Minutes of the Board of County Commissioners Meeting, held on December 19, 2016 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
Darius Allen, Chair
Michael Yohn, Vice-Chair
Helen Sigmond, Commissioner
Gigi Dennis, County Administrator
Jason Kelly, County Attorney
Belina Ramirez, Deputy Clerk

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda
m/s Sigmond/Yohn motion to approve December 19, 2016 Agenda
Motion was approved unanimously

Public Comment

No comment was made.

Public Hearing

Kevin Voss Applicant representative and Rachel Baird were present.

PLEASE SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION

Jason Kelly stated on the Staff report you have the proposal for 166 acre tract and in site data it stated current lot size is 39.

Rachel Baird stated that is a typo and there is remaining acreage for right-of-way. This is on Exhibit 16 it shows 1.228 acres that goes to 4 north and 1.872 that goes to 106 N.

List of Exhibits
1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Pre-Application Conference
5. Code of the West
6. Right to Farm and Ranch
7. Receipt of Payment
8. Letter from Lender

December 19, 2016 Minutes
9. Authorized Representative Letter
10. Title Insurance
11. Deed
12. Assessor Record
13. Receipt of Taxes Paid
14. Water Documents
15. Hooks Farms LLC Organization & Operation
16. Survey
17. GIS Aerial View
18. List of Adjoining Property Owners
19. Letter to Neighbors
20. Public Notice for the Planning Commission
21. Public Notice for the BOCC
22. Notice to Applicant

m/s Sigmond/Yohn motion to approve the Minor Subdivision for MS Hooks LLC and correction be noted

Motion was approved unanimously

Mill Levy Certification

Brittney DeHerrera was present.

2017 Certification of Levies and Revenues was presented.

This includes Schools and Local Government (includes Counties, Cities & Towns, and Other Local Improvements). The total Assessed Valuation is $1,138,159,087, Total Operating Revenues of $13,434,275, Contractual Obligations Bond Redemption Overrides of $2,115,677, and Refund/Abatement Transportation of $73,672 for a total of all funds for Revenues of $15,623,624. Page 3 shows the School Districts (includes Alamosa, Center, North Conejos, Sanford, Sangre, and Sargent) breakdown of Certifications. Page 4 shows the County’s breakdown of Certification. Page 5 shows Cities and Towns breakdown of Certification. The City of Alamosa has a Refund/Abatement for the Fire Pension. Page 5 we don’t have any Title 32 Statutory Districts with one or more Bond Levies. Page 6 is All Other Local Improvement & Services Districts which includes all Non-Title 32 Districts and Title 32 Districts with no bond levy. This shows East Alamosa Water & Sanitation, Alamosa Fire Protection District, Northwest/Conejos Fire District, Mosquito District, Rio Grande Water Conservancy District, Alamosa/LaJara Water, Alamosa Weed Control District, Alamosa Ambulance, and SLV Water Conservancy having Assessed Valuations. The remaining which include Carmel Drainage, Waverly Drainage, SLV Irrigation, East Alamosa Water & Sanitation, Rio Grande Water Conservancy District, and the City of Alamosa don’t have Assessed Valuations but are Certified to Treasurer/Assessor for collection on liens or water fees for the next year.

We had two entities under All Other Local Improvement & Services Districts that did not turn in their Certification. They were Northwest/Conejos Fire District and Alamosa/LaJara Water District. Jason Kelly looked at the Statutes. They ran the certifications last year and we can’t go over .5. The Assessed Valuation went down this year so if we use last year’s certification it should be less. We don’t want them to go over and have a TABOR issue.
Commissioner Sigmond disclosed she is on the Ambulance District so should she recuse herself from voting.

Jason Kelly stated no you approving all entities Certifications. He does not believe it prohibits you from voting.

Commissioner Yohn asked why the tax credit applies from last year.

Brittney DeHerrera stated the issue is probably with TABOR. Without receiving their paperwork it is important to keep the credit because we could be putting them in trouble with TABOR.

Commissioner Allen asked this remains the same as last year but just can’t increase.

Jason Kelly stated if the Board fails to certify their Mill Levy then you take what was done last year. You can’t have a revenue gain of 5.5%. The Assessed value went down so we won’t have a problem so we are just going to have to go what they did last year. If they lose some money there is nothing we can do about it.

Gigi Dennis stated it would be a good idea to send Certified so we are sure they are getting the paperwork.

Sandra Hostetter stated they have never had a problem before.

Brittney DeHerrera stated some might think if it is postmarked by the 15th but the mail has go to Denver and then back to Alamosa.

Belina Ramirez stated most fax or email the Certification even if they sent the original in the mail.

Brittney DeHerrera stated this is the earliest we have met before also because of the timing of the holiday week because the deadline to Certify is December 22nd.

Jason Kelly stated the Statutes if you don’t get the Certification this is the exception “the levies shall be so reduced as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus 5 ½%”. Because the valuation is lower this year we won’t have a problem of it going up 5 ½ %.

Commissioner Yohn stated the assessed value increased by what percentage.

Brittney DeHerrera stated she can’t tell because it is different for each district.

**m/s Sigmond/Yohn motion to Certify Mill Levies as presented**

**Motion was approved unanimously**

**Staff Updates**
Note:
These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available by contacting the Deputy Clerk to the Board located at the Alamosa County Service Center, (719) 589-4848, or email to bramirez@alamosacounty.org.
Minutes of the Public Hearing for Minor Subdivision for MS Hook Farms LLC was held on December 19, 2016 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair  
Michael Yohn, Vice-Chair  
Helen Sigmond, Commissioner  
Gigi Dennis, County Administrator  
Jason Kelly, County Attorney  
Brittney DeHerrera, Chief Financial Officer  
Belina Ramirez, Deputy Clerk

Applicants representative Kevin Voss and Rachel Baird were present.

Proposal: The applicant is proposing to divide a 166.039 acre tract into two parcels. Tract 1 is 156.769 acres and Tract 2 is 5.576 acres. The remaining acreage is part of North County Road 106 and Lane 4 North.

Project History and Background: The property was sold on October 26, 2016 by Alfredo Torres to MS Hooks Farms, LLC. Alfredo Torres wishes to retain the northeast corner of the property with two manufactured homes and a metal outbuilding.

Public Notice: Adjacent land owners within 1,500 feet of the subject property have been notified by mail and notice was published in the Valley Courier on November 12, 2016.

Compatibility: The propose subdivision is located in a Rural (RU) zoned district and is consistent with the regulations of the county. Specifically, it meets all of the six Minor Subdivision Standards of Section 5.8.1 of the LUDC in that it:
1. Has not been subdivided in at least 15 years;
2. Will not create more than three (3) additional lots;
3. Is in conformance with the goals, objectives, and policies of the County Master Plan, LUDC, and/or other County Guidelines.
4. Each parcel has access to a public maintained roads,
5. Each parcel has access to adequate to potable water.
6. The parcels are not in a Geologic Hazard, Critical Wildlife Area, or floodplain.

Findings:
1. The minor subdivision is found to be consistent with the adopted plans and policies of the county. The property is in a Rural (RU) zoned district which is set aside for residential and agricultural purposes and the use of the property is not changing.
2. The plat complies with the Subdivision Standards of Article 5, Section 5.8 of the LUDC.
3. The parcel has not been subdivided in at least 15 years.
4. The applicant received the Right to Farm and Ranch Policy and the Code of the West.
5. Both tracts have frontage on North County Road 106 and Lane 4 North.
6. The new parcels are in conformance to the LUDC in terms of setbacks; density; lot coverage; lot dimensions; yards and separations; and scale, massing, and coverage.
7. There is no need or plan requiring any extension of public sewer or water lines.
8. The parcels have access to publicly maintained roads, North County Road 106 and Lane 4 North.
9. No Waivers from the Subdivision Standards have been requested.

Department Recommendation: The applicant have met all submittal requirements for a Minor Subdivision and there is no foreseen major impact to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the Hooks Farms LLC Division of Land.

Planning Commission Recommendation: The Planning Commission met on December 14, 2016 to discuss this application. They questioned where the wells are located on Tract 2 with the two homes. One member took issue with the letter from the lender saying it seem contradictory both giving consent for the subdivision but also stating the consent is not a release of any collateral for the lien of the Deed of Trust securing the loan. After discussion, it was determined that the subdivision does not release the applicant’s obligation to their lender but simply changes the configuration of the property. When the applicants sell Tract 2 to Alfredo Torres it will be released from their loan but the Planning Commission decided the sale is beyond the scope of this application. The Planning Commission voted unanimously to approve the Hooks Farms LLC Division of Land for Bethann and Michael Stacy Hooks.

Commissioner Allen asked if anyone would like to speak in favor of or opposition to this Minor Subdivision.

There being no further business, the Public Hearing for the Minor Subdivision for MS Hooks Farms LLC was adjourned.

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chair

Michael Yohn, Vice-Chairman

Helen Sigmond, Commissioner

MS Hooks Farms LLC PH Minutes