioner Yohn asked what was the road issue regarding the call from Janice Wolf. They bladed the road and there was a ridge so there would be drainage. When there was a ridge the cars don’t get so close to her fence. They wanted the tree trimmed but she said it is an old tree.

He would like some more trustees. They were getting two but one was sent to the kitchen so he only has had only one for the last two days. They had one other one but he didn’t want to work. Mr. Kampfer will inquire about this.

**Alamosa County Administrator**

Peter Kampfer was present. The past 8 weeks has been dedicated to teambuilding and working with existing staff members. We have looked at the considerations of what a group is and the dynamics of being an effective management team. The more effective we are as a group the more effective we are as a team. We discussed our personalities and realizing the differences. The importance of that is understanding so that means communication and knowing differences in people on how they think and operate that will build on strength. It is contingent on the vision, planning, and input of the Commission and what they set forth.
They are posting and advertising the Public Health Director that will be open in June. Regarding improved communications he has been working on a policy and design of a county newsletter for communication with all employees. In addition he has discussed with various departments converting their old documents how we could scan and optically recognize that and put it into a retrievable format. He sent them an example of an RFP for this. He has been working with Phil West. They are looking at a five year plan and potential capital that needs to occur. He has been working with Public Safety Adam Abeyta and the consultant regarding the data requested for the study. There is some information they are having trouble getting but working on that. He did meet with the Corrections Committee on their RFP. Phillips/Conoco is working on cleaning up the “Devil’s Playground” and will meet with their representatives. He has been working on Mosca sewer system. Land Use he will work on a comprehensive plan.

Commissioner Yohn asked only Conoco/Phillips is cleaning up their part what about the other party are you meeting with them. No only Conoco stated Mr. Kampfer.

**Board/Staff Updates**

Commissioner Allen spoke with Jack Zimman with Zapata Homeowners Association. They are doing a Wildfire Mitigation and they need a support letter for them. They are applying for a grant. One of their requirements is a letter of support. We have done this before. It also helps them with insurance premiums as well. These are no matching funds.

**m/s Allen/Dunne motion to send a support letter to Zapata Homeowners Association**

**Motion was approved unanimously.**

**Land Use Development Text Amendments Cont’d.**

Commissioner Dunne asked about Amendment #4 homes 50ft from intersection what do we do for homes already built that way, are they retro active? No stated Mr. Vanlwarden it will only affect newer homes. Except on Road 5 S and 112 the people put a driveway immediately into their home where they needed to put the home farther from the road. Also regarding the animals the residents are concerned if they are grandfathered in stated Commissioner Dunne. The reason they bought their homes out there was so they could have a goat or a horse. If you have a horse, the manuer piles up and it gets out of hand because it is in a small area stated Mr. Vanlwarden. If they want a lot of animals they need to have more acreage. They can change it but if you get a rooster than the neighbors complain. The city has allowed chickens but no roosters. How many homes are on two acres asked Commissioner Dunne. Mr. Vanlwarden stated he did not know. Two acres is a lot of acres in a residential area. They have had a lot of complaints on horses stated Mr. Vanlwarden. They start off with one then pretty soon they get four. She would like to see rabbits and hens taken out. Commissioner Yohn stated no one has been abusing it so he doesn’t think they need to change it. It would be easier to leave alone.

**m/s Dunne/Allen motion to accept all recommended Text Amendments except Text Amendment #3**

**Motion was approved unanimously.**
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 – G – 2

RE: A RESOLUTION ADOPTING TEXT AMENDMENTS TO THE ALAMOSA LAND USE DEVELOPMENT CODE FOR THE COUNTY OF ALAMOSA, COLORADO.

Commissioner Dunne moved for the adoption of the following Resolution. Commissioner Allen seconded the motion.

WHEREAS, §29-20-101 of the Colorado Revised Statutes, provides that each local government is provided broad authority to plan for and regulate the use of land within their jurisdiction; and

WHEREAS, §30-11-101(2) of the Colorado Revised Statutes, provides that Counties have the authority to adopt and enforce ordinances and resolutions regarding, health, safety, and welfare issues as proscribed by law; and

WHEREAS, §30-11-107 of the Colorado Revised Statutes, provides various powers to the Alamosa County Board of County Commissioners; and

WHEREAS, §30-28-113 of the Colorado Revised Statutes, provides authority to Alamosa County Board of County Commissioners to regulate the use of certain structures within the unincorporated area within said county; and

WHEREAS, pursuant to Section 7.3 of the Alamosa County Land Use Code, the County may make text amendment changes to the Alamosa County Land Use Code; and

WHEREAS, a public hearing was held before the Planning Commission on February 12, 2014, after proper notice, and the Planning Commission recommended certain changes to the Alamosa County Land Development Code; and

WHEREAS, a public hearing was held before the Board of County Commissioners on March 12, 2014, after proper notice; and

WHEREAS, testimony in support of the text amendment changes was presented; and

WHEREAS, there was no opposition to adoption; and

WHEREAS, the Board of County Commissioners has considered the recommendation of the Alamosa Planning Commission, and finds that such recommendations are in the best interest of Alamosa County;
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That Alamosa County Land Use Development Code shall be changed according to the recommendations by the Planning Commission as indicated in the attached Exhibit A; and

2. That said changes are consistent with the remainder of the Alamosa Land Use Development Code; advances the public health, safety, or general welfare; and is consistent with the policies of the county and the specific intent of this Land Use Development Code.

Passed by roll call vote: three (3) in favor, none against.

DATED this 12th day of March, 2014.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By

Michael Yohn, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Adjourn

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

ATTEST:

Belina Ramirez, Office Manager

Absent

Carol Osborn, Assistant Administrator

Mike Yohn, Chairman

Marianne Dunne, Vice-Chair

Darius Allen, County Commissioner
Minutes of the Public Hearing for Land Development Code Amendments was held on March 12, 2014 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Mike Yohn, Chair
Marianne Dunne, Vice-Chair
Darius Allen, Commissioner
Peter Kampfer, County Administrator
Jason Kelly, County Attorney
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Ken Vanlwarden and Rachel Doyle were present.

The proposed amendments to the Land Development Code are outlined in Attachment A. They are intended to provide a regulatory description that gives the nearby residents, companies, and the county the opportunity to achieve long term land use compatibility that supports property rights of all Alamosa County citizens. Alamosa County will ensure that all development enhances rather degrades the existing service levels and expects that all new residents and businesses will contribute their fair share towards this objective. If adopted this will amend certain sections and standards for all development and also proposed several housekeeping amendments that will clarify and correct omissions and errors found in the code sections being amendment. The proposed amendments fully utilize the recommendations of the Planning Commission for adoption by the Board of County Commissioners. The staff believes the proposed amendments achieve the wishes of all residents of Alamosa County and recommends the adoption of the proposals.

The review criteria for this are:

1. The extent to which proposed test amendment is consistent with the remainder of the LUCD including specifically any purpose or intent statements.
2. The amendment must not adversely affect the health and safety of the county.
3. The amendment is necessary because of changed or changing of social values, new planning concepts, or other social or economic conditions in the areas affected.
4. Whether or not the proposed text amendments revising the LUDC to comply with state or federal statutes or case law. The proposed changes are consistent with the Master Plan and the intent and purpose of the Land Development Code.
5. The proposed changes are necessary to correct omissions or errors in the Land Development Code.
6. The proposed amendments satisfy the above criteria or changes to the text of the Land Use Development Code.

The staff recommendations are as follows: When deciding whether to adopt proposed text amendment to the LUDC the central issue before the BOCC is whether the proposed amendment advances the public health, the safety, and welfare and is consistent with the adopted plans and policies of the county and the specific intent of the Land Use Development Code. The Land Use staff recommends that the Alamosa County Planning Commission...
recommend to the BOCC approval of the proposed amendments to the Land Use Development Code as presented. If this Code is adopted the Code Amendments shall become effective April 1, 2014.

Commissioner Yohn asked if any calls received in opposition or for this. No stated Ms. Doyle.

Commissioner Yohn asked if anyone is in opposition to or in favor of these Amendments.

Ron Brink spoke. These amendments would be good but he would like them to be sure to protect the property rights of the citizens of Alamosa County. He likes that every new business or residence is to enhance the area and be good for the valley. We cherish what we have here so we have to be careful how we continue and expand.

Rachel Doyle spoke. The most important one to accept today is Text Amendment #6 regarding flood plain regulations. It is 4.6 in our Land Use Development Code. The explanation is on the final page. This is for the National Flood Insurance Program (NFIP) so it is for the Community who participate in the Flood Insurance Program. It must adopt and enforce flood plain management regulations that meet or exceed the minimum NFIP standards and requirements. These standards are intended to prevent the loss of life and property as well as economic and social hardship that results from flooding. In return for the local adoption enforcement of flood plain management regulations the Federal Emergency Management Agency FEMA provides the availability of flood insurance coverage within the community. The State of Colorado adopted higher standards for flood plain management which are outlined in the rules and regulations for regulatory flood plains in Colorado rules effective January 14, 2011. The rules are the effective minimum standards for the State of Colorado and communities have three years from January 14, 2011 to adopt the local ordinance consistent with the rules. This model ordinance is adopted from the FEMA model ordinance and cooperates the minimum standards in the State of Colorado contained in the rules. They had until January 14th of this year to adopt them but they are in consideration they are doing this now. They changed some of the things that the minimal standards are 1 ft above from the elevation. A lot of the other things are really basic such as determine the flood plain administrator which would be the Land Use administrator. The State has reviewed and read all their Land Use Code. There are a total of 10 changes.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

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WHEREAS, the Board of County Commissioners has considered the recommendation of the Alamosa Planning Commission, and finds that such recommendations are in the best interest of Alamosa County;

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2. That said changes are consistent with the remainder of the Alamosa Land Use Development Code; advances the public health, safety, or general welfare; and is consistent with the policies of the county and the specific intent of this Land Use Development Code.
Passed by roll call vote: three (3) in favor, none against.

DATED this 12th day of March, 2014.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By, ________________________________
Michael Yohn, Chairman

ATTEST:

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Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Land Development Code Amendments was adjourned.

ATTEST:

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Belina Ramirez, Office Manager

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Carol Osborn, Assistant Administrator

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Mike Yohn, Chair

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Marianne Dunne, Vice-Chairman

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Darius Allen, County Commissioner