Minutes of the Board of County Commissioners Special Meeting, held on February 13, 2017 at 11:00 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

Commissioner Sigmond requested to remove the Bills/Obligations from Agenda due to just paying them at the last meeting. Jason Kelly requested La Plata Housing Contract added under the Board/Staff Updates.

m/s Yohn/Sigmond motion to approve February 13, 2017 Agenda as added and deleted

Motion was approved unanimously

Public Comment

Dan McCann who resides at 1809 Sunset Drive spoke regarding the United States President. He also commented on Japan, Geo Politics, and Immigrants. Our Countries really need to get along you don’t want a war.

Sage Constructors

Larry Schreiner was present. We had five firms respond to the RFQ. He recommended FCI Constructors, H.W. Houston Constructors, Van Iwaarden Builders, and Jaynes Construction. Everyone should have reviewed these. Incept was not considered because they were late and was not complete as advertised.

Commissioner Sigmond agreed with these four.

Commissioner Allen stated he was fine with those four as well. If that is who you think are qualified. That is why we hired you.
Commissioner Yohn asked why H.E. Whitlock didn’t make the cut.

Larry Schriener responded because they did not have a lot of detention experience for what we need.

Commissioner Yohn stated he seen most were familiar with schools. Jaynes was out of New Mexico but was licensed in Colorado.

Larry Schriener stated they do have an office in Durango.

m/s Sigmond/Yohn motion to approve recommendation of H.W. Houston, Van Iwarden, FCI Constructors, and Jaynes Construction to prequalify
Motion was approved unanimously

Larry Schriener stated they are going to move the Detention Bid back 10 days. It is extensive work regarding the locks for the jail. Another issue is SafeBuilt is doing code review and is behind. They requested to postpone releasing documents. He just wants everything to be clean instead of sending the bid out and then have to issue addendums.

Commissioner Sigmond asked if these four will do the Courthouse as well.

Larry Schriener stated we will issue another qualification for the Courthouse. There will be others that will respond to that and some of these firms will not bid such as Van Iwaarden.

Gigi Dennis asked if he got the issues with the City taken care of in regards to the parking lot.

Larry Schriener stated they proposed 18 ft. wide and they want 20 ft which is the City Ordinance. We probably will have to do that. They are reviewing the documents but hasn’t heard from them yet.

Alamosa County Land Use

FLAP Grant

Rachel Baird and Tim DeHerrera were present. They were awarded in August a FLAP Grant to redo 16 miles on Lane 6 North between Hwy 17 and Hwy 150. They proposed doing a 3 in. resurfacing but the Federal Lands Highway Administration doesn’t do resurfacing projects so they are going to tear up the entire area and rebuild road. This is $10 million dollars more than anticipated. Originally our match was $2.5 million and $3 million if we do bike lanes. The new match would be $1.7 million and $1.74 million with bike lanes. Usually shortlisting means you are an eligible project for the grant and hold a hearing if you could meet the match. They have pushed back the hearing to Thursday. We talked with James Herylick the Project Manager. He is not the decision maker but can give his experience historically. They don’t accept material as match. Also because the cost estimate is higher than the grant application they won’t approve extra costs for bike lanes. Any extra federal dollars is probably unrealistic at this point. GOCO Funds is what we were looking at and CDOT Alternatives Grant which both require bike lanes. They spoke with the National Park Service who are going to resurface their roads and that could be used
for match but historically this has never been done before. They are presenting these for alternatives for match:

1. Gravel for King Pit to meet specifications required by CDOT
2. Resurfacing Project by the Sand Dunes
3. Old Spanish Trail to fill gap from Lane 6 North to Park Roads
4. Allow Bike Trails to go for CDOT and GOCO Funds

We need to commit to something. We would be required to sign the contract that we can meet the match and then we would be liable. Our first payment won’t be until 2020 for $35,000, second payment in 2021 for another $35,000, and the remainder of $1.7 million would be in 2022 when in construction. On an invoice to invoice basis we would pay. The Board needs to decide whether to do this or decide it is too much money to go forward.

Commissioner Sigmond asked if the bike lanes with GOCO Grant is a likely scenario.

Rachel Baird stated the Project Manager didn’t like it at first it was though it was road work. She told him it was a popular cyclist road with a 1 ft. shoulder so it is very dangerous. She explained these projects are the first thing to get cut. He agreed if they didn’t fund this it wouldn’t happen. They would have to expand shoulders to 3 ft.

Helen Sigmond stated at the TPR meeting there was grant funding for outside the box projects. Maybe we should look into that. It wasn’t for very much.

Rachel Baird stated she talked to the Regional Planner out of Durango and they put in a FLAP grant also and it wasn’t funded. There is Transportation Alternatives but it is in 2019. There isn’t much funding in CDOT it mostly goes into their own projects.

Jason Kelly stated he hasn’t seen the contract. If we say yes then what are our options if we get to scoping and we realize we are not going to be able to come up with the match.

Tim DeHerrera stated since 2010 we have put $191,236 into that road. In 2015 we put $64,000 of asphalt and in 2016 we put $55,000 for pothole material for a total of $119,000. The road is pretty fatigued. It doesn’t have sufficient base. He doesn’t know how many more years it can handle load bearing trucks. We do take material as a match we have 28,000 ton class 6 in the King Pit. If they do take that as in-kind money we are looking at $4 a ton for $112,000.

Commissioner Allen stated we will never have this chance again to leverage this kind of money. Can we hold this road together for 5 years because construction wouldn’t start until then? He doesn’t want to put any more money into this road if we are going to do this.

Tim DeHerrera stated when Rick Marquez did the inspection there were 9 drainage issues for 16 miles. There were 9 additional shoulder issues that really needed to be taken care of. The signs are out dated and the culverts are showing some wear as well as the cattle guards. The only thing that was good was guard rail and bridge inspection.
Commissioner Yohn asked when this road was originally paved.

Rachel Baird stated in 1960. Rick Marquez said the base is sufficient but the problem is adequate drainage in road.

Commissioner Yohn stated we do realize what condition the road is but we also have to realize the financial position the County is in. He agreed with Commissioner Allen that we can’t continue putting money into repairing this road. They were thinking the 3 inch overlay would extend the life of this road a long time. We would have to restrict the money we spend to repair that road.

Commissioner Sigmond asked if that is possible.

Tim DeHerrera stated we are going to have to limit the amount of weight so we don’t have to put into it.

Commissioner Sigmond asked if we have to make the decision on the bike lane today.

Rachel Baird stated we need to make a decision about whether we will commit to match. Gigi suggested writing a letter to programing decision committee to consider our match alternatives.

Commissioner Yohn stated he can’t see why they wouldn’t consider the material as a match. They have to have material and if they buy it, it will come from the King Pit.

Tim DeHerrera agreed. Also they will hire trucks to haul and we could offer some of our trucks. We don’t know if there is a sufficient road base until they do some tests.

Commissioner Sigmond asked it that would increase the price if the road base isn’t sufficient.

Rachel Baird stated Rick Marquez really doesn’t think it is the road base. He thinks it is just the drainage. He thinks we just need tear up the road and redo it.

Gigi Dennis stated we think we can do this. For us to turn our backs on this much money will show negatively on the community. It is a reflection of Alamosa County. All the travelers were from out of state. We have 5 years to look for funding. It is a 3 member panel that will decide. 1 is from the state, 1 is Federal, and 1 is an assistant county administrator. If we make our plea in person on our alternatives and put a face to this project.

Commissioner Allen stated they just appointed a new GOCO Executive Director who would be willing to listen to us.

Commissioner Sigmond stated GOCO depends on a bike path.

Rachel Baird stated it does behoove us to keep it. It is $25,000 extra for us. This is the only funding source for us along with the CDOT Alternatives. You can levy state dollars against federal dollars.

Commissioner Allen stated he doesn’t want to see us lose this money and the road needs to be fixed.

Rachel Baird requested a resolution to this decision.
Commissioner Yohn agreed we need to pursue the money but he sees a problem with putting Road & Bridge asphalt money into this road. Somehow we have to maintain without putting a lot of money into this road.

Jason Kelly stated the Board can put a restriction on the road budget for the department head.

Commissioner Yohn stated it will continue to deteriorate especially with heavy trucks using it.

Rachel Baird stated we could put temporary weight restrictions.

Commissioner Yohn stated he wouldn’t want to restrict the farmers from using that road.

**m/s Sigmond/Yohn motion to commit on this project with a bike lane**

Motion was approved unanimously

**SBR Mosca Wastewater Project**

We put out to bid for the SBR and we had 2 bidders. At the last Commissioner meeting we chose Fluidyne. We didn’t make any decision on the contract. We are on a tight deadline. We submitted site invoice and CDPHE still hasn’t looked at it. These contracts are standard USDA contracts. They were reviewed by the engineer and had no issues. The timeline is Fluidyne has 45 days to submit design. There is a chance we won’t get reviewed in time and construction will go into the winter or possibility of waiting until 2018 for ground to thaw. Jason is hesitant to go into contract because he hasn’t seen it. We can back out of this contract anytime. Jason Kelly is hesitant because the bonding attorney is pending.

Commissioner Sigmond asked how many more contracts you anticipate.

Jason Kelly stated this is the main contract. You could grant Gigi or Rachel to sign the other contracts. His hesitation initially was the contract was 11 pages but it stated incorporated are standard conditions pages 1-30 which he didn’t see. One condition of getting the USDA Grant is the issuance of revenue bonds. Typically you have to go to the vote of the people but there is a mechanism to do this without going to a vote if you allocate all of the money and irrevocably do this. At the last budget we have done this so the money is there for revenue bond. We have to have bond counsel do the revenue bonds and then we pay them off. Then we made our obligation to the USDA and met the obligation under the statute for irrevocable money. He reached out to bond counsel about this project. His concern was do we obligate ourselves to the $300,000 when we still have the bond issue unresolved. After looking at the contract he is more comfortable with proceeding because we are basically committing to the 10% which is $30,000 for design and drawings which we will need anyway.

**m/s Yohn/Sigmond motion to go forward with this contract**

Motion was approved unanimously

**Solar Garden Subscribers**

Rachel Baird stated we have two proposals for subscription to save us money on our utility bills. Clean Energy Collective is building in Antonito. Oak Leaf Energy’s location is pending. Both companies need an answer before the end of the month. Both save around $350,000 over the 20 years. She is
ambiguous about this project. She doesn’t have any feelings about this it is the decision of the Board. Technology is changing.

Jason Kelly stated the City of Greeley and they use Oak Leaf. They are kind of independent. They haven’t had any problems with them. He spoke with Adams State and they said they were very demanding so they went with Clean Energy Collective. Does this limit the County from doing its own. They are their standard subscriber agreements.

Commissioner Yohn stated we are the #1 solar resource area. Anyone can capitalize on that. To go into an agreement to purchase with a third party doesn’t make any sense to him because we will be paying to construct their solar garden. Whereas the County could actually benefit more by having our own solar gardens. We know we are going to consume more energy with more buildings being built. Sunday’s paper is advertising these solar gardens. We are actually building structures outside the County. Also we would be locked into a 20 year agreement. Technology is evolving so quickly that we could have old solar panels. We would want to be in the forefront.

Rachel Baird stated these are $4 million projects they are building.

Commissioner Sigmond stated we have a lot of projects right now so she would be concerned taking this on now. She also has the concern of the 20 year agreement. She would like more feedback on Clean Energy Collective customers.

Commissioner Allen stated his concern is the pressure they were putting on Rachel. He talked to other Counties and they have done their own.

Commissioner Sigmond stated the reason is they have a limit of how many subscribers so they have to know because we are a large subscriber and if we are not aboard they have to find others.

m/s Yohn/Allen motion to not pursue with these two companies at this time

Motion was approved with Sigmond:No, Yohn:yes, Allen:Yes

CO-OP Landfill
Rachel Baird stated they had a compliance advisory issued in September. We had a letter from CDPHE in October regarding ground water monitoring. They had a conference call with them in November which seemed a little bleak. The price was over $70,000 in what they were requesting. We reached out to our local representatives. Larry Crowder talked to the Deputy Director of CDPHE. A call was set up on January 18th with the head of Solid Waste Permitting Unit Jerry Henderson and Eric Jacobs with CDPHE. We presented them item to item of the compliance advisory, ground water monitoring, things they identified as deficiencies, and actions they were requesting from us.

A brief summary was presented of the phone discussion:

**Requested Actions:** Within 90 calendar days of your receipt of the Compliance Advisory a plan detailing the following items should be submitted for Division review and approval.

**Response:** 90 days is not a realistic deadline to complete the requested action. Delays in scheduling the conference call, demands on our consultant from other clients, and budget restrictions mean we could not feasibly prepare an adequate plan before the December 6, 2016 deadline.

1. We requested a 60-day extension until February 6, 2017 which was approved by Joe Pieterick by email on December 8, 2016.
2. We received a Scope of Work and Cost Estimate from Golder Associates on December 15, 2016
   a. Total cost of the proposal is $72,685. Costs for 2017 alone are $41,890.
   b. The plan proposal is $12,980.
   c. Our total CO-OP Landfill budget for 2017 is $12,000
3. The holiday schedule and abbreviated hearing schedule for our Board of County Commissioners
   meant the first public hearing for the Commissioner to evaluate the proposal from Golder
   occurred on January 10, 2017.

**Request:** Placement of adequate soil cover with appropriate compaction of eroded areas of the Facility
and where the waste tire shreds are exposed. Collection of the exposed tire shreds and disposal at an
appropriately permitted landfill is recommended to facilitate soil placement. Revegetation consistent
with other areas of the landfill should be successfully established.

**Response:** We propose to present a work plan by April 30, 2017 to include:
   1. A clear delineation of the work area on site;
      a. Work area is concurrent only with areas disturbed since 1993;
   2. A grading plan for the work area;
   3. Quantities and location of soil placement;
   4. Plan for collection and disposal of waste-tire shreds;
   5. Type and quantity of site appropriate seed mix;
      a. Application procedure for seed mix
      b. Soil amendments, if necessary

**Request:** A revised post-closure care plan, to include the following items: a sampling and analysis plan
with a schedule for groundwater monitoring activities;

**Response:** In good faith, Alamosa County worked to fulfil the alleged deficiencies identified in the
February 7, 2013 Compliance Advisory:
   1. We ceased accepting septage and removed and properly disposed of the railcar tanks;
   2. We prevented access by replacing the gate lock, deepening the right-of-way borrow pit, and
      creating earthen berms to bar vehicle access along County Road 8 South;
   3. We hired Golder Associates Inc to complete quarterly groundwater sampling for two years.
      a. The total cost of work completed by Golder for this project since 2013 is $42,966.01.
   4. We believed these actions fulfilled the purpose of the proposed plan by achieving the same
      results.

**Request:** Consideration of the septage liquid waste disposal areas and appropriately include new
groundwater monitoring wells capable to monitoring the liquids disposal area and the area formerly
containing the septage waste railcar tanks.

**Response:** The septage activities were isolated to the northeast portion of the 103 acre site. The
septage tanks were intact and removal pictures show there was no soil contamination. As show in our
final water quality monitoring report from Golder Associates submitted to Eric Jacobs on June 10, 2015,
Groundwater flow direction from the on the site flows in an east to southeasterly direction. Therefore,
directly down gradient from the land application site is our existing east monitoring well. Water quality
tests from the east well show no analytes above the Basic Standards for Groundwater from the CDPHE
Regulations in the east monitoring well. We believe the east well’s location is sufficient to capture any
possible contamination for the land application site and our data shows no contamination has occurred.
To confirm this belief, we will conduct a series of soil samples on the land application site as part of our
work and to determine the need for soil amendments.
A response was received; the draft letter presented. We requested to have in writing that the landfill is not active which they did confirm this. They did agree to a work plan instead of a strategic plan but we will need to discuss ground water monitoring in the future. They acknowledge that our two years of completed ground water sampling fulfills the intent of our original closure plan but they believe the septage disposal warrants additional testing namely grab samples. She doesn’t know what this costs. They still would like us to prepare a simple post-closure plan revision. If the grab samples shows no contamination on the site then we can request termination of post-closure care. It is an encouraging letter. This plan doesn’t need to be done by Golder just by an Engineer.

m/s Yohn/Sigmond motion to go forward in responding with work plan
Motion was approved unanimously

La Plata County Inmate Housing

Jason Kelly stated La Plata had some changes on the contract. If we could get this approved our jail numbers are high at 116 in-house and 30 housed out. La Plata is willing to take them. He hasn’t seen the changes yet but if we could authorize with him reviewing it.

m/s Sigmond/Yohn motion to give Jason Kelly authority to proceed with La Plata Contract
Motion was approved unanimously

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

ATTEST:

Melanie Woodward, Clerk of the Board

Darius Allen, Chairman

Michael Yohn, Vice-Chair

Helen Sigmond, County Commissioner

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.