Minutes of the Board of County Commissioners Meeting, held on February 20, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Britney DeHerrera, Chief Financial Officer
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 Yohn/Dunne motion to approve the agenda of February 20, 2013.
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-February 6, 2013

Correction on Lois Widhalm Auto Agent Contract where Jason recorded changes “all renewal terms are subject to necessary funds if any be properly appropriated by the tax collector” to read “all renewal funds are subject to prior appropriated funds if any be properly appropriated by the tax collector”.

M/S Dunne/Yohn motion to approve the Minutes of February 6, 2013 as amended.
Motion was passed unanimously.

Approval of Bills/Obligations

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

Public Comment
Approval of Consent Agenda
Appointment to Rio Grande Water Conservation District
January County Clerk & Recorder’s Report
January Treasurer’s Report
Documentation of PHS Sub Recipient: Financial Conflict of Interest Policy
eSolutions Inc Services Agreement Fees
Crystal Birdsong – Wound Care

Wound Care Contract needs contact information included for Crystal Birdsong.

M/S Yohn/Dunne motion to approve Consent Agenda
    Motion was approved unanimously.

Public Hearings
Dune View Spirits-Liquor License Application

Commissioner Dunne stated the dialogue that they have had in favor and against makes it clear.

Commissioner Yohn thanked everyone for coming in those for and against. They want the best decision for everyone. He sees it as a vacant building that will be renovated, a new business starting up, and new employees so yes it is a money thing but also a beautification. It is not a bar it is a package retail package business. He doesn’t see putting a burden on the community as he sees. He has looked at it but he sees it as a plus. He has looked at their other business; he has patronized it and appreciated it.

Commissioner Allen asked if they have set hours.

Mr. Bautista stated less hours than what the state allows especially during the winter hours. There might be a change of hours during winter and summer. They have no plans of staying later hours. They will limit anyone under 21 years of age.

Commissioner Allen asked if they have the employees do background checks.

Mr. Bautista stated the state doesn’t mandate background checks. Fortunately for them one of the gentlemen that is going to be employed is working a liquor store now and manages it. The other lady is a supervisor for them so they trust her with all safety codes and keys to their building.

Commissioner Allen stated these are all hard decisions and he knows they are a close knit community. Last night he went to the Soil Conservation dinner where people went up to him for and against this. There hasn’t been an application like this since he has been here for 17 years.

List of Exhibits
1. Application
2. Petition originally filed with application
3. Petition in opposition recently provided
4. Letter from George Welch
5. Letter from Ed & Catherine Kulp
6. Letter from Ivol Ellis
7. Letter from Lavona Heide
8. Letter from Troy & Shirley Witherspoon
9. Applicant packet
10. Aerial View of property

Commissioner Dunne feels the fears of the community will be alleviated as the year goes by. She stated that their decision has nothing to do with any kind of revenues Alamosa will get. It has to do with our nation and our state this young couple has a right to open a business. They are fulfilling all the laws and regulations.

Commissioner Allen stated it meets all their requirements through their Land Use Office. They posted and reposted notices as they were supposed to. They looked at the petitions both for and against. The services are needed there but if it is was a bar he would be against it. It used to be a Post Office there that had lots of traffic. He has checked with the State Highway Department and they had no problem with it there. They went through the state and local liquor license. They have invested $35-40000 already. It is in accordance with all the regulations of Colorado. He has visited with several people throughout the state, through our CTSI Organization so if there is a violation and they come before them he will not be forgiving.

M/S Dunne/Yohn motion to approve liquor license for Carly Triz and Donnie Bautista. Motion was approved unanimously.

Alamosa County Land Use
January Activities Report
Code Enforcement Report

Ken Vanlwarden, Juan Altamirano, and Jinger Getz were present.

The Activities report for the month of January was presented.
Total permits include roofing, demolition, septic, sign, address, and land use change permits.

<table>
<thead>
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<th>Total Permits</th>
<th>2013</th>
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<td>Total YTD Values</td>
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Total Licenses includes Septic installers, septic cleaners, and Mobile home parks.

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<th>Total Licenses</th>
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<td>2175</td>
</tr>
<tr>
<td>Total YTD Fees</td>
<td>1800</td>
<td>2175</td>
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</tbody>
</table>

Total Permits and Licenses

| Total MTD | 33 | 37 |
| Total MTD Fees | 4692 | 6991 |

Office Visitors
MTD  
Inspection Requests  76  101
Total MTD  18  25

Commissioner Yohn asked about the mobile home park licenses are they up to date. All except for two are up to date. She does send out letters every month with reminder that they are late. Are there any late fees asked Commissioner Yohn. If they do not get anything by the end of March they will do something about it.

Commissioner Dunne stated if she was a septic cleaner she wouldn’t work during the winter. They are very busy in the winter because they have a lot of pipes they have to thaw out. It is required with Alamosa County in order to clean septic tanks and install they have to be licensed. They only charge $25. For new applicants they have to pay $50 then $25 at renewal.

Mr. Vanlwarden presented a letter from the State of Colorado Department of Public Health and Environment. The County has failed to conduct a post closure care that is required by the state. They were 97% but failed to complete. He wasn’t aware of this. Several years they would have inspections of all of the landfills by a member of the State CDPHE. Not one said anything about that. The last inspection conducted in October he never got the report. He got a call that they had to sent it to state office and they red flagged it that they failed to close landfills completely. One of the things that happened on the Coop Landfill is that when they put the septic dump there it constituted it being active again. Page 3 of 3 stated they have regulation for a conference with the state department which they have 30 days to respond. Would they like to have this compliance conference with the state? If they don’t schedule they lose out entirely.

Commissioners encourage him to go forward and contact them. All they have to do is get rid of the tanks stated Commissioner Allen. Rio Grande has just completed theirs. Commissioner Allen stated that was a 10 year process. He has complied with their requirements on deficiencies; 1) unauthorized entry, 2) septic disposal is what they are working on now, and 3) ground water monitoring test they have. The only thing left is to get rid of the septic sewage. He is doing a RFP a request for bids. He talked to inspector Emmons and he has until October to get the tanks removed. They need to have Julie Geiser and probably Phil West present as well as Jason Kelly.

Commissioner Yohn asked if this is for the Coop landfill or all three. They want to focus on the Coop but they need to check on the others. Mr. Vanlwarden stated he knows Mosca has locks but he is not sure of the Baca. Commissioner Allen stated he didn’t believe the County owned the Baca Landfill. Mr. Vanlwarden stated he will look into it.

Jinger Getz Code Enforcement Officer spoke regarding Ordinance 7 Blight. They did a summary of what the blight ordinance. The Removal Proceedings shows their process. They have to give notice of a Blight Violation of a 14 day notice to owner. They have to advise them that it may be possible show cause hearing before the BOCC if they do not comply with the Ordinance 7. They have a mission statement within their office to promote and maintain standards that preserve and enhance the quality of life for all those who live, play, and work in
Alamosa County through community involvement, education, and regulation. There are several areas in Alamosa that are blighted. They need to be educated she believes some people don't even know they have a blight ordinance that regulates trash, junk, and rubbish. Her goal is to educate and regulate the county property owners. She is designing a handout to give them information on what the Ordinance is about and give them options what they can do with their junk. There are several options that she presented as well as one that wasn't listed Junk Kings. This handout will be given to the property owners. The Colorado Recycling Company located in Monte Vista currently only take scrap metal but they are willing to go to the property site and dispose of it. WSB Recycle started a recycle program. They will take anything with a power cord such as radios, computers, telephones, televisions, batteries, and appliances. The only thing they won't take is refrigerators, freezers, air conditioners, or devises that contain mercury or radioactive devices. They charge by the pound. It is 33 cents per pound. They can also go out to the home property which is 50 centers per pound outside city limits.

They have several cases since she started January 15th. They have 182 cases that accumulated over 10-15 years. Some have been resolved and some have accumulated more. Since January 15th she has 15 cases which some have been closed. A lot of it is just education. They are going out on Tuesday afternoons and assess the property and see if blight does exist and take proper steps. Mr. Altamirano has scheduled a few Show Cause hearings if the owner doesn’t come in and work this out. The BOCC will make the determination if there is blight or not.

Commissioner Allen asked if they have some to refer what to do. They have a complaint form but she can fill it out for them. If there are cases they want them to focus on just let them know. They started with several small cases that she can get familiar with the ordinance and how cases will be handled. Commissioner Allen suggested adding L&M to the recycling list for used cars.

Commissioner Dunne has a concern of her going alone to isolated places. Mr. Altamirano or Mr. VanIwarden goes with her and they only have had one property owner whom they have encountered. When they go out in the beginning it is not their concern to contact the owner but take look at property, take photos of property, and address via letters. Their intent is to get the owners to come into their office. The day before hearing they will take necessary photos to give update to the board. The difference now than before is the board had a lot of issues that they had to deal with that were controversial so now they just have to decide if there is blight. The program that they are using is called Iworks. Commissioners can have access to this program as well. They are not going to jeopardize the safety of anyone from their office stated Mr. VanIwarden. If she feels uncomfortable and Juan or Ken are not available than one of them can go or even Donnie Soapes stated Commissioner Allen.

They discussed two problem areas one being the property located near the railroad. Mr. Kelly suggested sending the letter certified that way they know they are getting the notice. Mr. Altamirano stated because it was an industrial area they couldn’t do anything about it however the ordinance states it has to be active. Right now it is inactive. Commissioner Yohn asked if they could go through Gas & Oil Commissioners inspection. This is something they can look into. The big issue is trespassing if they could put up a fence stated Mr. VanIwarden.
Alamosa County Sheriff

Dave Stong was present. The Monthly Detention Report was presented. It showed the daily average population at 121.7. 7 inmates are housed in Conejos, 22 in Chaffee, and 3 in Bent. The monthly food service report was provided. Calls for service for the month of January was presented. Mr. Kelly stated there were several counties that have adopted a policy for charging for alarm responses.

For seizures and forfeitures the funds go to the State or the Drug Task Force.

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

Carol Osborn, Assistant Administrator

Darius Allen, Chairman

Mike Yohn, Vice-Chair

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Dune View Spirits was held on February 20, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

Melanie Woodward was present. She is requesting approval for a Retail Liquor Store to open in Mosca. The Land Use Office has been out to the property and everything has met their requirements. She reposted the Public Hearing and advertised in the Valley Courier. She did receive a petition for people who were against it. She also got letters from George Welch Superintendent for Center School District who has a lot of good things to say about Donnie and Carly. She also received a letter from Edward & Catherine Kulp. Their goal is to provide a family run liquor store with friendly knowledgeable staff. They will offer an affordable selection of great wines as well as high end spirits. They are going to cater to local and tourists alike. She felt they made a very point that if a liquor store doesn’t adhere to state liquor rules or is a burden to the neighborhood there are fines and ultimately a loss of the liquor license. The license would be good for one year and has to be renewed each and every year. She believes their business deserves a chance. If there are violations when she has to run background checks every year for renewal she would know.

Carly Triz and Donnie Bautista applicants were present. Mr. Bautista stated he has a bachelor’s degree in Restaurant & Hotel Management. He has 13 years of corporate restaurant management that included alcohol sales. He managed Food & Alcohol arenas throughout the country. He dealt mostly in sports entertainment food & beverage. His first account was Texas Motor Speedway where they did $14 million in food & beverage in 7 days. He is currently the General Manager for the Sand Dunes Swimming Pool. Because he worked in corporate industry, the corporate industries do a terrific job of making sure their employees are well versed in alcohol law. He has been TABC registered in Texas so he knows the laws.

Carley Triz was born and raised in the San Luis Valley. She went to Sargent High School. Her parents have owned the swimming pool for 17 years and convinced them to move back and help run it. They have for the last three years. They want to raise their family here. They have a ten month old. They have purchased this building. She worked for several corporate industries and she attended the alcohol classes as well.

Their goal is open up something the community can use and for the tourism. They run one of those businesses. If there is a need repeatedly asked for they will do everything in their power to get what their needing. One question was dump station and they put built one. Another question was for laundry services and showers which they are building one now. The next thing asked often is for the liquor store. There is not a school within 3 miles of the building. He has a letter
from George Welch from the School District and is on their side. The letter also states that none of the liquor stores in Center affect their schools. It is beneficial to work hand and hand to minimize illegal consumption of alcohol. With their education and experience you couldn’t find better people.

Juan Altamirano Land Use Manager spoke. This case was brought to them after their last meeting. They were asked to review whether there was any conflict in the zoning of a retail liquor license. Based on their review it fits under within the permitted uses under Commercial Activity retail neighborhood. The Classification for this business is for retail purposes and it fits under that criteria of commercial business. The Board needs to be aware during the master plan process there was a delegate to Mosca to attract business to have some kind of economic activity out there. They have done a good job in address in trying to place businesses out there. Last year a potato plant that is in place there now. This is a step in the same direction in trying to provide a level of economic activity there. They would like to manufacturing throughout the county but sometimes that is not possible. This will help meet their Master Plan goal.

Chester Jones spoke. He resides at 5231 Barker St. He has been a resident since October 1967 and owned their own home in Mosca. The additional petition now more accurately presents the sentiment of the Mosca residents. The petition presented by the applicant was signed in favor of the Liquor License was signed by 30 people of those 30, 3 said no. Only 12 people live in the radius of Mosca. He chose a mile radius for his petition. The petition which was signed last time was signed by people from Alamosa and Center. Today’s petition was signed by 66 people not in favor and 52 live in the radius of Mosca. He does not represent those who signed the petition but his and his wife’s interest in not seeing a liquor store in their town. The Community of resident’s desire is against for those in and out of Mosca. It is obvious the people in the radius proposed do not favor and out favor 4 to 1. He enjoys living in Mosca for the past 46 years and has appreciated the peaceful quiet community environment atmosphere. It is not easy for him to think this quiet little town could develop the reputation for a liquor stop for many. The overwhelming cumulative community agrees with this sentiment. Therefore he asks for denial of this application for Carly Triz and Donnie Bautista.

John McCormick spoke. He lives in Alamosa County. He sells potatoes in Alamosa County. Anytime they have a new business coming into Alamosa they need to embrace a new business. Being a business leader if you look at the hockey program you see his business name plastered everywhere because they are a business that wants to support people. They need more givers than takers. He understands that liquor ruins many businesses but everyone needs to be held responsible. He would like to see a senior come in and ask for sponsorship for example their after prom program and get sponsored by Carly and Don. They can get it with a business open they can’t if it is not there.

Carla Gomez lives in Saguache County in Center spoke. She is speaking in favor of this business. She is a resident and born here in the Valley. In small towns and communities the backbone of their communities is small business whether it is a shoe shop, flower shop, gas station, or a retail liquor business. That is what makes the communities and it supports the communities. These small businesses support churches and schools. They are school board members, town board members, or county commissioners. It takes a lot of backing to start a
business especially a liquor store. If violations come forward people have to answer for them. No one is going to go into this and jeopardize their business. Her husband and she were in the liquor business in Center as well and she doesn’t drink. This was a job a business and that is how they ran it. She knows Ms. Harmon-Triz family and knows their proven track record of what kind of business they would run. It is Valley is one big community and they are dependent on each other. She would encourage helping that business and supporting them as they move forward to provide a good business. They will be also selling lottery tickets, pop, ice, and other allowable products.

Lavonne Heide who resides at 5335 Main St in Mosca spoke. Her husband has lived there 85 years and they lived there for 56 years of their married life. She is in opposition to this. They have lived there so long they know the people that come and go. She hasn’t met them in their community church or school programs. She is not sure what part they would play in their community. She knows several people that have real problems with alcohol. She is just opposed to it as well as her husband and some of her neighbors. She knows people who border the areas as well that are not in the favor of it at all.

Scott Manke lives a couple miles south of Hooper spoke. He frequents Mosca and has a PO Box there. His background is one of customer service, a poet and a novelist. He is an independent contractor with one of the solar facilities. He has been going to the pool since 2007. He moved here then. He has come to the pool prior that. He believes in communications. He is an advocate of economic development. He worked in the airlines in Santa Fe. He believes communities need services. He understands objections the people are voicing. He is Christian himself and believes some congregations have strong objections to alcohol and other things. He also knows they are in a depression locally and nationally. These people are taking a great risk and a considerable amount of money purchasing the property. They are paying bills; purchased the fee to apply for the liquor license that they cannot get back if this is rejected. This is something they want for their community and their family. It is a lot to say for the opportunities that a business like this can provide for the residents and people driving into this community. Also it would benefit for the convenience and having to drive a shorter distance. He knows the concern of crime but if this was a bar he would be against it as well. A convenience store has a greater chance of having an armed robbery than a liquor store. These folks are willing to help the community. They can contribute to the school and the community. Maybe they could help develop a better sewer system for Mosca. As they develop this community and get more tax dollars maybe this could help provide a better service. They are looking overall at the general area a 50/50 split of those opposed and for. They get more people at meetings that are opposed statistically. This is a one year liquor license application and if this does work it will prove itself. If it doesn’t then the application can be rejected. It comes down to the three of them of what comes in regards to economic development to their community.

Ron Brink spoke. He is a citizen of Alamosa County. One thing that hasn’t been addressed is job opportunity. He has said before such as when the Federal wanted to cut the Post Office one job opportunity means a lot. This will at least produce 1 job maybe 2 or 3 and every one of those is better than no job. He appreciates what everyone has said and understands what the people are against. But whatever opportunity they have for more retail business really does help the community.
Mr. Bautista stated they appreciate the opposition and those for them. They have two employees where one has children and needs another job. They have another employee that works and is going to school. Some of those people are retiring and they plan on being there and raise their son here for many years. They are pumping money back into the San Luis Valley. Several of their options are Colorado options. There are 139 breweries in the State of Colorado and 5 of the top breweries are located in the State of Colorado. There are 46 wineries and 18 distilleries and this is what they want to gear their business to. There are several options for growth from the contractors who are coming in to remodel their building, to the electricians who are putting electricity, to the distilleries, wineries, and to the people they employ. This makes sense to them and their family.

Kay Jones spoke. Her family has lived here 54 years. What she is hearing comes down to a matter of money for Alamosa County and the Town of Mosca. One of the things she would like to ask is if they have applied in Saguache County where they have a job, a good job. They love the pool and what they have done. When they started cleaning up the business this summer they were given no indication that it was going to be a liquor store. What they need is a restaurant. If they have restaurant experience everyone would support it. The opposition is to what alcohol has done to their valley. They have people in Mosca who are recovering alcoholics. They had people who would not be supporting it all but would not sign the petition because they are a recovering alcohol. It is a nice quiet community. If they lose one person or one child because of alcohol consumption in their community it would be one too many. They have lost two already in car accidents. They have two sheriff deputies who are both in opposition because they are called to the bar in Hooper. They said they are called there constantly even when it is closed. The Hooper bar will be opening soon and that would be closer to the pool. Her question is have they applied in Saguache. Another thing that was brought up was they were petitioning that they were opening food and the petition did not say for alcohol. So some of the people that signed did not know what they were signing.

Commissioner Allen stated the application for a Liquor License is what is before them and not what their future is.

Mr. Bautista stated the future plans for the swimming pool is a brewery and pizza parlor. In regards to why they don’t open a restaurant instead of a liquor store is the cost of decent equipment would be more than the entire cost of his first liquor order. He knows the cost associated with a restaurant and if a business is going to work they have to know what they getting into. They have to have a business plan so it doesn’t put a closed sign like the one that was there before. They would like to open more than one business. They are ambitious. They are young and have only one child. Triz’s parents are behind them 100% in every way. If they try something different they will close. They know what they are getting into. They have campers that are all looking for a business like this. Hooper is not a retail business it is a bar. The Convenience store is opening up and he hasn’t heard anything about the bar opening up. It is important to him to provide for his family. There are state mandated laws that they have to follow. He doesn’t understand the concern as long as it is run responsibly and honorably.
Ms. Jones asked if there was a law that they can't have liquor at a pool and are there different liquor laws granted of who can be in there if they sell food.

Mr. Bautista stated they cannot serve food in there and they will not have anyone under 21 years old in there.

Ms. Triz stated it is up to the store owners and they are planning on not allowing children or anyone under 21 allowed in the liquor store.

Ms. Jones asked how that is enforced.

Ms. Triz stated by the owners.

Commissioner stated it is enforced by the owners, if there is a complaint it has to be answered through the county, and if it becomes a violation the state is very strict on violations. He has looked into this and they can lose their license.

Ms. Jones stated she felt the residents rights were being pushed over for the tax revenue that would come in. She would love to see new businesses come in there but it is the nature of this business.

Ken Vanlwarden Building Official for Alamosa County wants to remind the applicants that if their liquor license is approved a building permit would need to be obtained to change from a restaurant to a liquor store.

There being no further business, the Public Hearing for Dune View Spirits was adjourned.

ATTEST:

Belinda Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice, Chairman

Marianne Dunne, County Commissioner