Minutes of the Board of County Commissioners Meeting, held on June 12, 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

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Add 100\textsuperscript{th} Anniversary discussion to agenda and move Boys and Girls Club up since they are present now.

M/S Yohn/Dunne motion to approve the agenda of June 12, 2013.
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

\textit{The Following Minutes were presented:}
\begin{itemize}
  \item Regular Minutes-May 22, 2013
  \item New Age Beverage PH
\end{itemize}

M/S Yohn/Dunne motion to approve the Minutes of May 22, 2013.
Motion was passed unanimously.

Approval of Bills/Obligations

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

Representative Ed Vigil was present. He had a brief conversation with Ron Brink that he is going to proceed where they will have a group of shareholders along with Sheriff’s Association to get a better way to pay for inmates. The counties by statutory authority are responsible to cover the costs of the jail. There has been a wave of Sheriffs concern that the Counties have the responsibility to pay for the jail inmates. He would like some input on that bill as they move forward.

Commissioner Dunne discussed the 100th Celebration and invited him to the parade and the ceremony. It is a real burden to rural counties. A lot of the inmates here come from other counties and we end up fitting the bill. It might be a good idea to look at the structure.

Representative Vigil stated that is why he wanted to start early and get some insight. He has RSVP’d to the event.

Commissioner Yohn stated it is puzzling how the state prison populations are going down and the county jail populations are going high.

Commissioner Allen stated he talked with Crowder that they formed a Judicial task force to build a Judicial Center. They deemed the building is not adequate so they are looking at more space and space for the DA and Public Defender. There were three court houses in the state Huerfano, Montezuma, and Alamosa that were deemed less adequate. Any financial help with that would be appreciated.

Representative Vigil stated there might be works to get two judges here so keep that in mind as well.

Ron Brink spoke. He wanted to remind them about the bill started by him being present at one of the meetings where the Sheriff stated it was a burden for them with no inmates paying the bill. He thought that was an injustice to the people so he volunteered to do something. He would be glad to help and be a liaison with Representative Vigil. This is not just a County wide issue it is a statewide problem.

Approval of Consent Agenda

Immunization Core Services Budget Modification
Chronic Disease Risk Reduction Program Subcontract — Alamosa Public Schools
Chronic Disease Risk Reduction Program Subcontract — National Jewish Health
Chronic Disease Risk Reduction Program Subcontract — Regents of the University of Colorado
Chronic Disease Risk Reduction Program Subcontract — Saguache County Public Health
Chronic Disease Risk Reduction Program Subcontract — SLV Regional Medical Center
Equitable Sharing Agreement and Certification
Alamosa Municipal Building Proposal for Commissioning Services

Jason Kelly stated there were some changes that he asked to be corrected in the subcontracts.
M/S Yohn/Dunne motion to approve Consent Agenda subject to changes requested by Mr. Kelly

Motion was approved unanimously.

Boys & Girls Club

Lynn Cotton Executive Director and Mary Barileo Board Member were present. Ms. Cotton is the new Executive Director for Boys and Girls Club. She resided in Grand Junction where she had her own business. Then she left the country and wanted to come back to Colorado. She feels supported by the county. She invited them to a reception next Thursday from 9-11am. It is a great organization. She welcomes their input or any ideas.

Commissioner Allen asked what their goals are. She is not going to make any significant changes now. She has been meeting with board members individually and many community members such as James Trujillo at the college. They are going to have their first budget meeting soon. Commissioner Allen stated he would like to spend money elsewhere such as with the Boys and Girls club instead of the jail. She would like to increase the enrollment with middle school population. She would like to increase their teen night as well.

Commissioner Allen asked who is on board. Ron Chapman, CPA; Chris Daniels, Mental Health; James Trujillo, ASU; Julie McNeilsmith, Youthtrack; Bob Howard, CIA Insurance; Mr. Vanlwarden, Contractor; and Jason Kelly. The emphasis for the Boys and Girls is to help push for education achievement. Ms. Cotton stated she calls it Health, Education, Achievement to Life Skills, and Leadership.

Commissioner Dunne welcomed her. The Boys and Girls Club is very important. Some suggestions for recruitment are they have a new CSU Extension Coordinator that wants to work with the Boys and Girls. Another idea is all the vocational bible schools for children. She was disappointed because Monte Vista couldn’t continue their club.

Commissioner Yohn stated he was concerned with the summer hours since school is out. 7:30am to 5:30pm they are open. Yesterday they had 62 children and this is just the second week of the program. Staff is responsible for themes and programs which are based on what the children wanted to do. She wanted to dispel any thoughts that the club is for indigent children. She has met with College professors and their children are attending. They have a lot of prevention programs. She is personally going to teach money matters. She wants to have weekly newspaper articles that address what is going on at the club. They provide breakfast and then they walk to the school for lunch.

Alamosa County Land Use

Juan Altamirano and Jinger Tilden were present. Mr. Altamirano asked for a fee waiver for the new Food Bank Storage Building that is being built. The Coop Landfill is being required by the state to close properly. Today the first event of the eight events has successfully been completed. A new change order has been made to accept the new scope of work. The septic tanks material has been removed. The contractor has assured Mr. Vanlwarden that they will remove the tanks
by June. They are working on adopting the new 2012 International Energy Conservation Code, International Building Code and International Residential Building Code, and International Mechanical Code. He will be bringing them to the board for approval. They will also be making some changes to the Land Use Development Code as well. Work has started for the new Food Bank Storage Building. The concrete has been done. The foundation and floor has been donated by the SLV Concrete. Rocky’s Southway donated the concrete. Plumbing has been donated by Husman Plumbing & Heating. Road & Bridge has donated all their work. Commissioner Allen has been in coordinating all the donations and scheduling the contractors for all the work on this building.

Commissioner Allen stated the building is here at Scott Erickson’s property. They can have it up within a week. Others that have helped are Valley Electric and Hoyt Anderson with Alamosa Building Supply to build out the bathroom and the office. Tim Gallegos will frame them. Rocky Mountain Septic is doing the septic. There is a waiver with the City to waive the tap fees.

Commissioner Dunne thanked Commissioner Allen for setting this together and the community

Commissioner Yohn stated he would like to see a sign with the sponsors and a sign what they are building for the community.

Commissioner Allen stated they will have a representative from the Governor’s office to see what they are doing Friday and set a grand opening date.

m/s Dunne/Yohn motion to waive the fees for the Food Bank Storage Building
Motion was approved.

Commissioner Yohn asked when they are scheduling their 2nd event. Mr. Altamirano stated Mr. Vanlwarden is coordinating that.

Show Cause Hearing

Deloris Day and Bonney Osmond were present.

Legal Description: Sangre de Cristo Estates Lot 5 Block 10 Unit 18.6.01 acres

Location: The location of the property is off of Basalt Way. The property is addressed as 402 Basalt Way. The property is addressed as 402 Basalt Way, Alamosa CO 81101

Summary: Staff is requesting that the board conclude that blight exists on the subject property. Staff has made numerous attempts to work with the property owner to bring the subject property into compliance. The property owner has allowed the accumulation of junk, trash, debris, and storage/parking of inoperable vehicles which is a clear violation of Alamosa County’s Ordinance No. 7.

Findings: Article 1, Section 4 of the ordinance strictly prohibits activities that cause and/or are causes of blight factors. Section 4 also prohibits any property owner to maintain accumulation of
junk, trash, rubbish, storage or parking of uninhabitable mobile homes, travel, trailers or campers. The term “junk” includes motor vehicles, mobile homes, travel trailers or campers, and inoperable vehicles.

The property, staff feels is in clear violation of the ordinance.

**Recommendation:** Staff is requesting that the board approve staff’s review and findings of the property is in violation of the county ordinance. Further staff is also requesting that the board move to compel the property owner to bring the property into compliance with the county ordinance and remove/clear all of the trash, debris, rubbish, inoperable vehicles and any other item(s) that may continue to cause blight.

Mr. Altamirano stated Ms. Getz went out to the property and assessed any possible conditions of change. There has been progress made however given the number of attempts they have made they should bring this to the board.

Mr. Altamirano referred to Exhibit 17. They feel it is still significant blight. One of Ms. Getz concerns is the camper trailer she cannot prove but it looks like there is someone living in the campers.

Ms. Day stated you should have a glance at all the pictures. On February 28th 2012 her home burnt to the ground. A fire report was presented. A massive sand storm was also present as well as snow so there was no time. It is detrimental to her health to be out there. She then had to go to Texas when she returned the sand storms were present. Visibility is an issue. Pictures of the fire were presented as well as other pictures. She is not residing at these campers. This blight has saved her life many times because when she sits in her truck with no air conditioner she runs into her camper which has saved her life. On Exhibit A shows tires which some of them are hers and others are not. She presented a picture of tire tracks that are not hers so 70% of those are not hers. Her health doesn’t allow her to dig out the tires out of the sand. She did live in there until the holidays and the weather hit so hard.

She began to take it personal. She presented a doctor’s note that she got shingles outside and internal. She has emphysema which the main cause is smoking and dust. Shingles was the result of stress. It saddens her, angers her that they require this clean up during the winter. She has asked for reasonable time.

Commissioner Allen stated he appreciated her but does she believe there is blight. They need to come to terms to get cleaned up. He understands her health issues and such if they could come up with a timeframe to get this cleaned up. She doesn’t know who she is bothering because there is 25 acres that she owns. She doesn’t know when the guy can come back after the Oklahoma clean ups and she needs to rest. She asked for the end of September or October work.

The Commissioners are not unreasonable they just want to work with them to clean it up stated Commissioner Allen.
Commissioner Yohn stated the reason they are here today is to determine if there is blight. He appreciates there is progress being made because she is the property owner and she is responsible. There has been letters sent and extensions offered. The whole purpose of this is to clean it up.

The letters were sent in the winter and you cannot do that in the winter stated Ms. Day. She has asked for an extension.

Commissioner Dunne stated they are there to help them. She has made great efforts to start cleaning up. She appreciates her asking for an extension. She hopes maybe an organization such as youth group could help her clean up.

List of Exhibits
1. Staff Report
2. Complaint Form
3. Assessor Record
4. Aerial View and Zoning
5. Notice of Violation Letter
6. Agreement Letter
7. Pictures dated 2/15/13
8. Notice of Violation Letter 2/21/13
9. Correction Action Form
10. 2nd Notice of Violation Letter 2/28/13
11. Public Records Request Form
12. Deloris Day Health Information Summary
13. Doctors Excuse for Deloris Day
15. Final Letter of Violation 5/16/13
16. Notice of Noncompliance and Show Cause Hearing
17. Picture of young man
18. Picture of surrounding fence
19-38. Pictures provided by Ms. Day
39. Physician letter
40. Packet of information –updated pictures
41. Fire investigation report
42. Pictures provided by land use

m/s Yohn/Dunne motion that there is blight for Deloris Day’s Property.
Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – B - 3
Commissioner Yohn moved for the adoption of the following Resolution. Commissioner Dunne seconded the motion.

WHEREAS, on September 1, 1991, Alamosa County enacted Ordinance Number 7 to "provide for and compel the removal of rubbish, including trash, junk and garbage, from lots and tracts of land within the County, including removal performed by the County; and

WHEREAS, several complaints have been made regarding the condition of the property located at Lot 5, Block 10, Unit 18 of Sangre De Cristo Estates, also known as 402 Basalt Way, Alamosa, CO 81101; and according to the Alamosa County Assessor records, said property being owned by one Deloris Day; and

WHEREAS, at a minimum the following notices have been provided to the property owner regarding said blight:

a. Notice of Violation Letter dated October 17, 2012
c. Final Notice of Violation dated March 28, 2013

;and

WHEREAS, a public hearing was held before the Board of County Commissioners on June 12, 2013, to show cause why the cause of blight or blighting factors should not be removed or eliminated; and

WHEREAS, the Alamosa County Land Use Department appeared and provided evidence regarding the alleged blight, and whereas the property owner appeared for said hearing and provided evidence to the contrary; and

WHEREAS, the Board of County Commissioners considered the evidence presented and HEREBY FINDS that the property herein described contains BLIGHT as defined in Alamosa County Ordinance Number 7.

IT IS THEREFORE RESOLVED AND ORDERED:

1. That the owner of record of said property shall remove or eliminate the blight from the property no later than December 31, 2013.

2. That the Alamosa County Attorney's Office is hereby authorized to seek an Administrative Entry and Seizure Warrant in accordance with C.R.S. §30-
15-401(1)(l)(B) and that said warrant shall be executed in accordance with
the directions of the issuing Court.

3. That in the event said warrant is issued and the County performs the
removal or elimination of said blight, the reasonable costs associated with
said removal or elimination, including five percent for inspection and
incidental costs, shall become an assessment on said property, and shall
constitute a lien against said property with priority over all other liens except
for general taxes and prior special assessments.

4. All assessments shall be certified by the Clerk of the Board of County
Commissioners and sent to the Treasurer for collection. The Treasurer shall
collect the assessment, together with ten percent penalty for the cost of
collection.

5. This Order shall be a Final Order which may be appealed to the District
Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure to
appeal this Order constitutes a waiver of any right to contest the County's
right to eliminate or remove the causes of blight or blighting factors from this
property, and charge the resulting costs against the property.

Passed by roll call vote: Allen, Dunne and Yohn all in favor.

DATED this [ ] day of [ ], 2013.

(S E A L)

BOARD OF COUNTY COMMISSIONERS OF
ALAMOSA COUNTY

By [Signature]

Darius Allen, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Is December 15th appropriate that is 6 months time asked Commissioner Allen? Mr. Altamirano
stated the reason they felt they couldn't extend anymore because in attempt to be consistent with
other violators. They cannot make that decision to further extend it has to come before the board
to determine that.

m/s Dunne/ Yohn motion to give until December 15th to clean up property for Ms. Day.
Motion was approved unanimously.
SLV Museum

Dorothy Brandt was present. The Museum Board had been preparing for their next 5 year plan. She would like to ask for permission to set up a worksession to be very beneficial to them all. To see where they are and the relationship with the Marketing District to work on a plan to be part of the Marketing District to get part of the money as voted by the people. They waste so much time arguing over the budget. They would present their budget, history and financial records to them. They are doing good things that are getting the public’s attention. There was a couple in Delaware that was from here that fully funded them to build a closure for their garden. They are not asking for money but to work as a team. They have an art show going on right now.

Commissioner Allen stated it always come back to money now the Museum wants a percentage of the Marketing District. He feels the Marketing District should attend the worksession. Ms. Brandt stated it is not about money it is about a better relationship with the Marketing District. She wants them to find a better solution. They feel if they had a certain share they could plan a good budget.

The Commissioners agreed to have a worksession with the Marketing District.

Alamosa County Road & Bridge

Phil West was present. They have been hauling gravel on 106 about a mile. Then they will be ready to asphalt probably the first of July.

Commissioner Dunne thanked him for all the work they did preparing for the new building and the new food bank.

Commissioner Yohn asked if they have another water truck. They borrowed one from ACI. They are running two tanks. This is on the project for the 106.

Commissioner Allen asked if they could blade down at the old landfill at the wells so they could drive the trucks in there.

SLV GIS/GPS

Pete Magee was present. A report for GIS activities for the Assessor and the Land Use was presented. The county total was $7700. A copy of the Intergovernmental Agreement and a MOU with SLV Commissioners Association was presented as well as equipment inventory.

Commissioner Yohn asked how it is working out since he has gone out to the private sector. It has gone very well. It hasn’t affected services to the County. He is looking forward to the integrated mapping. They have gotten positive feedback from Conejos County which they just done. They just got a $15000 grant to bring online. They provide a list of residents in a 1500 ft radius for the Land Use Department for any subdivisions. They charge $17.50 for this. The
wealth of information they have has increased dramatically. They are probably at 98% complete for parcel listing most those lacking are because of poor legal description.

**Rio Grande Water Conservation District**

Steve Vandiver was present. They are not on fire but if they get one; they might not have enough water to put it out. If forecast continues this will be the fourth lowest river flow on the Rio Grande and Conejos since 1890. This is fifth year in the row they have been significantly low. They don’t have any soil moisture left. Handouts were provided. Since 1976 they started at zero because they didn’t have any information to go from. Water levels depend on the ditch levels they divert from. Since 2000 it has decreased and tried to increase in 2008 and 2009. They have lost almost 9 feet of storage for the last three years. As a result they have been trying to work on subdistricts. They have been to the Supreme Court. They got their final decision from District Court and they did allow use but it has been appealed. They are making replacements to the rivers from the reservoirs. They have a full supply for this year and next year. They spend the fees collected from pumping to purchase that water. The sign up period for (CREP) Conservation Reserve Enhancement program has been approved. They have had some significant interest. There are a few that want to sign up a quarter or more of land in the 15 year program to come out of production. They have a meeting this afternoon for the Habitat Plan. They are concerned and are doing everything they can to reduce pumping. They are still waiting on numbers from the state engineer’s ground water model to be able to start the other subdistricts. There will be five of them. The downside to that is those same numbers will be used for finalizing the ground water use rule. The administrator rule will be you either have an augmentation plan or shut them off.

Commissioner Dunne commented if it wasn’t for the subdistricts the numbers would be even lower. The drought would be considerably worse stated Mr. Vandiver. The subdistricts cover irrigated land. They will not be exempt to the rules. Municipal wells are going to do the same thing. State has to define rules and submit to court for approval.

Commissioner Yohn asked about plan for the Rio Grande. They filed for 9 more this year and purchased 1 quarter and another in Rio Grande County to retire the well on that property and to use the surface water for recharge to try to enhance the aquifer condition. The 40,000 is a goal or target that was determined to balance the inflow and outflow of District 1. They have not filed any ground program other than land purchased by the subdistrict. In Rio Grande County there is 160 acres that they will file permanently. They have one year contracts not like CREP program where they are permanent for 15 years of retiring. In the dry times 40,000 isn’t enough.

**District Attorney**

David Mahoney was present. He thanked the Commissioners for supporting the grant. They were denied this grant so they appealed this. They found out yesterday that they are to meet before the appeal board. They need support from the Commissioners. Commissioner John Sandoval from Conejos County has agreed to go speak on their behalf. He is still optimistic. One of his Deputy Attorney’s has resigned yesterday as well. Her spouse has gotten a job in Commerce City. He was going to have to let one of them go because of not getting grant so this
works out. If they get the grant then they will hire another deputy. They are taking the letters with them on the 27th. The grant was for $75000. The contribution was 10% on one and 20% on another. They are going to ask for $50000. The grant is only for one year and you have to do this the next year asked Commissioner Dunne. They have had this grant for 3 or 4 years. The first year they didn’t ask for a deputy they asked for a staff member. It has just been a year for the deputy request.

Commissioner Yohn suggested they should ask for the whole $75000. That amount is for two people but they can learn to live without the extra staffer but not the deputy.

**Alamosa County Attorney**

*Employee Vacancy Request*

His assistant is leaving back to his family as soon as he finds a job so he would like permission to hire someone.

**m/s Dunne/Yohn motion to replace employee vacancy**

*Motion was approved unanimously.*

**Worksession**

*Alamosa County Sheriff/CTSI*

Meeting was continued after Worksession with Alamosa County Sheriff and CTSI Dennis Hunt.

*4th of July Fireworks Display Agreement*

The City usually does this agreement but because it is the County’s event they asked us to sign. This is between SLV Federal Bank and Western Enterprises Inc.

**m/s Yohn/Dunne motion to approve 4th of July Fireworks Display Agreement**

*Motion was approved unanimously.*

**Loan Agreement with ASU Nielsen Library Archives**

We are borrowing items from ASU Nielsen Library Archives for our History Expo on the 4th of July to be displayed at the City Library.

**m/s Dunne/Yohn motion to approve Loan Agreement with ASU Nielsen Library Archives**

*Motion was approved unanimously.*

**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