Minutes of the Board of County Commissioners Meeting, held on June 13, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair
                Mike Yohn, Vice-Chair
                Darius Allen, Commissioner
                Jason Kelly, County Attorney
                Mark Garcia, Interim Administrator
                Carol Osborn, Assistant Administrator
                Belina Ramirez, Administrative Secretary

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Decommissioning and Restoration Agreement for SLV Solar Farm to be added under the Consent Agenda.

M/S Yohn/Allen motion to approve the agenda of June 13, 2012 with addition.
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
    Regular Minutes-May 23, 2012
    Public Hearing-SLV Solar Farm LLC
    Public Hearing –Erwin Young

M/S Allen/Yohn motion to approve the Minutes of May 23, 2012.
Motion was passed unanimously.

Approval of Bills/Obligations

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

Public Comment
Approval of Consent Agenda

Admission of List of Exhibits for Application AZ2012-001 to be included into record
Ratify Home Care Renewal License Application
Ratify CDPHE Office of Planning & Partnerships Contract
CDPHE Office of Emergency Preparedness & Response Contract
Decommissioning and Restoration Agreement for SLV Solar Farm

Take off Decommissioning Agreement to discuss further asked Commissioner Allen.

M/S Allen/Yohn motion to approve Consent Agenda with deletion.
  Motion was approved unanimously.

Public Hearings

Minor Subdivision-Paul & Tammy Thompson

Commissioner Allen asked how often can someone come back and subdivide their property. Not within a fifteen year period stated Mr. Altamirano. If they want to have augmented water asked Commissioner Allen. Mr. Altamirano stated if they want water usage beyond single family unit dwellings for in house use consumptive use. It is zoned rural.

Commissioner Yohn asked if there is access for 1B is their access right now. It is the small. Right now it is a concurrent shared driveway. They are going to propose putting a new driveway stated Ms. Thompson.

Commissioner Wilkinson asked if she is aware of not being able to subdivide within 15 years. Ms. Thompson stated yes.

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

M/S Allen/ Yohn motion to approve Minor Subdivision for Paul & Tammy Thompson with conditions outlined in staff report.
  Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012-S-004

RE:  APPLICATION FOR MINOR SUBDIVISION FILED BY PAUL THOMPSON AND TAMMY THOMPSON, COVERING PROPERTY LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: Paul and Tammy Thompson have submitted an application for a minor subdivision covering the following described property:

  TRACT 1, OF THE G&F MARTINEZ DIVISION OF LAND UNDER RECEPTION NO. 289541-42 LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO. IDENTIFIED AS PARCEL NO. 541505100200.

said property being zoned Rural; and

WHEREAS, Said applicant seeks to subdivide the above described property into two (2) tracts as follows:

  Tract 1A = 56.007 acres more or less  Tract 1B = 1.236 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 9, 2012, following proper notice to the public and recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on June 13, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto and that the minor subdivision is appropriate; and
WHEREAS, the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code.

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, Article 7 Section 7.6.6, as adopted on July 15, 2009 subject to the following conditions.

1. The Final Plat map shall be in substantial compliance with Alamosa County Subdivision Regulations, including, but not limited to: Lot Size and Road Frontage etc.

2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place prior to any physical disturbance on the subject property associated with the proposed subdivision;

3. Prior to the issuance of a building permit, an individual sewage disposal system permit shall be required, if an individual sewage disposal system is not currently present; and

4. The final plat shall identify all existing easements and proposed easements and right of way, including, but not limited to electric transmission lines, county, state, public and private easements. Additionally, the final plat shall also identify all existing and/or proposed onsite wells, individual septic disposal systems, etc., in order to determine that there is an adequate area for the septic tank systems;

5. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated mapping and recording fee to the Alamosa County Land Use Department;

6. Prior to the Certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due;

7. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards;

8. The applicant shall record the approved final plat in the office of the County Clerk and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC;

9. The approval of the final plat shall not be deemed to constitute or affect the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
However, the Board of County Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the land or facilities are located within the county; and

10. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.

Roll call vote resulting in approval: Commissioner Wilkinson, Commissioner Yohn and Commissioner Allen all in favor. None opposed.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By George Wilkinson, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision Brandon Lucero

SEE PUBLIC HEARING MINUTES FOR MORE INFORMATION

M/S Allen/Yohn motion to table application for Brandon Lucero for 90 days. Motion was approved unanimously.

Minor Subdivision-Robert Hamilton

Commissioner Allen asked Mr. Kelly for clarification when they look at a case for a subdivision they have to look at the case not the blight issue or noise issue. Blight issues go to the Land Use Office and noise issues go to the Sheriff. Mr. Kelly stated they can take into consideration other factors such as the blight issues but they have to look at the criteria of the application. They can set conditions such as clean up of the property.

Commissioner Yohn stated he would have to abstain due to relationship.

Commissioner Allen stated he wants to do what is fair and right. He was under the impression that everything there was 2 acre parcels but the map shows parcels 7, 8, 9, 10, 11, 22, 19, 20, and
14 are all less than 2 acre parcels. He is going to ask to table this application so staff can go research parcels. He wants to see when the parcels went from 2 acre parcels down to less than 1 acre parcels. Commissioner Allen asked when his timeline was to building a house there. His plan is to build within the year and live here. He works for CDOT in Denver and his plan is to transfer here. When he first purchased the property he was going to live here but it didn’t work out that way. Commissioner Allen asked he wouldn’t want to live in the rental house there now. He has changed his mind. He wouldn’t want a manufactured home; he would want to build his own. The tenant has expressed he would like to purchase this property. Commissioner Allen stated he has met the criteria of setback requirement, septic requirement, water requirement, and the access requirement. But the character of the property bothers him so he wants staff to go back and look into the parcels. Kids move in and move out. To be a good neighbor he would he would want to make things better. The pictures that were sent are not a good for the area. Next thing neighbors are complaining because their property is taken care of and their property taxes go up and the neighbor who isn’t their taxes don’t go up. They feel they are being penalized. He wants staff to go to Sheriff’s Dept and see how many complaints were made. Can he build an additional residence on the 2 acres? No stated Mr. Altamirano he would have to ask for a Special Use Review. He wants to talk to the Planning Commission members who voted against this application. He is concerned about the map.

Commissioner Wilkinson had a question about the water has he gone to see about the water. Mr. Altamirano stated he talked with East Water & Sanitation last week. They said there is water available and applicant would have to apply for tap installation. This has yet been done.

Commissioner Allen stated one person told him why they need another parcel when there are a lot of parcels available in Deer valley. He sees this area is a nice area.

Commissioner Wilkinson stated he agrees with Commissioner Allen.

M/S Allen/Wilkinson motion to table this application for the next 30 days to review more. Motion was approved with Yohn abstaining.

Medical Marijuana Ordinance

SEE PUBLIC HEARING MINUTES FOR MORE INFORMATION

M/S Yohn/Allen motion to continue public hearing for Medical Marijuana Ordinance until June 27th. Motion was approved unanimously.

Colorado County Officials & Employees Retirement Association

Jacob Kuijper was present.

Plan Highlights & Enhancements
As a nonprofit they try to pass back savings to them. They have a fee waiver that the board authorized. Expense Ratios they try to reduce them as often as they can. They have a fee cap of
$300,000 in 2007 and were reduced to $200,000 in July of 2011. The fees are based upon your aggregate assets with CCOERA. Back in 2011 Congress authorized Roth 457 option to governmental plans they started offering that to members. The advantage of Roth is putting it in after tax dollars rather than pretax dollars so when you go withdraw those dollars they are tax free. Annuitize they have with Hueler where a participant can go to look into different variations. Hub International is a resource for retirees which allows for those who retire early such as peace officers. They retire prior to 65 and want dental or health insurance. On their website they have all kinds of retirement tools that they can use. Surveys have shown the CCOERA people don’t look into it until a year before they are ready to retire.

Quality Products & Services
Book Value Fund it currently yields of 2.52% & 3.95% last 5 years. No proprietary mutual funds so they don’t have a vested interest at all in which funds are selected nor does their investment advisor. They are paid a flat fee not a percentage so they don’t have any bias. They have their custom pension portfolios which are professionally allocated & rebalanced. A 2012 Investment Result chart was provided. Inflation will be 3% forward. Today’s expert surveys if they look at 10 year forecast for equities they are thinking in terms of getting 6% returns, 10 years for bonds looking at a 2% return and in a balanced portfolio 60% equity and 40% bond they would project a 4.4% return. Historically 1871 – 2010 the average annual return for equities is 8.9%. Forty years ago trading on the New York Stock Exchange 90% of transactions were by individuals and 10% by institutions. Today it is completely the other way around 90% done by institutions & 10% done by individuals. People look at what is unemployment at. It is 3.3 million people who filed for unemployment last month. In 2008 recession 8 million jobs were lost and we haven’t regained those yet. Federal debt is 15.7 trillion. Annual returns for Key Indices show what nine different sectors rank at the end of the year. They preach diversification, asset allocation, and to be balanced.

What makes CCOERA UNIQUE?
Participant Elected Board where they have 7 board members and 5 county elected. They are nonprofit. They do not pay dividends, bonuses, commissions, and profit sharing. The annual budget is based on 1% admin fee. They have been able to waive that at times which has reduced that fee to .875. Their staff is continuously looking for continuing education, they have a certified financial planner, they have 3 certified retirement counselors, and 1 one enrolled in that program. Their focus is individual counseling. They saw over 3,000 participants last year either in group settings or individual. They have unique Employer Service Plans which you design to fit your needs and requests such as eligibility period, loans or no loans, or 457 Roth option. Francisco Chacon is your Regional Client Services Manager. They have retirement worksheets which tells them what their outlook looks like when they retire. In MetLife survey 52% show that they are behind schedule. In AARP Survey 42% percent of men and 48% of women start taking Social Security benefits as soon as they are eligible at 62. They are losing 25% of their benefits. He personally doesn’t believe Social Security will run out he believes they will have to adjust the system. 50% of married couples and 75% of single people rely on Social Security for at least ½ of their income in retirement. Most of Americans are going to have to save about 40% - 60% of their last years pay in a retirement plan.

What Investors should do now?
Develop a healthy Perspective on the Markets
Avoid letting your emotions adversely affect your investment decisions
Don’t attempt to time the market
Utilize dollar cost averaging and portfolio rebalancing strategies

Alamosa County 401a Asset Allocation Comparison showed total assets of $6,735,131. Alamosa County 457 Asset Allocation Comparison showed total assets of $2,279,593. Comparison Charts of 401a, 457, Combined Assets, Average Balance of 401a and 457, and Combined Balances were presented. They also keep track of rate of returns in comparison.

Commissioner Allen asked if they track calls from each county. If it is more evolved questions they keep track of these.

**Alamosa County Land Use**

Activities Report was given for the month of May. He added a line for Inspection requests. For the month to date 40 were done and year to date 199.

Commissioner Yohn asked about the blight trial tomorrow. It is an injunction for removal of a mobile home. They have 30 days to comply.

Commissioner Yohn asked about the “Devil’s Playground” what has been done. He would like to happen a letter from the attorney stated Mr. Vanlwarden. He knows there have been complaints to the Police Department and possibly the Sheriff’s Office. They have had contact with the owner of the property.

Commissioner Allen asked if they can give them notice and if they don’t clean it up can they go in and clean it up.

Commissioner Yohn stated they can be some contamination there. Mr. Kelly stated they can contact the EPA. Mr. Altamirano stated because of the size of tanks there are they need to go through the Brownfield review through EPA.

They are still active with the Ordinance Officer. One of the problems is the citation ticket they assign a court date and a court time. He doesn’t know if he can do that. Under state statute Land Use Administrator can do this.

Mr. Altamirano stated they have processed quite a few applications mainly for Minor Subdivisions. He completed and closed out a 1041 application for SLV Solar Farm. He has received several solar companies’ calls that have interest in our 1041 regulations. Board has appointed a new Planning Commission Board Member and he will begin his first meeting this evening. The Road & Bridge Department has been reimbursed for the $41,000 by Cogentrix Solar Facility for road repair.

Fireworks permit Sheriff Stong stated they have a fire ban effective June 6th and Hickenlooper will be making an announcement of a fire ban throughout state today or tomorrow.
Commissioner Allen asked what they do with this. They do not have a real value of what the decommissioning cost will be so they have taken a figure of $343,000 for potential decommissioning costs. Once the facility is built and operational they will take an assessment by a third party review of what the actual cost will be and propose an irrevocable letter of credit. There is also a clause in the agreement that states that in order for them to continue the construction of the facility if we feel they are going to walk away from that facility and leave that plant idle we can call in that 90 day period a Decommissioning Fund to be established immediately. Commissioner Allen asked if they included an every five year review. Yes stated Mr. Altamirano stated they requested that they will come in and give a review periodically.

M/S Allen/ Yohn motion to accept Decommission and Restoration Agreement
Motion was approved unanimously.

WSB
2011 Audit

Carla Willschau and Kim Temple were present. Independent Auditors Report was presented as followed.

We have audited the accompanying financial statements of the governmental activities. These financial statements are the responsibility of County’s management. Our responsibility is to express opinions on these financial statements based on our audit.

Page 3-4
Statement of Net Assets
Total Assets $30,122,332
Total Liabilities $6,789,146
Net Assets $23,333,186

Statement of Activities
Government Activities Expenses Charges Operating Capital Net (Expense)
For Services Grant & Grants & Revenues &

Total Government Activity $26,839,326 $1,601,417 $18,554,811 $164,100 (6,518,998)
Total General Revenues $6,705,519
Change in Net Assets 186,521
Net Assets -Beginning $23,146,665
Net Assets-Ending $23,333,186

Page 5
General Fund Road & Bridge Social Services Public Health Other Total Govt Funds
Total Assets $6,926,731 $1,988,170 $1,972,306 $1,779,882 $1,061,104 $13,728,193
Total Liabilities $3,328,926 66,702 1,227,852 30,090 $89,799 4,743,369
(Gatsby54 combine funds into General Fund but have several funds not in County’s General Fund)
Fund Balance
Inventory 434,437 19.151 453,588
TABOR 460,000 460,000
Single Entry 48,000 48,000
Capital Projects 39,254 39,254
Debt Service 172,950 172,950
Equipment Acqui 185,181 185,181
Highways/Streets 1,487,031 1,487,031
Health/Welfare 744,454 1,682,641 2,427,095
Culture/Recreation 660,194 660,194
Weed Control 78,094 78,094
Mosca General 20,813 20,813
Designated For Future 1,961,315 1,961,315
Total Fund Balance 3,597,805 1,921,468 744,454 1,749,792 971,305 8,984,824
Total Liab/Fund Bal 6,926,731 1,988,170 1,972,306 1,779,882 1,061,104 13,728,193

Page 7
Statement of Revenues, Expenditures, and Changes in Fund Balance

<table>
<thead>
<tr>
<th></th>
<th>General Fund</th>
<th>Road &amp; Bridge</th>
<th>Social Services</th>
<th>Public Health</th>
<th>Other</th>
<th>Total Govt</th>
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<tbody>
<tr>
<td>Total Revenues</td>
<td>7,058,360</td>
<td>2,149,158</td>
<td>14,318,420</td>
<td>2,723,823</td>
<td>776,086</td>
<td>27,025,847</td>
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<td>Till Expenditure</td>
<td>6,787,479</td>
<td>2,701,003</td>
<td>14,180,747</td>
<td>2,608,226</td>
<td>863,343</td>
<td>27,140,798</td>
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<td>Excess(deficient)</td>
<td>270,881</td>
<td>(551,845)</td>
<td>137,673</td>
<td>115,597</td>
<td>(87,257)</td>
<td>(114,951)</td>
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<td>Gatsby 54 Adj</td>
<td>477,746</td>
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<td>(308,137)</td>
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<td>3,597,805</td>
<td>1,921,468</td>
<td>744,454</td>
<td>1,749,792</td>
<td>971,305</td>
<td>8,984,824</td>
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Page 9
Statement of Revenues, Expenses, and Changes in Net Assets-Health Ins

Total Assets 403,713
Total Liabilities 166,461
Net Assets 237,252
Total Net Assets 237,252

Page 10
Statement of Revenues, Expenses, and Changes in Net Assets-Health Ins

Total Operating Revenues 1,370,835
Total Operating Expenses 1,249,228
Net Assets end of year 237,252

Page :2
Agency Fund for other entities
Total Liabilities 852,828

Page 18
Fund Equity (Gatsby54)
Fund Balances are now classified in one of the five categories:
Nonspendable Fund Balance
Restricted Fund Balance
Committed Fund Balance
Assigned Fund Balance
Unassigned Fund Balance

Commissioner Allen asked last year they overspent for Road & Bridge should they have committed that beforehand could they have done this. This is a budget issue rather than a fund balance issue stated Ms. Wilshaw. If you earmark do you have to use them asked Commissioner Allen. If they are fairly sure she would recommend it but if not she wouldn’t. If you do commit and change your mind you would have to do a resolution to uncommit stated Ms. Temple.
Page 23
Depreciation Expense  
Governmental Activities  
General Govt  80,555  
Public Safety  163,666  
Health and Welfare  185,489  
Highways & Streets  825,152  
Culture & Recreation  1,418  
Total  1,256,280  

Page 24  
Long Term Liabilities  

Page 31  
Budget and Actual General Fund  

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<th>Actual</th>
<th>Variance -Positive (Negative)</th>
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<td>Fund Bal Beg</td>
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<td>Fund Bal End</td>
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Page 32  
Road & Bridge  

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<th>Variance -Positive (Negative)</th>
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<td>Ttl Revenues</td>
<td>2,149,158</td>
<td>188,801</td>
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<tr>
<td>Expenditures</td>
<td>2,701,003</td>
<td>(336,119)</td>
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<td>Other Financing Sources</td>
<td>391,900</td>
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<td>Fund Balance</td>
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Page 33  
Social Services  

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<td>Fund Balance</td>
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Page 34  
Public Health  

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<th>Actual</th>
<th>Variance -Positive (Negative)</th>
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<td>2,723,823</td>
<td>86,151</td>
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<td>Ttl Expenditures</td>
<td>2,608,226</td>
<td>82,843</td>
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<td>Fund Balance</td>
<td>1,749,792</td>
<td>74,423</td>
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Page 35  
General Fund Combining  

Page 36  
Combining Schedule of Revenues, Expenditures, and Changes in Fund Balance  

Page 37-38  
Special Revenue Funds  
-Conservation Trust Fund, Tourism and Development Fund, Northwest Weed Control District Fund, Mosca General Improvement District, and Local Marketing District Fund.  
Capital Projects Funds  
-Facilities Expansion Fund  
Debt Service Funds
Lease Service Fund

Page 39
Schedule of Expenditures and Transfers Out

Page 40-41
Schedule of Expenditures of Federal Awards
Total Expenditures $4,977,727
Because of the level of Federal Awards they are required to do a Single Audit

Page 46
Summary of Auditor's Results
Type of auditors' report issued Unqualified
Internal Control over financial Reporting
-Did find material weaknesses Yes
-Significant deficiency identified that are not considered to be material weakness(es) None Reported
-Noncompliance material to financial statements noted Yes
Programs they looked at were Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Low Income Home Energy Program (LEAP), and Foster Care Title IV-E

Page 47
Financial Statement Findings
Internal Control over Financial Reporting
Condition/Cause: The County does not have a complete system of internal control to prevent and detect financial misstatements.
Criteria: A system of internal controls includes the design, documentation, and monitoring of control activities over the application of accounting principles, reconciliation procedures, budgeting, antifraud programs, routine and non-routine transactions, financial statement preparation, and the safeguarding of assets.
Effect: As a result of this condition the following areas were affected:
1. Road & Bridge Fund Expenditure exceeded the adopted budget by $336,119 for the year ended December 31, 2011.
2. Audit adjustments were proposed to properly state the General Fund, Road & Bridge Fund, and the Health Insurance Fund in the County Financial Statements as of December 31, 2011.
3. The Sheriff's Department did not appropriately monitor and/or record financial and compliance activities related to the jail commissary bank account, the sale of forfeited items, and LEAF grant activity.
Recommendation: The County should implement a system of internal control that includes the design, documentation, and monitoring of control activities over the application of accounting principles, reconciliation procedures, budgeting, routine and non-routine transactions, and financial statement preparation, to prevent these problems in the future.

Mr. Garcia stated they passed a supplemental for this overage for Road & Bridge. This was an accounting issue overage Ms. DeHerrera stated the lease entry was overlooked.

Page 48
Federal Award Findings & Questioned Costs
Foster Care Title IV-E
Condition: The County Department is not maintaining complete and accurate case files or obtaining information in a timely manner for the Foster Care Program clients. We examined six of 35 total foster care child case files, with the following results:
- Two case files were missing the record of admission and placement agreement
- All six case files were missing documentation to reflect foster care provider was provided with comprehensive intake/assessment relating to foster child
Cause: The Department does not have a complete system of internal control to reasonably ensure compliance with Federal Laws, regulations, and program compliance requirements.
Criteria: The Colorado Department of Human Services Staff Manual Volume VII Section 7.708.51 outlines requirements and documentation relating to the record of admission. In addition Section 7.708.61 outlines requirements and documentation for the comprehensive intake evaluation/assessment and placement agreements. Effect: The County is not in compliance with the eligibility provisions of CDHS Staff Manual, Volume VII. Recommendation: Caseworkers and Case Managers should consistently adhere to the policies and procedures of the Social Service Department and CDHS Staff Manual, Volume VII, to ensure compliance with Foster Care Program requirements.

Page 49-50
Corrective Action Plan

These findings are relatively minor compared to the rest of the County. She wants to emphasis that there are far more rights than wrongs.

Commissioner Allen asked about the federal grants that they have to list these for Social Services which is new now. It has always been shown stated Ms. Temple. For their insurance they go off of revenue coming in. They need to show the insurance company the state form which shows the state/federal activity. If this doesn’t work then they can change. They will talk to the insurance company. Also shown was the Housing and Urban Development which just passes through them stated Commissioner Allen. They can see about administrative costs through the grants stated Ms. Temple.

Alamosa County Road & Bridge

Phil West was presented. They are laying asphalt on Bonney and Maple today. Next week they will go on 5 South from the 112. He would like to get a 1.5 mile. They finished the Sanford Rd Monday. By the time they do Bonney and the five they will be out. Commissioner Wilkinson asked if they are doing a thin overlay. Yes stated Mr. West. Mr. Garcia asked if they are blade patching any of those. The Sanford Rd was the only road they needed to do this. They need to clean on Price against the wall. Mr. West stated they will spray it and then mow it.

Alamosa County Sheriff

Dave Stong was not present but left reports with Carol Osborn.

Alamosa County Fire Restrictions have been inacted effective June 6, 2012 as stated below:

Alamosa County, along with the other five counties in the San Luis Valley and the Federal Land Management agencies has initiated Stage 1 Fire Restrictions.

Stage 1 fire restrictions prohibit the following:

1. All open fires, campfires, charcoal-fueled fires, and coal or wood burning stove fires in an established fire grate in a developed campground. Petroleum fueled stoves, lanterns or heating devises are allowed.
2. Smoking, unless within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable material.
3. Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order.
4. Welding, or operating acetylene or other torch with an open flame.

Commissioner Yohn asked who issued original fire ban.

**M/S Allen/Yohn motion to ratify fire ban effective June 6th**

Motion was approved unanimously.

Monthly Detention Report was presented as follows:

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Daily Average</td>
<td>136.4</td>
</tr>
<tr>
<td>Total booked in ACDC</td>
<td>138</td>
</tr>
<tr>
<td>Daily Average booked</td>
<td>3.8</td>
</tr>
<tr>
<td>Adult males</td>
<td>117</td>
</tr>
<tr>
<td>Adult females</td>
<td>111</td>
</tr>
<tr>
<td>Number of inmates in Bent County</td>
<td>11</td>
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<tr>
<td>Number of inmates in Conejos County</td>
<td>3</td>
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<tr>
<td>Number of inmates in Costilla County</td>
<td>1</td>
</tr>
<tr>
<td>Number of inmates in Chaffee County</td>
<td>22</td>
</tr>
<tr>
<td>House arrest</td>
<td>0</td>
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<tr>
<td>Total housed out or on house arrest</td>
<td>37</td>
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**Transports**

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<table>
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<tr>
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<tbody>
<tr>
<td>In County</td>
<td>24</td>
</tr>
<tr>
<td>Out of County</td>
<td>14</td>
</tr>
<tr>
<td>Total miles driven</td>
<td>2574</td>
</tr>
<tr>
<td>Total gas used</td>
<td></td>
</tr>
<tr>
<td>Total hours used</td>
<td>96</td>
</tr>
<tr>
<td>Total Overtime used</td>
<td></td>
</tr>
<tr>
<td>Number of Adults transported</td>
<td>85</td>
</tr>
<tr>
<td>Number of Juveniles transported</td>
<td>3</td>
</tr>
<tr>
<td>Number of Officers used on transports</td>
<td>11</td>
</tr>
<tr>
<td>Total Transports</td>
<td>54</td>
</tr>
<tr>
<td>Number of Inmates to court</td>
<td>69</td>
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**Transport Vehicle miles**

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<tbody>
<tr>
<td>Unit 706</td>
<td>127378</td>
</tr>
<tr>
<td>Unit 45</td>
<td>171124</td>
</tr>
<tr>
<td>Crown Victoria</td>
<td>146888</td>
</tr>
<tr>
<td>Unit 447</td>
<td>67793</td>
</tr>
</tbody>
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Total Incidents for month of May were 933.

**Alamosa County Public Health**

They agreed to an obesity prevention grant with ASC, the hospital here, and National Jewish. She agreed to manage it. She will agree to participate with the region but not be the lead.

They are cooperating with CU for another proposal with the National Institute of Health that she won’t have to manage but if awarded they well get funds for five years.
She was approached by a pharmacist in town to provide a needle exchange program. She has heard a large amount of needles being found around rural roads. There would be a grant to be able to do this. Commissioner Wilkinson stated he didn’t see anything benefiting them if people are doing drugs illegally he doesn’t see them coming in to exchange the needles. Ms. Geiser stated usually people trust nurses. There are areas in the urban area that do this and they claim a lot people come in to do this. Commissioner Allen asked if she wanted to do it. Ms. Geiser stated she really didn’t want to do it. Commissioner Yohn stated once you do this it just takes on more and will put more needles out there. The Commissioners agreed not to take this program on.

EPSDT they used to have this program several years ago and they had the receptionist do this. Rio Grande County took this over regionally and took the money away from them. Now they are asking if we want this program back. She is inclined not to do this because they are in the process of how to bill for immunization. The Commissioners agreed with her recommendation. HCP she is obligated to take this on for a year. She would like to contract someone to replace Sue Foster for the year since she has put in her resignation.

Options for Long Term they got notice they overpaid $66000. They do have the funding to cover that. They had a single entry point financial audit. There was a situation where they had an employee that had no sick or vacation time but due to medical reasons had to take an extended amount of time. This is the amount of about $10,000. They are saying that they have to pay this back because it was taken out of Options money.

She is requesting 3 positions; Clerical for Home Health, Home Health Lead Nurse because that person has resigned to go back to school, and for HCP.

M/S Allen/Yohn motion to approve for the 3 positions requested
   Motion was approved unanimously.

Alamosa County Home Health

They were revisited by Health Care Facilities. They were found in compliance now. They did have an issue with they have to visit a patient within 24 hours of a referral. They have been so busy now that they don’t have staff to do this. If they cannot staff within the 24 hours they have to get a signature from the doctor saying that is okay. They have already had three situations of this where they couldn’t go out right away so they sent to doctor for signature but did not get signature so they did not accept referral. This liability falls on the physician and not on them. They had 1456 visits in May alone. She has hired two additional PRN’s but they are not trained on the computer yet. She plans to advertise for another PRN Physical Therapist. She is also requesting a clerical staff. They did transfer someone from the HCP office but she would like to put her in Project Manager for the telemedicine units as well as train her to do coding. The coding determines how much reimbursement they get for different diagnosis. She had developed a policy/procedure regarding flu immunization to meet compliance. She sent it to Mr. Kelly. They will work on this and bring it back to the board at the next meeting.
There were some concerns where they had three visits where an Occupational Therapist went in to do a home evaluation/safety evaluation from an order that came in from Rio Grande County and Alamosa County. She worded the file that she was there not to evaluate the patient but to evaluate the home and they billed for those visits while the patients were in the hospital. This is against the law and she received a letter stating they intentionally and knowingly or with reckless disregard to the truth billed that. They have two options one is they can change the language and paying back the money they received with the knowledge this is not admit of any wrong doing. The second option is to send all documentation and do a hearing but if they still find you in noncompliance. The issue Mr. Kelly has is the paying of the $900 and not admitting to anything the only reason they are getting the $900 is because of the intentionally known of disregard. He would be more inclined to say here is your $300 in terms of what you billed and we are not admitting to any wrong doing. He would like to read the letter again. This is all because of the reading of the statutes.

They have 65 employees in the field which amounts to 30 full time employees.

**Board/Staff Updates**

Commissioner Allen and Commissioner Yohn attended meeting with South Central Seniors and Alamosa Senior Center. They recommend giving South Central $750 a month for rent until the end of the year to assist them both.

**M/S Allen/Yohn motion to assist $750 a month for South Central Seniors towards rent for the remainder of the year.**

*Motion was approve unanimously.*

**Adjourn**

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

**ATTEST:**

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chairman

Mike Yohn, Vice-Chair

Darius Allen, County Commissioner
Minutes of the Public Hearing for Medical Marijuana Ordinance was held on June 13, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

This Ordinance is set for review of language for approval at next meeting June 27th. This Ordinance is related to the Medical Marijuana Dispensary and Grow Operations within Alamosa County because the board considered this to be a matter of local concern and is necessary for the health, safety and welfare of citizens of Alamosa. According to Colorado State Statute 30—15405 as amended the Board has the option to have the ordinance take effect upon the adoption of the Ordinance.

ORDINANCE REGARDING MEDICAL MARIJUANA WITHIN ALAMOSA COUNTY

ARTICLE I

A. Purpose

Although the possession and use of marijuana IS and REMAINS unlawful under Federal law, Section 14 of Article XVIII of the Colorado Constitution (Amendment 20©) provides an exception to prosecution under state criminal laws when marijuana is possessed and used for medicinal purposes by a patient who has been diagnosed with a debilitating medical condition and by the patient’s primary caregiver. Amendment 20 does not, however, contain any provision for the lawful sale or distribution of marijuana to patients and, therefore the State of Colorado has adopted §12-43.3-101, et seq. to explain how and where marijuana may be lawfully sold, cultivated, manufactured or otherwise distributed to patients. The purpose of this Ordinance is to license and regulate medical marijuana dispensaries in the interest of public health, safety and general welfare. In particular, this Ordinance is intended to regulate the sale and distribution of marijuana in the interest of patients who qualify to obtain, possess and use marijuana for medical purposes under Amendment 20, while promoting compliance with other state and local laws that prohibit trafficking in marijuana for non-medical purposes. Nothing in this Ordinance is intended to promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law, including Federal law.

B. Definitions

(1) C.R.S. § 12-43.3-104 is incorporated herein by reference as if fully set forth below:
(2) Director means the Land Use Administrator, or the Land Use Administrator’s duly authorized representative.

C. Permit Required

(1). On and after July 1, 2012, it shall be unlawful for any person to sell, cultivate, manufacture or otherwise distribute any marijuana in Alamosa County without obtaining a permit to operate as a medical marijuana center (“MMC”), a medical marijuana-infused product manufacturer (“MMIPM”), or an optional premises cultivation operation (“OPCO”) pursuant to the requirements of this Ordinance. This permitting requirement shall apply regardless of whether the MMC, MMIPM or OPCO has commenced operations prior to July 1, 2012. Any MMC, MMIPM or OPCO that has commenced operation prior to July 1, 2012 and for which a permit application has been filed pursuant to this article prior to that date may continue in operation pending final action by the Board of County Commissioners on the application. Any such preexisting MMC, MMIPM or OPCO that does not or cannot meet the permitting requirements set forth in this Ordinance and therefore fails to obtain a permit shall cease operations immediately upon such denial.

(2). The permit requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city law including, by way of example, a retail sales tax license, a retail food establishment license if applicable, and any applicable zoning or building permit.

D. General Permitting Procedures

(1). Except as otherwise specifically provided in this Section, the general procedures of the Alamosa County Land Use Development Code for the issuance of a Special Use Permit, AND the requirements for issuance of a State permit to operate and administer any MMC, MMIPM or OPCO shall be required for the issuance of a local permit. To the extent there is any conflict between these two provisions, the more restrictive shall control.

(2). Any permit issued for the purpose of owning, operating, or managing a MMC, MMIPM or OPCO is non-transferable.

(3). If all requirements are met and the permit is granted, said permit shall be provisional subject to the issuance of a State License within ninety (90) days.
E. Application

(1) Application for a MMC, MMIPM or OPCO shall be made to the director by applying for a Special Use Permit pursuant to the Alamosa County Land Use Development Code with the required fee AND by submitting a copy of ALL completed forms and documentation submitted to the State for the issuance of a State License.

F. Prohibited Locations

(a) All MMC, MMIPM or OPCO permits shall be issued for a specific fixed location which shall be considered the permitted premises. If applicable, all sales or distribution of medical marijuana shall be made directly by a primary care-giver to a patient upon the licensed premises, or via personal delivery of the medical marijuana by the primary care-giver from the licensed premises to the patient at the patient’s residence.

(b) MMC’s, MMIPM’s or OPCO’s permits shall only be issued in the following locations and in accordance with the following restrictions:

(1) For purposes of MMC’s and MMIPM’s in any zoned area of Alamosa County designated as Commercial. For purposes of OPCO’s in any zoned area of Alamosa County designated as Agriculture.

(2) No closer than one thousand (1,000) feet of any church, school or child care establishment, dormitory, health services center or hospital, public park or other residential property, (“protected purposes”). The distance shall be computed by direct measurement from the nearest property line of the land used for the protected purposes to the nearest property line in which the MMC, MMIPM or OPCO is located. For purposes of this section the distance shall be measured in a straight line, without regard to intervening structures or objects.

(3) All medical marijuana dispensary licenses located within Alamosa county may be reviewed annually to ensure compliance.

G. Requirements Related to Licensed Premises

(a) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the licensed premises.

(b) No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent.

H. Signs
All signs shall conform to the requirements of the Alamosa County Land Use Development Code:

(1) All MMC’s, MMIPM’s or OPCO’s premises shall have a sign measuring not less than 36” x 36” that states as follows: WARNING: Marijuana is classified under Schedule I of the Controlled Substances Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution.”

(a). The text of said sign shall cover at least 75% of the sign

I. Labeling

All marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.

Commissioner Wilkinson asked if anyone is in favor of or opposition to this Ordinance.

Adrian Maestas and his partner Leonard Garcia spoke. They have a business of Casa Cannabis Inc. They are located in San Luis and have been in operation for two and half years now. He has heard the ordinance and it seems to be what has been put into law by the state. They are currently abiding by all the rules and laws that they are wanting in this county. They haven’t had any incidents such as break-ins. The state requires them to have security such as an alarm system and a camera system. They check everyone who purchases medical marijuana because they have to be certified by the state which is a red card and their ID. The state also requires some security for the medicine such as a 500 lb. safe. He hopes to open a business here. He asked if they have maps they can obtain of the Zoned Commercial areas.

Yes stated Mr. Altamirano they can obtain them through their office.

Commissioner Wilkinson stated they still have to be licensed through the state they are just in addition to that such as zoning.

Mr. Altamirano stated he could get one from his office

Diane Dunn spoke. She complimented Mr. Kelly on the very impressive draft document. She is already licensed. She did have one question for clarification. A few weeks ago they talked about the zoning being commercial and industrial but industrial is missing from this draft. Is this because it is more permissive and includes other uses or can they assume if the area is in industrial it is appropriate and can be conducted.

Mr. Kelly stated this is the first draft which gives the Board to have some discussion and consideration taken. It is up to the board.
There are very few if any Commercial store fronts stated Ms. Dunn. Is your intention to limit it to the East side? The west side has no Commercial store fronts. Hopefully you would add Industrial to this.

Mr. Altamirano stated there are some Commercial areas in the County as well as some Industrial. He would need to go back and look at the locations where they are associated. By Road 106 there are several parcels zoned Commercial and some west of the City of Alamosa. What there isn’t are buildings on those Commercial areas.

In terms of observations of already being licensed through the state Ms. Dunn questioned Item D-3 a permit should be issued within 90 days. The State didn’t license her for six months and since then have downsized staff for the second time. Another issue is when the state does issue a license it goes directly to the Land Use Office and they give a copy to them so the county will know before they would know. There is no guarantee that the state would issue a license within 90 days. Certainly the permit should be provisional subject to the state license. Trying to put a time limit of 90 days for the state to comply isn’t something we have control over. In Section E getting a state license is clear cut and straightforward but local it is more difficult. The State won’t consider giving approval without local approval. Local authority is Land Use, community review, and Board of Commissioners. The State won’t even consider licensing without local approval so it is expensive to submit and get a license. To be fair if a person doesn’t get local approval they would be foolish to pay thousands of dollars to apply for a state license.

Mr. Altamirano stated this is a Zoning requirement of the Land Use Office associated with a permit. They are not granting a license.

Adrian Maestas asked for clarification. They will apply for a special use permit and could apply with state.

The typical process is the state will address the application but at a county level they are issuing a Special Use Permits stated Mr. Altamirano. They are not issuing any type of license.

They have their grow operation in Costilla County and would like to keep it like that. Would this be an issue with that or would they want them to grow in the same county asked Mr. Maestas. Mr. Kelly stated all state laws and requirements would be applicable and refer to them. It would be a transportation issue whether they can transport the product. They require 24 hours ahead notice stated Mr. Maestas.

A final draft will be adopted June 27th and changes can be made between then. They will have record of any changes.

Commissioner Allen stated do they need to be specific where to place the sign, size, or visibility.

This can be put into the Ordinance. With the 90 days of issue it could be a problem with the turnaround time they need to think about is they need to submit application within 30 days of initial permit so the state knows they are
Is there going to be a limit of applications they will take. They will have to address as they come to the board stated Mr. Altamirano. Mr. Kelly stated each permit comes before the board for approval. Ms. Dunn stated they are limited to the spaces as well.

**There being no further business, the Public Hearing for Medical Marijuana Ordinance was adjourned.**

**ATTEST:**

Belina Ramirez, Administrative Secretary  
Carol Osborn, Assistant Administrator

George Wilkinson, Chair  
Mike Yohn, Vice-Chairman  
Darius Allen, County Commissioner

6
Minutes of the Public Hearing for Robert Hamilton was held on June 13, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
George Wilkinson, Chair  
Mike Yohn, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Mark Garcia, Interim Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Administrative Secretary

Juan Altamirano was present. Robert Hamilton the applicant and Dan Hunter who is the renter were present.

Property Location: E2 NW4 12-37-10

Proposal: Subdivide 2.00 acres from a single tract of land to two tracts of land; Tract 1 1.00ac; Tract 2 1.00 ac.

Staff Recommendation: Approval

Surrounding property consists of some undeveloped land and medium density residential units. The subject property has an existing residential unit. The subject and surrounding property (ies) are zoned “R” Rural and some Residential Density. The applicant is requesting to be able to subdivide their current 2.00 acres into two tracts of land; Tract 1 and Tract 2. The applicants would like to separate an existing residential unit from a new proposed residential unit. Water will be provided by the East Alamosa Water and Sanitation District. Access to both tracts will be off of No Name Lane via an easement.

While the Planning Commission rendered a split decision recommending this proposal to be denied, staff disagrees with the Planning Commission’s recommendation. The Planning Commission decision to be denied was set on comments on character to the neighborhood. Surrounding neighbors were concerned that the proposed subdivision would change the character of the neighborhood from Rural to more dense development. Further area residents believe that this proposed subdivision would impose further hardship on the area because of potential increased traffic and other nuisances. Staff finds the concerns expressed by the area residents that is related to the proposed subdivision unfounded and based on an acreage summary analysis of surrounding properties the proposed subdivision would have no impact on the character of the neighborhood. Additionally they find that the traffic would have little to no significant impact on other area residents. Lastly staff finds the applicant has adequately satisfied water recommendations and the applicant is aware he must work in conjunction with the East Alamosa Water & Sanitation District to gain approval of any tap installation.

In summary staff finds the request to be appropriate and consistent with the Alamosa County Subdivision Guidelines.
Staff recommends approval subject to the following conditions listed in staff report.

Photos were emailed by the members of the public related to this application regarding some of the concerns they have. Staff and Building Inspector assessed the concerns of the area residents and determined there are simple remedies that can be done to alleviate the concerns. One is to have the applicant clean up the area prior to the application be approved.

The property is being rented right now stated Mr. Hamilton. He is a mechanic and has two children. He works on his own cars. They do have a plan to make it look better. Anything that is needed he is willing to do. The applicant and the neighbor Mr. Bachicha need to come to an agreement regarding an issue with their fence. There is an encroachment with the fence of Mr. Bachicha so the applicant would need to take the fence down or a quick claim deed of the fence line to the applicant. This would need to be resolved prior to application. They received no letters or phone calls prior to the Planning Commission. At the Planning Commission they did have some comments. Yesterday they received a call from Mr. Bachicha to ask if the application was being heard today. Mr. VanWarden stated they did receive two complaints and Mr. Bachicha’s complaint which are basically issues of blight and one was on animal issues. Mr. VanWarden stated he visited the site and took pictures. He didn’t see any animal problems but the used vehicles were and they could be remedied by putting in storage. Brush and weeds are typical of the area. However the property to the east does not have this problem but to the north there are similar issues. The complaints were blight issues more than the subdivision itself stated Mr. Altamirano.

Commissioner Wilkinson asked if anyone is in favor of or opposition to this application.

Tim Bachicha lives southwest of property spoke. Contrary to Mr. Altamirano’s statement that the traffic won’t be a problem, this road has been a problem since they moved in, in 1984. That road was finally grandfathered in. It is not that wide and believes this would cause a negative impact to the traffic in the area. There are several families with children that need to be boarding the school bus. Several accidents have occurred because of the width of the road and the conditions of the road. The blight is a secondary issue their primary issue is they don’t believe it would be good for the neighborhood to subdivide those properties from two acres. All the surrounding properties are at least two acres with the exception of one directly to the north which was done many years ago. They believed when they moved here it would be 2 acre areas. It is a disregard to the neighborhood. Motor parts would need to be moved out. They would do anything including legal action to the blight issue resolved. Some neighbors were not able to come today but he hasn’t heard anyone in favor of this. This would negatively impact the neighborhood.

Dan Hunter renter of the property spoke. Up to this last hearing he hasn’t heard of any complaints from his neighbors. He thought he was a good neighbor until now. He didn’t know this was issue. He believes in zonoscaping. He hasn’t had any time off for the last three months but when he does he will get the weeds taken care of. To keep his kids occupied they have a race car. They go through transmissions two to three a year. A new engine every year so he needs to keep parts on hand. He needs to keep parts on hand for his teenage kids to restore the cars. They
got his sixteen year old a 69 Chevy running that he drives to school and to work. His youngest son turns 15 has a 64 Chevy that as soon as he gets his permit they will get running. He has an old blazer twice but they never come for it so he will sell it again. They have a 60 firebird for themselves and an old Chevy pickup that is his project. They don’t have the time or money to get it rolling now. They are discussing building a shed to store parts. He doesn’t believe it will impact the traffic. The bus stop doesn’t come by. If Mr. Bachicha would have come by beforehand this probably would have been taken care of a long time ago.

Cindy Savage lives at end of No Name Lane spoke. They have been there for twelve years. In the last three years this corner since Mr. Hamilton purchased it has gone worse and worse with no upkeep. Everybody house is nice except that corner. There is no upkeep on fencing. They have a problem with the children on their motorcycles, having bonfires, and fireworks during the 4th of July. The owner lives in Denver and doesn’t know what is going on here. They don’t want another subdivision doing the same thing. They have to put up with everything not the owner. It is an eyesore. She also agrees with Mr. Bachicha’s comments.

Amanda Yohn resides at 11498 No Name Lane spoke. There were some problems in the past but some have been resolved but their concern is at the last Board meeting it was recommended to talk to the neighbors in the area but that didn’t happen. There is a lack of care and no communication.

Mr. Hamilton stated when he first purchased this property they cleaned up the property. They moved 12 trailers of trash and debris from property. There was a railroad car that was used for storage and was in total disarray. He knows the neighbor Dee Greeman who has his phone number. He comes around at least every other month. He never has had a complaint of blight. His tenant has a good rapport with his surrounding neighbors.

There being no further business, the Public Hearing for Robert Hamilton was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary
Carol Osborn, Assistant Administrator

George Wilkinson, Chair
Mike Yohn, Vice-Chairman
Darius Allen, County Commissioner
Minutes of the Public Hearing for Brandon Lucero was held on June 13, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Mr. Altamirano asked board to table this application until they clear up their lien on their property. If they don’t resolve within 90 days then application would be dead with no refund.

There being no further business, the Public Hearing for Brandon Lucero was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary
Carol Osborn, Assistant Administrator

George Wilkinson, Chair
Mike Yohn, Vice-Chairman
Darius Allen, County Commissioner
Minutes of the Public Hearing for Paul & Tammy Thompson was held on June 13, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Juan Altamirano and applicant Tammy Thompson were present.

Property Location: Replat G & F Martinez Division of Land Tract 1 FR N2 NE4 5-37-11

Proposal: Subdivide 57.313 acres from a single tract of land to two tracts of land; Tract1A-56.007AC and Tract 1B -1.236AC.

Staff Recommendation: Approval
The subject property consists of mainly undeveloped land. The site has an existing residential unit. The surrounding property is zoned “R” Rural. The surrounding land uses consist of mainly undeveloped land with scattered residential dwellings. The applicant is requesting to be able to subdivide their current 57.313 acres into two tracts of land; Tract 1A and Tract 1B. The applicants would like to separate and sell Tract 1B.

Water will be supplied via a private well. Augmentation may be necessary. Staff recommends that the applicant speak with the San Luis Valley Water Conservancy District to develop an augmentation plan, if necessary.

Access to the property will be off of Road 114 South via a new easement. New driveway access easement shall need to comply with the Alamosa County driveway access guidelines. Applicant will need to apply for a driveway access permit to the County’s Road & Bridge Department.

Staff finds the request to be appropriate and consistent with the Alamosa County Subdivision Guidelines.

Staff recommends approval subject to the following conditions:
1. The final plat map shall be in substantial compliance with Alamosa County Subdivision Regulations, including, but not limited to: Lot size and Road Frontage, etc.
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall
take place prior to any physical disturbance on the subject property associated with the proposed subdivision.

3. Prior to the issuance of a building permit, an individual sewage disposal system permit shall be required, if an individual sewage disposal system permit is not currently present.

4. The final plat shall identify all existing easements and proposed easements and rights of way, including, but not limited to electric transmission lines, county, state, public and private easements. Additionally, the fund plat shall also identify all existing and/or proposed onsite wells, individual septic disposal systems, etc, in order to determine that there is adequate area for the septic tank systems.

5. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated mapping and recording fee to the Alamosa County Land Use Department.

6. Prior to the certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due.

7. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards.

8. The applicant shall record the approved final plat in the office of the County Clerk and Recorder and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC.

9. The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the county of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the board of county commissioners may, by resolution, accept any dedication made the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the county.

10. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.

Commissioner Wilkinson asked if anyone is in opposition to or in favor of this application.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012-S-004

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY PAUL THOMPSON AND TAMMY THOMPSON, COVERING PROPERTY LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO.
Commissioner Allen moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS: Paul and Tammy Thompson have submitted an application for a minor subdivision covering the following described property:

**TRACT 1, OF THE G&F MARTINEZ DIVISION OF LAND UNDER RECEPTION NO. 289541-42 LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO. IDENTIFIED AS PARCEL NO. 541505100200.**

said property being zoned Rural; and

WHEREAS, Said applicant seeks to subdivide the above described property into two (2) tracts as follows:

Tract 1A = 56.007 acres more or less  Tract 1B = 1.236 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on May 9, 2012, following proper notice to the public and recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on June 13, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto and that the minor subdivision is appropriate; and

WHEREAS, the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code.

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, Article 7 Section 7.6.6, as adopted on July 15, 2009 subject to the following conditions.

1. The Final Plat map shall be in substantial compliance with Alamosa County Subdivision Regulations, including, but not limited to: Lot Size and Road Frontage etc.
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place prior to any physical disturbance on the subject property associated with the proposed subdivision;

3. Prior to the issuance of a building permit, an individual sewage disposal system permit shall be required, if an individual sewage disposal system is not currently present; and

4. The final plat shall identify all existing easements and proposed easements and right of way, including, but not limited to electric transmission lines, county, state, public and private easements. Additionally, the final plat shall also identify all existing and/or proposed onsite wells, individual septic disposal systems, etc., in order to determine that there is an adequate area for the septic tank systems;

5. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated mapping and recording fee to the Alamosa County Land Use Department;

6. Prior to the Certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due;

7. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards;

8. The applicant shall record the approved final plat in the office of the County Clerk and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC;

9. The approval of the final plat shall not be deemed to constitute or affect the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of County Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the land or facilities are located within the county; and

10. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.
Roll call vote resulting in approval: Commissioner Wilkinson, Commissioner Yohn and Commissioner Allen all in favor. None opposed.


BOARD OF COUNTY COMMISSIONERS OF
ALAMOSA COUNTY

(Seal)

By George Wilkinson, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Paul & Tammy Thompson was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary
Carol Osborn, Assistant Administrator

Mike Yohn, Vice-Chairman
Darius Allen, County Commissioner