Minutes of the Board of County Commissioners Meeting, held on September 12, 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  
Brittney DeHerrera, Chief Financial Officer  
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

The addition of Century Link Line Volume Plan and Qwest Corporation Interstate Private Line Transport Services Pricing Plan to the Consent Agenda. Also correction of Agenda the addition of a break.

M/S Yohn/Allen motion to approve the agenda of September 12, 2012 with additions/corrections.

Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:

Regular Minutes, August 29, 2012

M/S Allen/Yohn motion to approve the Minutes of August 29, 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

Up & At 'Em Therapy Staffing

Minnesota State Colleges & Universities Rochester Community & Technical College Customized Training Income Contract

Nurse Consultant for Competency Assurance Agreement – Dana Martin

Acceptance of Proposal from SLV Federal Bank for purchase of Annex Building CenturyLink Qwest

Mr. Kelly stated he hasn’t seen the CenturyLink and Qwest contracts. The indemnification clause in the Minnesota Contract needs to have the addition of “to the extent by Colorado Law”, and change the Nurse Consultant Agreement to renew annually.

M/S Yohn/Allen motion to conditionally approve the Consent Agenda. Motion was approved unanimously.

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

Alamosa County Land Use

Ken Vanlarden was present. The Activities Report for August 2012 was presented as follows:

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He would like to schedule a worksession later on today with Mrs. Wagonson to discuss issues with her property. The Commissioners will not be able to attend today so if they could schedule next week.

They have two applications for Medical Marijuana. The applicant is has requested a waiver from the County Ordinance. This is not allowed under the current Ordinance. Both applications would be denied because they do not meet the guidelines established. Commissioner Allen asked about the Medical Marijuana Ordinance if they could meet. They can discuss consideration of waivers for current business. They have published a hearing for October 10th. Their recommendation will be to deny the application because they do not meet the criteria. Commissioner Allen stated the process should be to bring to the Planning Commission so if there are any issues they can be brought up then. Mr. Kelly stated they need to add a provision of waiving any requirements. The state is not as restrictive as the County. They will talk over it in a worksession.

The Fish & Wildlife still has to sign off but the HCP district would like to have each county to sign by October. If the counties don’t sign each than each county and each property owner will have to deal with this individually to get a Section 7 permit. Each individual landowner who does grazing or has property along the repairing areas would have to get their own permit as well.

Special Events Permit -they have been pushing individuals who would require emergency services in this event that they would recommend them to submit an application. Rio Grande Headwaters has agreed to do this. Nancy Butler Executive Director of Rio Grande Headwaters Land Trust was present.

Broadway Service has a sign for a community garage sale and they would need to get a Special Use Permit. Their concern was the traffic with the vendors. Each vendor if they were going to set up it was up to the property owner to get a permit. This Special Events Permit they have issued in the past. They also have had car sales to have an event at another location so everyone is aware what is going on. Other departments have to be notified such as the State Patrol. $125 is the cost for this permit. Ms. Butler stated it is pretty secluded and this is the second year they have done this. She would appreciate them waiving the fees. They are nonprofit 501C.

Commissioner Yohn stated he didn’t see any restroom plans is that going to be required. The application hasn’t been filed but they have agreed to but this will be cover under the Special Event Permit. They will have port-a-potties stated Ms. Butler.
M/S Allen/Yohn motion to waive the fee for the Special Events Permit
Motion was approved unanimously.

Commissioner Wilkinson stated he received some complaints about the motorcycle event. They hadn’t been here before. They had stated they paid $600 for permit and was denied so they felt they should get the fee returned. They did have an application stated Mr. VanIwarden but it was for $125. A Conditional Use fee is $600 stated Mr. Altamirano.

A Log Summary for Code Enforcement/Complaints was presented. They are going to review these, clear those that have been resolved, and make a plan on the others. They will present an updated summary and their plan at a later time. They are going to respond to every complaint one way or another. At some point they will hire a clerk to take care of the complaints.

Commissioner Wilkinson asked about Donnie Soapes being ceased from code enforcement. Mr. Kelly did do a draft letter. Ms. DeHerrera asked when the effective date should be. Commissioner Allen stated today should be the effective date. Ms. DeHerrera stated they need to give him notice.

County Clerk and Record

Melanie Woodward was present. Special Events Liquor Permit has been requested for Rio Grande Headwaters Land Trust. They have a letter from Mr. Gilmore giving them permission to use his property. They have Certificate from Secretary State that they are in good standing. Ms. Butler stated they have purchased a Special Events Liability Insurance which includes liquor. Commissioner Yohn asked if there was a difference between a license for beer and hard liquor. Ms. Woodward stated through the state it is different fee but a Special Events is done locally and the fee is the same.

M/S Allen/Yohn motion to approve Special Events Liquor License Permit
Motion was approved unanimously.

Alamosa County Emergency Management

Dave Osborn was present. He presented the Emergency Plan to each Commissioner. If they could review the base plan and in two weeks they could approve and sign it. This will give them the approval to move forward to complete the entire plan and then that will need to be signed. Once this is all complete they will have it in electronic format. They met with Mr. Joe Carrica for Mass Care and Sheltering. Do they have to file this with anybody else beside the county asked Commissioner Allen. Yes to the state stated Mr. Osborn. Alamosa County is the only county that has followed through the state’s plan. They are starting to meet on Mass Care Plan October 11th.

Commissioner Yohn asked if the other county’s have their own plan or is it a regional plan. All counties are asked by the state to have a plan. Some counties may have one from 1977, 2012, or
use Weld County’s templates. If the other counties have a recent one then they probably used Weld County’s templates. They did not. He will do a presentation at the next meeting.

**Alamosa County Public Health**

Ms. Geiser was present. They have been discussing what they are going to do with the Immunization Program. As on January 1st they have to bill the insurances to provide immunizations. They are going to offer only adult immunizations because they charge them what it costs them and uninsured children only. They will send out notification that they will not be able to offer immunizations like before. Commissioner Wilkinson asked what the cost would be to continue immunizations. Ms. Geiser stated they would have to hire a half-time person to be able to bill insurances. They do most of the immunizations at CHAMP. The families that are going to be most affected by this will be those with high deductibles and copayments. It could be changed with the outcome of the election with the Healthcare Reform. The families that have a high deductible will be affected. They give over $100,000 in immunizations. Commissioner Yohn asked if CHAMP could cover the costs for the immunizations. Ms. Geiser stated there is not funding for that. They get a grant for this and this covers for one nurse as well.

They decided to do a contract nurse for HCP to be the clinic coordinator. She has offered this to Kelly Robinson.

They had an audit with Public Health and they had two things they didn’t like. One is the travel vouchers needs to be signed by the supervisor. The other is they have always allowed their staff to make copies and they said no more of that.

They had a meeting on the big grant that they received.

**Alamosa County Home Health**

The person they hired to replace Kam Evans has taken a position with the Bridge so she is asking to replace this position. This is in the budget.

**M/S Yohn/Allen motion to approve replacing the vacancy**

**Motion was approved unanimously.**

She would like to send Yvette Lujan and Roberta Minchaca to a class in Las Vegas, Nevada. This is for coding. There is a coding class at the college but she understands that they are not able to pay anyone’s tuition. Commissioner Yohn stated he thought it would be better to utilize the college instead of sending them to Las Vegas. Commissioner Wilkinson stated it depends on how long the training is or how fast they could attend. Commissioner Allen asked for cost comparison for a college class and this class offered in Las Vegas. Also if they can be certified and be able to train someone else. She thinks the class offered at the college is certified and the one in Las Vegas is just a workshop.

**Alamosa County Sheriff**
Dave Stong was present. He presented the monthly Detention Report for August 2012. It showed daily average population is 116 for the month of August. The monthly Food Service Report was presented showing 7940 meals served for the month of August.

**Alamosa County Road & Bridge**

Phil West was present. Monday they overlaid on the five mile south from 112 E. They got $7600 left which will take care of their handpatching. They did lane 5 from Hwy 17 East handpatched. This will hold through the winter. Maybe next year they can lay an inch. They got all the weeds cut. Are you done with the large mower asked Commissioner Wilkinson so Andrew Atencio could use it in Mosca. Yes stated Mr. West. They are going to do a job for the City on Wednesday. They got four blades up north today. He will try to run two or three water trucks to blade. Commissioner Yohn asked if Hooper asked him for signs. They were looking for 20 mph signs but it is a residential area so it should be 30mph. He will contact them stated Mr. West.

**Board/Staff Updates**

**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 William McKinley was held on September 12, 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
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Juan Altamirano and William McKinley applicant were present.

Request: Subdivide an approximate 2.00 +/- acres to form two tracts of land; Tract E1 and Tract E2, Tract E1-37.416 +/- acres, Tract E2 2.00 +/- acres.

Staff Recommendation: Approval

The subject property consists of mainly undeveloped land. The surrounding property is zoned Rural. The surrounding land uses consists of mainly agricultural land with minimal residential development.

The applicant is requesting the Board of County Commissioners approve a 2 acre division of land for a new single family residential unit development. The existing parcel is approximately 39 acres and has two existing residential units. Under the proposal the 39 acre parcel would be reduced to approximately 37 acres and would maintain the two existing residential units. The applicant is proposing to place a new single family residential unit on the proposed 2 acre tract.

Water: The applicant is proposing to supply water to the proposed 37 acre and 2 acre parcels by an existing private well. The well is intended to service ordinary household purposes, inside not more than three single family dwellings, watering of poultry, domestic animals and livestock on farm or ranch and the irrigation of not more than one acre of home gardens and lawns.

While it seems that the existing well will be able to supply the existing home, plus an additional single family unit dwelling, staff has concerns that the proposed acre parcel may not have an adequate water supply if we don’t an adequate agreement in place. In order to avert creating an un-conforming and un-conforming and un-buildable lot, staff recommends that a water agreement to supply water to the proposed 2 acre parcel be part of the conditions.

Access: Access to the property will be off of 30’ access easement(s). Any new access easement(s) shall need to be designed and constructed per the County’s Road & Bridge Access Guidelines.
Staff finds the request to be appropriate and consistent with the Alamosa County Subdivision Guidelines.

They ask the board to take into consideration the plat doesn’t see what the easement be alleviated on the plat. Mr. McKinley is aware of condition and minor corrections such as typographical error within the shared well easement Agreement under purposes it should read three households. This is for proper recordkeeping.

Are the three homes already on the location asked Commissioner Wilkinson? Two are and the third they had to do this for his son. Mr. Mckinley stated he just wants to keep his family together.

Commissioner Wilkinson asked if anyone is in favor of or opposition to this application. BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012 - S - 008

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY WILLIAM MCKINLEY, COVERING PROPERTY LOCATED IN THE WEST 1/2 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 10 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: William McKinley has submitted an application for a minor subdivision covering the following described property:

TRACT E AS SHOWN ON REPLAT OF TRACT D & E LOCATED UNDER RECEPTION NO. #348719 IN THE WEST 1/2 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 10 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO. IDENTIFIED AS PARCEL NO. 555703300130

said property being zoned Rural; and

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

Tract E1 = 37.416 acres more or less    Tract E2 = 2.00 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on September 12, 2012, following proper notice to the public and recommended approval of the application; and
WHEREAS, A public hearing was held on the proposed minor subdivision on September 26, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and where no adverse testimony was given or received; and

WHEREAS, the Board of County Commissioners has considered the application, 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 minor subdivision 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. 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;

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

6. 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;

7. 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.
8. 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

9. 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.

10. The Applicant shall have water available for all parcels, including but not limited to Tract E2, of the proposed subdivision.

11. The Final Plat submitted shall reflect the all easement agreements in connection with this application.

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

DATED: September 26, 2012.

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 was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Darius Allen, County Commissioner