Minutes of the Board of County Commissioners Meeting, held on May 21, 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-Absent  
Jason Kelly, County Attorney  
Peter Kampfer, County Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

M/S Dunne/Yohn motion to approve the agenda of May 21, 2014.  
Motion was passed with Allen Absent.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-May 7, 2014

Under Consent Agenda – before mental health proclamation clarifying 1st reading think last sentence should be “make” and then under Julie Report about skunk should read “foaming” and raccoon stated “man” should be “it”, add name “Julie Geiser” instead of pronoun “she”, also add “Commissioner Dunne” instead of pronoun “she”, add “Julie Geiser” on last sentence of attending Nightingale instead of pronoun “she”. Also double check inmate population under Sheriffs report.

M/S Dunne/Yohn motion to approve the Minutes of May 7, 2014 with amendments.  
Motion was passed with Allen absent.

Approval of Bills/Obligations

M/S Dunne/Yohn motion to approve the Bills/Obligations  
Motion was passed with Allen absent.
Public Comment

Approval of Consent Agenda
DOLA Grant – Alamosa County Justice Center Master Plan
SLV Housing Contract
CDPHE Amendment for Task Orders #2 – Planning and Partnership
CDPHE Amendment for Task Orders #2 – Emergency Preparedness & Response
County Clerk & Recorders Report for April

Commissioner Dunne asked if he looked over the Division of Housing Contract. Yes stated Mr. Kelly it is an amendment that is extending the time.

M/S Dunne/Yohn motion to approve Consent Agenda
Motion was passed with Allen absent.

Public Hearings

Ordinance No 16 1st Reading Amendments

1st Reading see Public Hearing minutes for further information.

Minor Subdivision – Harvey & Sandra Smalley

Rachel Doyle, Ken VanIwarden and applicants Harvey and Sandra Smalley were present.

Commissioner Dunne thanked them for the many years of ranching and working in the valley. It was a successful ranch. It is wonderful that they can retire.

Commissioner Yohn stated it is great that you can keep your place.

Mr. Kelly had a question of the Checklist he didn’t see it in the packet. It was included in the packet.

List of Exhibits

1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Ownership & Encumbrance Report
6. Deed
7. Assessor Record
8. Receipt of Taxes Paid
9. Water Documents
m/s Dunne/Yohn motion to accept this application for Harvey & Sandra Smalley
Motion was passed with Allen absent.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 - S - 2

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY HARVEY AND SANDRA SMALLEY, COVERING PROPERTY LOCATED IN THE SOUTH ½ of SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

Commissioner Dunne moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS:

1. Harvey and Sandra Smalley, have submitted an application for a minor subdivision covering the following described property:

   The South ½ of Section 11, Township 39 North, Range 10 East, N.M.P.M,
   County of Alamosa, State of Colorado, 81101

said property being zoned Rural (RU);

2. Said applicant seeks to divide the above-described property into two parcels as follows:

   Tract 1 = 5.182 acres            Tract 2 = 313.882 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 14, 2014, following proper notice to the public and recommended approval of the application.
4. A public hearing was held on the proposed minor subdivision on May 21, 2014, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 7 Section 7.6.6 (There is no longer a Section 7.6.6. If you are referencing the Subdivision Design Standards, this should be Article 5 Section 5.2; If you are referencing the Minor Subdivision Design Standards this needs to be Article 5 Section 5.8) of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a "subdivision" contained therein.

6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

   1. Consistency with the adopted plans and policies of the county exist;
   2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;
   3. The parcel has not been subdivided in the last 15 years
   4. The Applicant has received the Right to Farm and Ranch Policy and the Code of the West
   5. The Plat shows the access to North County Road 110 and the utility easement for both proposed parcels.
   6. The new parcels are in conformance to the LUDC in terms of setbacks, density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage
   7. There is no need or plan requiring major extension of public sewer or water lines
   8. Both parcels have access to a public maintained road which is North County Road 110
   9. No waivers from Subdivision Standards have been requested

IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code as adopted on July 15, 2009, as amended.
Roll call vote resulting in approval: Commissioner Yohn, Commissioner Dunne in favor. Commissioner Allen absent.

DATED: May 21, 2014.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By Michael Yohn, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision – Gus Lopez

Commissioner Dunne stated she understood and that it was a difficult decision.

Commissioner Yohn stated hopefully when it is sold the new owners will get the Code of the West and the Right to Farm pamphlet.

List of Exhibits
1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Ownership and Encumbrance Report
6. Deed
7. Assessor Record
8. Receipt of Taxes Paid
9. Water Documents
10. Survey
11. GIS Aerial View
12. List of Adjoining Property Owners
13. Letter to Neighbors
14. Public Notice for the Planning Commission
15. Public Notice for the BOC
16. Right to Farm and Ranch
17. Letters to Agencies
18. Notice to Applicant

m/s Dunne/Yohn motion to accept application
    Motion was approved with Allen absent.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 – S - 3

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY GUS LOPEZ, COVERING PROPERTY LOCATED IN THE SOUTHEAST ¼ of SECTION 8, TOWNSHIP 37, RANGE 11 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

Commissioner Dunn moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS:

1. Gus Lopez, has submitted an application for a minor subdivision covering the following described property:

   A tract of land situated in the Southeast ¼ of Section 8, Township 37, Range 11 East of the N.M.P.M., and being all that portion of said Southeast ¼ Section 8, lying north of the Northerly R.O.W. line for the County Road 8 R.R. and lying East of the of the following survey line: Beginning at the point on the North line of said Southeast ¼ of Section 8, Township 37, Ranges 11 East of the N.M.P.M., from which the East corner ¼ of said Section 8 bears N 89°18'22" E a distance of 1901.22 feet to a point on the Northerly R.O.W. line for County Road No. 8 R.R., County of Alamosa, Colorado

   said property being zoned Rural (R);

2. Said applicant seeks to divide the above-described property into two parcels as follows:

   Tract 1 = 23.41 acres
   Tract 2 = 10.00 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 14, 2014, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on May 21, 2014, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 5, Section 5.8 of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a “subdivision” contained therein.
6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

1. The minor subdivision is found to be consistent with the adopted plans and policies of the county as the property is in a Rural (RU) zoned district and the proposed subdivision does not change the agricultural use of the property.

2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;

3. The parcel has not been subdivided in the last 15 years

4. The Applicant has received the Right to Farm and Ranch Policy and the Code of the West

5. The Plat shows the access to North County Road 8 South and County Road 114 South and the utility easement for both proposed parcels.

6. The new parcels are in conformance to the LUDC in terms of setbacks, density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage.

IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code as adopted on July 15, 2009, as amended.

Roll call vote resulting in approval: Commissioner Yohn, Commissioner Dunne in favor. Commissioner Allen absent.

DATED: May 21, 2014.

BOARD OF COUNTY COMMISSIONERS OF
ALAMOSA COUNTY

(SEAL)

By Michael Yohn, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board
Discount Liquor Transfer of Ownership

Melanie Woodward, applicant Nirmal Nagra, and past owner Calvin Sheeley were present.

Commissioner Dunne welcomed him and asked if he would be moving here. Mr. Nagra stated yes once his son has graduated.
Commissioner Yohn asked if this is the only business operating here in Colorado. Yes stated Mr. Nagra. He has friends and relatives here.

m/s Dunne/ Yohn motion to accept Transfer of Ownership
Motion was passed with Allen absent.

Alamosa County Treasurer
Employee Vacancy Request
County Treasurer Fund Report for April

Alamosa County Board of Health

SEE BOARD OF HEALTH MINUTES FOR FURTHER INFORMATION

Alamosa County Land Use
1st Reading of Text Amendment to the Land Development Code

Background: The purpose of this text amendment to the Land Use Development Code is to provide the authority for the administration and enforcement of the new On-Site Wastewater Treatment Systems. The State mandated that Alamosa County adopt the On-Site Waste Water Treatment System Regulations but allowed several options to the regulations as outlined in Appendix A to OWTS.

The State has mandated that the local Public Health Agency adopt the OWTS Regulations by July 1, 2014.

Today this Board is to hear and consider adopting a text amendment to the Alamosa County Land Use Development Code described as “Alamosa County Regulations for On-Site Wastewater Treatment Systems and Appendix A.”

No decision by the board is required at this time, but will be scheduled for a Public Hearing before the Board of County Commissioners at a later time. The public is welcome to view the amendments at the Alamosa County Land Use Office located at 402 Edison Avenue, Alamosa CO 81101.

Legal: Mr. Kelly is available for legal advice.

Conclusion: The Land Use Staff considers the text amendments to the LUDC as very helpful in the administration of the regulations as mandated by the State.
Alamosa County Land Use

The Activities Report was presented for the month of April.

Trinidad State Junior College
Loss of Funding for GED Program

Anna Mae Rael Lindsay, Director; Ann Stanford, Instructor; and Bonnie Ortega, Associate Dean of Arts & Sciences were present.

They have had this program for fifteen years. Their grant was not funded. The entire SLV is left without a way to attend a GED Program. There is a small program in Monte Vista but they only have openings for 8 people. This would never accommodate what they have. 80 people enrolled right now and 25 waiting list.

1. Current program has been in operation, funded through AEFLA (Adult Education Family Literacy Act) Colorado Department of Education for the last 15 years.
2. The current program under the direction of Anna Mae Rael-Lindsay has served over 1500 students from around the San Luis Valley.
3. The current program located at the Valley Campus of Trinidad State in Alamosa has seen over 300 students obtain their GED’s and over 20% have gone on to higher education.
4. 84% of students in the last year have shown progress of one or more educational functioning levels. Of all students served, 80% are “most in need” a requirement set forth by the AEFLA program.
5. The Center for Adult Learning has experienced retired public school teachers who have been with the program for over 12 year. There are 3 teachers and a data clerk who work part-time (up to 20 hours per week). The Director works full-time and teaches basic skills remedial English classes to college students also.
6. Teachers and Director have obtained the ABEA (Adult Basic Education Authorization) a requirement by Colorado Department of Education AEFLA program to assure compliance in teaching adult education.
7. There are 25 people on a “waiting list” at any one given time awaiting enrollment in the program.
8. Only 15 programs were funded out of 36 who applied. Most of the programs were urban. Many of the programs that were cut were rural. THE SAN LUIS VALLEY HAS NO ADULT EDUCATION PROGRAMS WITHIN 125 MILE RADIUS. The nearest program is in Trinidad or Durango.
9. In 2012-32 programs were funded with 4.7 million dollar budget. In 2014-15 programs were funded with 4.1 million dollar budget.
10. Many agencies in the San Luis Valley who refer students to the GED program are required to send their clients to the GED program.
11. The Center for Adult Learning at the Valley Campus serve 88-125 students annually with 64% Hispanic population; with 36% between the ages of 25-59 and 64% between the ages of 17-24.
12. The San Luis Valley’s poverty rates are 5 of the bottom 8 poorest counties in the state.
13. HB-14-1085 Adult Education and Literacy Act of 2014 has passed and is waiting for the Governor’s signature. This is money for Adult Education Programs which CDE will manage ($900,000) for Colorado. Where is the money going? How much will rural Colorado get? Our grant was denied only requested $110,000.

Students can barely get to their campus because they get from entire valley. Their concern geography was not a requirement when they looked at the grants.

They are asking for a Letter of Support from the County Commissioners.

There are three appeals steps. They have gone through step 1 and step 2.

Ms. Ortega stated they don’t want anyone unserved. They do want to figure out how to support to continue this program. They are requesting a letter of support.

Commissioner Dunne stated they both know how GED is important to the adults in the Valley. Many have gone on to study and do other things. She knows one that is studying to be a nurse. They would be happy to write a letter of support. She is grateful they went through the appeal process.

Commissioner Yohn asked what is different, did Trinidad pick up the extra money. Not much different. They are not sure how did they determine who is funded. The money didn’t change much just who received stated Commissioner Yohn. No program that was funded knows how much they will get stated Ms. Rael-Lindsay. It is a good program and is needed stated Commissioner Yohn. He can’t understand why the funding isn’t there.

Two years ago they requested $93,000 and $110,000 this year. Urban areas requested $500-$800,000. Do the students pay anything asked Commissioner Dunne? No just test $37.50 for four tests. They have 23 students graduating in June.

Commissioner Dunne stated she hope they didn’t get confused with the geography Trinidad and Alamosa. It is distinct stated Ms. Rael-Lindsay it is stated on the grant request. Commissioner Yohn stated maybe not the geography but the name Trinidad vs. Trinidad State Jr College in Alamosa.

12th Judicial District Court

Christina Gallegos 12th Judicial District Court Administrator and Bill Gurule Chief Probation Officer were present.

Ms. Gallegos stated they wanted to talk about air conditioning. They did remodel the east wing. Mr. Gurule also put some space for probation officers. The courtroom they need air conditioning for staff, judges, and the public. There is only one operable window they can open because the
Storm windows cannot be opened up. When they were looking into the cost it is more cost effective to cover the east wing as well. They have some estimates from Vendola.

Mr. Gurule stated the top floor of the south wing has central air. So this would include top floor to regulate the temperature. It gets very warm there. Approaching summer, with the limited windows that can open the air circulation is very poor. This creates an environment that challenges them to work in. They invested from their budgets a significant amount of money for remodeling. They came up with a little more to help fund this.

Ms. Gallegos stated the $17,362 doesn’t include electrical. They would propose they would split the cost of electrical which would be around $3000. They could also put the rent they receive towards this.

Mr. Gurule stated this entire remodel is going to benefit the county down the road with this facility whether they are the tenants or not. This brings it to a modern facility use. It is a worthwhile investment.

Commissioner Dunne stated she has been to meetings there and is aware of this. Is there anywhere in the budget they can take this from she asked Ms. DeHerrera. She appreciates them taking the electricity costs.

Ms. Gallegos stated it is not possible in the courtroom, they did look into other options but because of the noise they are not able to use them.

Commissioner Yohn stated their budget is concerning with starting a new budget. Most of the budget is already in use in the budget. How come this wasn’t considered in the remodeling?

Mr. Gurule stated they are bound from state fiscal rules to do this. It is up to the County to pay for that type of purchase. They couldn’t even entertain this because they are not allowed to. The remodel was within what they could do. He has approached them in the past ideas to maximize space to house probation officers which per statute it is up to the county to provide housing.

**Alamosa County Department of Human Services**

Lauric Rivera was present.

They have two position reclassifications due to job duty changes and a caseworker replacement. They had one submit a resignation. Also 3 caseworkers who would be involved in the Core Services or Regional Foster Care recruitment. The Regional would be a joint effort within the counties to cover costs for that position.

Commissioner Yohn asked if any of these are new positions. Core Services and the Regional are new positions. They will work this into the Core plan.

They both are really needed stated Commissioner Dunne.
If they could recruit more foster homes in the Valley this would decrease their costs because they have caseworkers traveling to the Front Range. The cost of care is higher in the Front Range. The need is great.

**m/s Dunne/Yohn motion to accept these two vacancies**
**Motion was approved with Allen absent.**

*Chafee Foster Independence Program Plan*

They do this on an annual basis. The fiscal year begins July 1st. They serve the valley counties with a part-time worker for adolescents who are in foster care in skills of independent living who are emancipate to get housing, education, and employment. The plan is same as last year. Goal is not for them to be homeless and on the streets. There might be a slight budget increase but they have to submit the plan to the state.

Commissioner Dunne asked how successful has it been like how many have gone through it. Right now they don’t have that many in it maybe because they house so many outside the valley and this is for those in the valley. This program is a federal program. Their plan is to serve 20 youth.

Mr. Kelly stated they serve many kids outside the valley. It creates many problems where the caseworkers have to go to Denver, and leaves a caseworker for court that is unfamiliar with the case. It just causes a number of issues. They do need more foster care homes here.

**m/s Dunne/Yohn motion to sign Chafee Foster Plan**
**Motion was approved with Allen absent.**

Annual basis they are required to write a Core Services plan which involved life skills, substance abuse training, and mental health services. They get an annual budget from the state where a small portion is County money. They have to write contracts with providers every year. In order to get services they want to begin June 1st. They remain under $10,000. It is all under the Core Services Budget.

Mr. Kelly stated the San Juan House is over $10,000. Yes some are more than $10,000 but are the same as last year stated Ms. Rivera. The San Juan House, Mary Hennessey, Mental Health Mentoring, and Day Treatment are the ones over that amount. They fall into the budget.

They had discussions of the Signal Contract in the past. We need permission for Joe Carrica to sign she would hate to discontinue services because a contract wasn’t signed. It is a contract they have to have in regards to the substance abuse stated Mr. Kelly. They are trying to meet with Signal about concerns they have about services.

Commissioner Dunne stated she attends Core Services meetings and she is aware of the concerns with Crossroads and Signal. They are going to address this.
m/s Dunne/Yohn motion to approve okay to sign contracts for Core Services
Motion was approved with Allen absent

MOU with State Patrol

Child Protection Services needs a MOU with law enforcement for working jointly for adult protection or child protection. They do have MOU’s with local authorities but we didn’t have one with Colorado State Patrol. They submit these back to the State. They submitted a copy to Mr. Kelly. He has some questions on a way to initiate referrals. Through State hotline they are contacted. The other issue was terminology with “solely” State Patrol investigating third party abuse for age over 10. They haven’t had any issues working on those types of assessments but she doesn’t know why that wording is used. We just have to make sure how we are going to make the logistics work.

m/s Dunne/Yohn motion to give permission to sign MOU with Colorado State Patrol
Motion was approved with Allen absent.

Alamosa County Assessor

Sandra Hostetter was present. She is requesting to fill Ron Green’s position. She wants to replace with an appraiser.

Commissioner Dunne asked how the office is coping with the loss. They are getting along. They still have people calling for him not realizing. Hopefully Jason will be licensed before they have an appeal. She is the only licensed appraiser right now. This position will be an entry level appraiser.

m/s Dunne/Yohn motion to allow to fill the vacancy
Motion was approved with Allen absent.

Alamosa County Treasurer

Lois Widhalm was present. Fund Report was presented for the month of April.

m/s Dunne/ Yohn motion to approve Treasurer’s Fund Report
Motion was approved with Allen absent.

Employee Vacancy Report

She received resignation from Jennifer Martinez for Accountant Tech II. She is asking to fill at that level. She will stay within budget but she may change people around. All positions are at that same level but if unable to get someone from higher level she may have to talk about that with Human Resources of where to put them. She has been cross training them for all the duties because she was expecting the change. They will share the duties to keep the workload going.
Mr. Kampfer stated on an agenda basis this really doesn’t make sense to him. With the basis of being within budget and doing a replacement he is not sure how this meets agenda requirements. He understands procedurally they have been doing this by custom but by an approval basis this doesn’t work. He has studied the constitution and county government and this doesn’t quite work. As an administrator he has set agendas in other communities. They had a full agenda today and some of the things don’t make sense.

Ms. Widhalm stated it was requested for all department heads and officials to come before the board to recognize their decision. She personally feels if they are not making any change to the budget she would appreciate any consideration of change to this to keep things moving. She is aware the Board wants to be fully vested in their decisions of the budget that if a vacancy is filled that it is filled to the same level.

Commissioner Dunne stated she feels like it is a courtesy of knowing who is coming in and where others went. It is a matter of support.

Ms. Widhalm stated giving a personnel update is far different than coming in and asking permission to fill the vacancy.

Mr. Kelly stated the Board set a policy so it is just a matter of courtesy. It can be changed. The original reason was because they were in a financial crisis.

Commissioner Yohn stated it is a good policy. It is good to know who is in those departments because a lot of times it comes back to the commissioners. They need to know what is going on. One example is replacing at a higher level when they already have someone there with qualifications which they’ve seen before.

Commissioner Dunne stated she doesn’t believe the Sheriff comes in every time to request vacancies because it seems like it is constant. Commissioner Yohn stated yes he does. Ms. Ramirez stated maybe there is confusion with the list they compile of applicants that they have to test and when approved a vacancy he takes from that list. Ms. Osborn stated every time the list goes low they take applicants again to fill that list.

Mr. Kampfer stated the reason Mr. Kelly stated it went to affect does not exist today. Maybe they should talk about things of making things more efficient. He has heard before why do we do these things.

Brittney DeHerrera stated the policy came in because of financial hardship. It is to avoid if we have a position so let’s just fill it. They had DHS and the Sheriff where positions were filled but not really needed. At a smaller office it seems like it is just a ritual but County wide they cannot ask some to do this and not others.

Ms. Widhalm stated it is good to follow rules and policies but it is also good to revisit those policies to see if they are appropriate of what is foreseen. They should also hear whoever is making the request that they guarantee that they will work with Human Resources to make sure
they stay within the budget and hiring appropriate within the positions and not cause disruption in the office.

m/s Dunne/Yohn motion to fill vacancy for Accountant Tech II
  Motion was approved with Allen absent.

Board/Staff Updates

Ms. DeHerrera stated she has updated the cash flow spreadsheet but it doesn't consider paying off the graders. They need to stay on fixing and maintain until we pay off the graders. We need to build it back up.

Adjourn

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

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chairman

Marianne Dunne, Vice-Chair

Absent

Darius Allen, County Commissioner
Minutes of the Public Hearing for Discount Liquor Transfer of Ownership was held on May 21, 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 -Absent  
Peter Kampfer, County Administrator  
Jason Kelly, County Attorney  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Melanie Woodward, applicant Nirmal Nagra, past owner Calvin Sheeley were present.

Nagra LLC is requesting a Transfer of Ownership. They are operating on a temporary permit that would allow him to operate 90 days until he is approved by county and state. He was lacking the fingerprint report because Carol at Sheriff’s Office was absent. She has received it today. Everything came back good. All proper fees submitted and notice was put on at the liquor store. No comments were given.

Mr. Nagra spoke. He has been doing this for many years. He will clean up everything and make everything nice.

Mr. Sheeley stated he knows Mr. Nagra for many years. He is responsible, qualified, and has been in business for many years.

Commissioner Yohn asked if anyone in favor of or opposition to this Liquor License.

There being no further business, the Public Hearing for Discount Liquor Transfer of Ownership was adjourned.

ATTEST:

Belina Ramirez, Office Manager  
Carol Osborn, Assistant Administrator

Mike Yohn, Chair  
Marianne Dunne, Vice-Chairman  
Absent  
Darius Allen, County Commissioner
Minutes of the Public Hearing for Minor Subdivision Harvey & Sandra Smalley was held on May 21, 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 -Absent  
Peter Kampfer, County Administrator  
Jason Kelly, County Attorney  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Rachel Doyle, Ken Vanlwarden, and applicants Harvey & Sandra Smalley were present.

Proposal: The applicants are proposing to divide a 324.59 acre parcel into two tracts: Tract 1 of 5.182 and Tract 2, a larger parcel of 313.882 acres.

Legal Description: The South ½ of Section 11, Township 39 North, Range 10 East, N.M.P.M., County of Alamosa, State of Colorado.

Project History and Background: The applicants, Harvey and Sandra Smalley, are proposing to divide an existing 324.539 acre parcel into two parcels. The smaller parcel, Tract 1, would be 5.182 acres and would retain the 1.5 story home with outbuildings and corrals for the owners to maintain as their residence. The larger parcel, Tract 2, would be 313.882 acres, and is being sold to continue its use as ranch land. There are five wells and an irrigation pond on Tract 2 and four wells on Tract 1.

Compatibility: The proposed subdivision is located in a Rural zoned district and is consistent with the regulations and the Master Plan of the County. Specifically, it fulfills the Alamosa County Land Use Development Code Minor Subdivision Standards of Article 5, Section 5.8.1 in that the subdivision;

Approval Criteria
1. Consistency with the adopted plans and of policies of the county;
2. The plat complies with the Subdivision Standards, and any other applicable requirements of this LUDC;
3. The parcel proposed to be subdivided is a tract that has not been subdivided in at least 15 years;
4. If located within or adjacent to a Rural Zoning District, the applicant shall include a Right to Farm and Ranch Policy Notice; and
5. The plat shall indicate that all subject lots will have frontage on existing approved streets;
6. New or residual parcels conform to the requirements of this LUDC and other applicable regulations;
7. No major extension of public sewerage or water lines will be required;
8. All sites, tracts or lots shall have a maintained access to a public road, which maintained acres are built to county standards. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
9. No waivers from the Subdivision Standards have been requested.

Findings:
1. The minor subdivision is found to be consistent with the plans and policies of the county as the property is in a Rural (RU) zoned district and the proposed subdivision does not change the residential and agricultural use of the property.
2. The plat complies with the Subdivision Standards of Article 5, Section 5.8 of the LUDC.
3. The parcel has not been subdivided in at least 15 years.
4. The applicant received the Right to Farm and Ranch Policy and the Code of the West.
5. The plat shows the access to North County Road 110 and the utility easements for both proposed parcels.
6. The new parcels are in conformance to the LUDC in terms of setbacks; density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage.
7. There is no need or plan requiring major extension of public sewer or water lines.
8. Both parcels have access to a public maintained road which is North County Road 110.
9. No waivers from the Subdivision Standards have been requested.

Department Recommendation: The applicant has met all submittal requirements for a Minor Subdivision and there is no foreseen major impact to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the Minor Subdivision application based on the information provided by the applicant.

Planning Commission Recommendation: The Alamosa County Planning Commission met on May 14, 2014 to hear this application. The only questions were to verify that the total number of wells, nine, were accurate and why the applicant was selling their property. The applicant replied that he is selling the larger parcel because he would like to retire. The Planning Commission voted unanimously to approve the Smalley Minor Subdivision application.

Commissioner Yohn asked if they received any correspondence for or against. No stated Ms. Doyle.

Commissioner Yohn asked if anyone would like to speak for or against this.

Mr. Smalley stated they are retiring and selling the ranch, semi retiring because they are going to mange it for awhile.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 - S - 2

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY HARVEY AND SANDRA SMALLEY, COVERING PROPERTY LOCATED IN THE SOUTH ½ of SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.
Commissioner Dunne moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS:

1. Harvey and Sandra Smalley, have submitted an application for a minor subdivision covering the following described property:

   The South ½ of Section 11, Township 39 North, Range 10 East, N.M.P.M., County of Alamosa, State of Colorado, 81101

   said property being zoned Rural (RU);

2. Said applicant seeks to divide the above-described property into two parcels as follows:

   Tract 1 = 5.182 acres  Tract 2 = 313.882 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 14, 2014, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on May 21, 2014, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 7 Section 7.6.6 (There is no longer a Section 7.6.6. If you are referencing the Subdivision Design Standards, this should be Article 5 Section 5.2; If you are referencing the Minor Subdivision Design Standards this needs to be Article 5 Section 5.8) of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a “subdivision” contained therein.

6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

   1. Consistency with the adopted plans and policies of the county exist;

   2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;

   3. The parcel has not been subdivided in the last 15 years

   4. The Applicant has received the Right to Farm and Ranch Policy and the Code of the West
5. The Plat shows the access to North County Road 110 and the utility easement for both proposed parcels.

6. The new parcels are in conformance to the LUDC in terms of setbacks, density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage

7. There is no need or plan requiring major extension of public sewer or water lines

8. Both parcels have access to a public maintained road which is North County Road 110

9. No waivers from Subdivision Standards have been requested.

IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code as adopted on July 15, 2009, as amended.

Roll call vote resulting in approval: Commissioner Yohn, Commissioner Dunne in favor. Commissioner Allen absent.

DATED: May 21, 2014.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(S E A L)

By Michael Yohn, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Minor Subdivision Harvey & Sandra Smalley was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chair

Marianne Dunne, Vice-Chairman

Absent

Darius Allen, Commissioner
Minutes of the Public Hearing for Minor Subdivision Gus Lopez was held on May 21, 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 - Absent
Peter Kampfer, County Administrator
Jason Kelly, County Attorney
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Rachel Doyle, Ken Vanlwarden and applicant Gus Lopez were present.

Proposal: The applicant is proposing to divide a 36.51 acre parcel into two tracts. A large parcel of 23.41 acres and Tract 2 a smaller parcel of 10.00 acres

Legal Description: A tract of land situated in the SE ¼ of Section 8, Township 37 North, Range 11 East of the N.M.P.M. and being all that portion of said SE ¼ Section 8, lying north of the Northerly R.O.W. line for the County Road 8 R.R. and lying East of the following described survey line:
Beginning at the point on the North line of said SE 1.4 of Section 8, Township 37 North, Range 11 East of the N.M.P.M., from which the East ¼ corner of said Section 8 bears 89°18’22” E a distance of 1901.22 feet to a point on the Northerly R.O.W. line for County Road No. 8 R.R., County of Alamosa, State of Colorado.

Project History: The applicant, Gus Lopez, is proposing to divide an existing 36.51 acre parcel into two parcels. The larger parcel, Tract 1, would be 23.41 acres and would retain the reservoir. The smaller parcel, Tract 2, would be 10.00 acres, will retain the existing well, and is being sold to be used as a residential property. The parcel is located just north of the Alamosa National Wildlife Refuge and a courtesy letter was sent.

Public Notice: Adjacent land owners within 1,500 feet of the subject property have been notified by mail and notice was published in the Valley Courier.

Robert Jackson, a neighbor to the West on County Road 8 South, stopped by the Land Use Office after receiving his notification letter. He has no issue with the subdivision but would like to see the fifth wheel trailer is removed from the site before changes are approved. The date, no other comments have been received from either adjacent land owners or other concerned parties via email, letters, telephone, or other methods. The applicant has since removed the fifth wheel trailer from his property.

Courtesy letters were sent to the Alamosa County Road & Bridge Department, the Alamosa Fire Protection District, the Rio Grande Water Conservation District, and the Alamosa-Monte Vista National Wildlife Refuge.
Compatibility: The proposed subdivision is located in a Rural zoned District and is consistent with the regulations and the Master Plan of the County. Specifically, it fulfills the Alamosa County Land Use Development Code (LUDC) Minor Subdivision Standards of Article 5, Section 5.8.1 in that the subdivision;

1. Has not been subdivided in at least 15 years;
2. Will not create more than three (3) additional lots;
3. Is in conformance with the goals, objectives, and policies of the Alamosa County Master Plan, Land Use and Development code, and/or other County Guidelines.
4. Both parcels have access to public maintained roads: County Road 8 South and County Road 114 South;
5. Both parcels have access to adequate to potable water;
6. Neither parcel is within a Geologic Hazard Area, the floodplain, or Critical Wildlife Habitat Area.

Findings:

1. The minor subdivision is found to be consistent with the adopted plans and policies of the county as the property is in a Rural (RU) zoned district and the proposed subdivision does not change the agricultural use of the property.
2. The plat complies with the Subdivision Standards of Article 5, Section 5.8 of the LUDC.
3. The parcel has not been subdivided in at least 15 years.
4. The applicant received the Right to Farm and Ranch Policy and the Code of the West.
5. The plat shows the access to County Road 8 South and County Road 114 South and the utility easements for both proposed parcels.
6. The new parcels are in conformance to the LUDC in terms of setbacks; density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage.
7. There is no need or plan requiring major extension of public sewer or water lines.
8. Both parcels have access to a public maintained road which is County Road 8 South and County Road 114 South.
9. No waivers from the Subdivision Standards have been requested.

Department Recommendation: The applicant has met all submittal requirements for a Minor Subdivision and there is no foreseen major impact to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the Minor Subdivision application based on the information provided by the applicant.

Planning Commission Recommendation: The Alamosa County Planning Commission met on May 14, 2014 to hear this application. The only questions were to verify that there was adequate water on both parcels, and the purposes of the irrigation reservoir on Tract 1. The applicant responded that the irrigation reservoir is used to irrigate alfalfa on a property he owns across County Road 114 South to the northeast. The Planning Commission voted unanimously to approve the Lopez Minor Subdivision application.

Mr. Lopez was present. He wants to sell 10 acres against the railroad. He has no use for that property. All he needs is the lower part near the reservoir to irrigate his property.

Commissioner Yohn asked if the 5th wheel was removed. Yes stated Ms. Doyle.
Commissioner Yohn asked if anyone is favor of or opposition to this application.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 – S - 3

RE:   APPLICATION FOR MINOR SUBDIVISION FILED BY GUS LOPEZ, COVERING PROPERTY LOCATED IN THE SOUTHEAST ¼ of SECTION 8, TOWNSHIP 37, RANGE 11 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

Commissioner Dunne moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS:

1. Gus Lopez, has submitted an application for a minor subdivision covering the following described property:

   A tract of land situated in the Southeast ¼ of Section 8, Township 37, Range 11 East of the N.M.P.M., and being all that portion of said Southeast ¼ Section 8, lying north of the Northerly R.O.W. line for the County Road 8 R.R. and lying East of the of the following survey line: Beginning at the point on the North line of said Southeast ¼ of Section 8, Township 37, Range 11 East of the N.M.P.M., from which the East corner ¼ of said Section 8 bears N 89°18’22” E a distance of 1901.22 feet to a point on the Northerly R.O.W. line for County Road No. 8 R.R., County of Alamosa, Colorado

   said property being zoned Rural (RU);

2. Said applicant seeks to divide the above-described property into two parcels as follows:

   Tract 1 = 23.41 acres          Tract 2 = 10.00 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 14, 2014, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on May 21, 2014, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 7 Section 7.6.6 (There is no longer a Section 7.6.6. If you are referencing the Subdivision Design Standards, this should be Article 5 Section 5.2; If
you are referencing the Minor Subdivision Design Standards this needs to be Article 5 Section 5.8) of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a "subdivision" contained therein.

6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

1. The minor subdivision is found to be consistent with the adopted plans and policies of the county as the property is in a Rural (RU) zoned district and the proposed subdivision does not change the agricultural use of the property.

2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;

3. The parcel has not been subdivided in the last 15 years

4. The Applicant has received the Right to Farm and Ranch Policy and the Code of the West

5. The Plat shows the access to North County Road 8 South and County Road 114 South and the utility easement for both proposed parcels.

6. The new parcels are in conformance to the LUDC in terms of setbacks, density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage.

IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code as adopted on July 15, 2009, as amended.

Roll call vote resulting in approval: Commissioner Yohn, Commissioner Dunne in favor. Commissioner Allen absent.

DATED: May 21, 2014.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By Michael Yohn, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board
There being no further business, the Public Hearing for Minor Subdivision Gus Lopez was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chair

Marianne Dunne, Vice-Chairman

Absent

Darius Allen, County Commissioner
Minutes of the Alamosa County Board of Health Meeting, held on May 21, 2014 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

Call the Meeting to Order

Ken Vanlwarden and Rachel Doyle were present.

Recommendation: On May 13, 2013, Colorado Water Quality Control Commission adopted On-Site Wastewater Treatment System (OWTS) Regulation #43 (5 CCR 1002-43), which went into effect on July 1, 2013. As a result of the regulation, Alamosa County Department of Public Health (ACPH) has until June 30, 2014 to repeal the Alamosa County Comprehensive Guidelines of Individual Sewage Disposal Systems as revised and amended in 1985 and adopt the New On-Site Wastewater Treatment System Regulations.

Background: The purpose of this regulation is to establish minimum standards for the location, design, construction, performance, installation, alteration, and use of OWTS within the State of Colorado.


What has changed? The vocabulary. Individual Sewage Disposal System is now defined as On-Site Wastewater Treatment System, Guidelines on ISDS is now defined as OWTS Regulation #43, Drain Field, Leach Field is now defined as Soil Treatment Area and Absorption Field is now defined as Infiltrative Surface.

With the help of Charles J. Cuisino, On-Site Wastewater Treatment System Coordinator Engineering Section with the Water Quality Control Division, Alamosa, Rio Grande, Conchos, Costilla, Mineral, and Saguache worked together to establish our local regulations.

Alternatives: The State has mandated that the local Public Health Agency adopt the OWTS Regulations by July 1, 2014. Upon adoption of the local OWTS Regulations, the State Division
has 45 days to complete their review of the local adopted regulations. We have not made any changes to the proposed regulations that were submitted to the State Division for review and we received confirmation that the Division found no inconsistencies or conflicts in the proposed revisions to the local regulations as submitted. Our local adopted regulations must be submitted to the State Division no later than five (5) days after final adoption. Only after the State Division has determined that the revised regulations comply with the OWTS Act or Regulation 43 may the local Public Health Agency revised regulations take effect and be published as required by [Section 43.4(A)(3)(c)].

Fiscal Impact: Systems will cost more because of changes made in the regulations to allow better protection of the water and the entire environment.

Conclusion: The entire Alamosa County staff working on these regulations recommends to the Alamosa County Board of Public Health that the proposed regulations be adopted.

In 2013 Governor Hickenlooper signed HB 13-1044. This meant the Division of Water Quality had to come up with a set of regulations. They have been involved in this as a stakeholder. He did this via webinar. In April 2014 the State is on hold because the State Plumbing Board got involved. They have to run by current regulations for now. By 2016 they will have regulations for grey water.

m/s Dunne/Yohn motion to accept the Onsite Wastewater and designate Land Use Department to regulate these.
Motion was approved with Allen absent.

They work with the local public health

Lynnae Rappold spoke. It was a great experience working with all the Counties and regulating uniformed regulations. Chuck Lazono made it easy to work with.

Adjourn

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

ATTEST:

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator

Mike Yohn, Chairman
Marianne Dunne, Vice-Chair

Absent
Darius Allen, County Commissioner
Minutes of the Public Hearing for Ordinance No 16 was held on May 21, 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 - Absent
Peter Kampfer, County Administrator
Jason Kelly, County Attorney
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Rachel Doyle and Ken Vanlwarden were present.

Jason Kelly gave some background on what they are doing. This is the second time they are doing a 1st reading. They had the 1st Reading of some options that were going to be published. Following they had a worksession. Typically when they do a 1st Reading it is not a Public Hearing it is an appointment. They then publish it and set for a public hearing. Given that is was announced as a Public Hearing it had to be held that way.

AMENDMENT 1:
Article I, Section B shall be amended as follows:

(3) “Residentially Zoned Property” means any parcel or tract of land located within the unincorporated area of Alamosa County that lies within a designated residentially zoned district at the time of application.
(4) For purpose of this Ordinance, any “special use permit” issued by the Alamosa County Board of County Commissioners shall be considered the local license required by the applicant

AMENDMENT 2:
Article I, Section F, Paragraph 2(b) shall be amended as follows:

The distance shall be computed by direct lineal measurement from the nearest principle structure of the MMC, MMIPM, or OPCO to the nearest property line of the protected purpose.

AMENDMENT 3 and AMENDMENT 4:
Article I, Section D shall be amended as follows:

(6) In determining whether to issue any license under this Ordinance, the Licensing Authority shall consider the local needs of the community and may, at their sole discretion, require the applicant to present evidence demonstrating that the needs of the community are not being met with current MMC’s, MMIPM’s or OPCO’s.
(7) The Local Licensing Authority may, for good cause shown, waive strict compliance with any provision set forth herein.
AMENDMENT 5:
Article I, Section K (new)
Title: Unlawful Acts: License Violations and Enforcement

(1.) It shall be unlawful and a violation of the terms and conditions of every license issued under
this Ordinance to cultivate, manufacture, distribute, store, test or sell marijuana, except in
compliance with the terms, conditions, limitations and restrictions of said License and in
accordance with Sections 14 and 16 of Article XVIII of the State Constitution, and the
Colorado Marijuana Code.

(2.) It shall be unlawful and a violation of the terms and conditions of every license issued under
this Ordinance for any person to engage in any form of business or commerce directly
involving the cultivation, processing, manufacturing, sale, or testing of marijuana other than
those forms of businesses and commerce that are expressly contemplated by this Ordinance
and the Colorado Marijuana Code.

(3.) It shall be unlawful and a violation of the terms and conditions of every license issued under
this Ordinance for any person to permit the consumption of marijuana on any licensed
premise.

(4.) It shall be unlawful and a violation of this Ordinance for a Marijuana Establishment to operate
until it has been properly licensed by the Local Licensing Authority and also licensed by the
State Licensing Authority pursuant to the Colorado Marijuana Code.

(5.) It shall be unlawful and a violation of this Ordinance and, further, a violation of each license
issued pursuant to this Chapter for a person or licensee to commit any act or omission which
is unlawful pursuant to the Colorado Marijuana Code. In addition to the criminal penalties
specified therein, any licensee who commits any acts that are unlawful pursuant to this
Ordinance and/or pursuant to the Colorado Marijuana Code shall be subject to suspension,
fines, and/or a revocation of its license.

(6.) It shall be unlawful and a violation of the terms and conditions of every license issued under
this Ordinance to sell marijuana, or any marijuana infused product at any time except between
the hours of 10:00 a.m. to 7:00 p.m. unless a more restrictive time is set by the Colorado
Marijuana Code.

(7.) In addition to any other civil or criminal sanction prescribed by Colorado law or rules
promulgated pursuant thereto, the Local Licensing Authority or the Director, has the power, on
its own motion or on complaint to fine, restrict, suspend or revoke a license issued by the
Local Licensing Authority for a violation by the licensee or by any of the agents or employees
of the licensee of the provisions of this Ordinance, the Colorado Marijuana Code and/or of any
of the other terms, conditions or provisions of the license issued by the Local Licensing
Authority. Any restriction, suspension and/or revocation shall only take effect after
investigation and opportunity for a public hearing at which the licensee shall be afforded an
opportunity to be heard, unless the Local Licensing Authority determines that the suspension
and or revocation must take place to protect the health, safety, and welfare of the general
public. Any fine issued by the Local Licensing Authority or the Director shall be payable within
twenty (20) days of the date of the Notice. The following graduated fine schedule shall apply:

   a. First Offense - $100.00 fine
   b. Second Offense - $300.00 fine
   c. Third Offense - $1000.00 fine
   d. Fourth and subsequent offense - $1500.00 fine and automatic suspension
      and/or revocation of license

Each day that a violation continues to exist shall constitute a separate offense.

(8.) Each person licensed pursuant to this Ordinance shall keep and maintain all records specified
in the Colorado Marijuana Code and shall make the same open, at all times, during business
hours for the inspection and examination of the Local Licensing Authority and/or the Director.
A failure to maintain such records and to allow for inspection of the same as well as a failure to allow the inspection of the licensed premises shall constitute a violation of this Ordinance and shall subject the licensee or its agent to a fine, suspension and/or revocation of the licensee's license.

(9.) In deciding whether a licensee should be fined, suspended or revoked in accordance with this section, and in deciding what conditions to impose in the event of a suspension, if any, the Local Licensing Authority, or its duly authorized representative shall consider:
   a. The nature and seriousness of the violation;
   b. Corrective action, if any, taken by the licensee;
   c. Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
   d. The likelihood of recurrence;
   e. All circumstances surrounding the violation;
   f. Whether the violation was willful;
   g. The length of time the license has been held by the licensee;
   h. The number of violations by the licensee within the applicable twelve (12) month period;
   i. Previous sanctions, if any, imposed against the licensee;
   j. Any other factor making the situation with respect to the licensee or the licensed premises unique.

(10.) Notice of any fine, suspension or revocation shall be given by mailing the same in writing to the licensee at the licensee's last address of record with the Local Licensing Authority.
   a. At any hearing in which there is an alleged violation, the Local Licensing Authority in its discretion may accept a stipulation that the Licensee shall pay a fine in lieu of serving a restriction, suspension and/or revocation of the Licensee's License;
   b. Reject the stipulation and require a full hearing

(11.) The remedies provided in this section are in addition to any other remedy provided by applicable law.

(12.) Any party aggrieved by a final decision of the Local Licensing Authority may be appealed to a district court within twenty eight (28) days following the date of such decision pursuant to the provisions of Rule 106(a)(4), Colorado Rules of Civil Procedure.

AMENDMENT 6:
Article I, Section F, Paragraph 2(a) shall be amended as follows

For purposes of MMC’s, MMIPM’s and OPCO’s in any zoned area of Alamosa County designated as Commercial or Industrial. OPCO’s are also permitted in any zoned area of Alamosa County designated as Rural.

AMENDMENT 7
Article I, Section E shall be amended as follows:
Title of section: Application and Fees

Paragraph (2) The application fee for any MMC, MMIPM, or OPCO shall be $1000.00.

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

Gordan Bosa spoke in behalf of Valley Meds LLC in favor of the Amendments. Valley Meds is a special case. This is not a dispensary it will be strictly a growing facility their customers are
virtually all from the Front Range. It is completely surrounding by fence. It is more like a brewery without a pub attached to it so they would urge the commission to go ahead. Typically the 1st reading is not a Public Hearing but it was announced as a Public Hearing so a 2nd Reading will be June 11th.

There being no further business, the Public Hearing for Ordinance No 16 was adjourned.

ATTEST:

Belinda Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chair

Marianne Dunne, Vice-Chairman

Darius Allen, County Commissioner