

COUNTY COMMISSIONERS' PROCEEDINGS

State of Colorado)
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County of Rio Grande)

The Board of the Rio Grande County Commissioners met in regular session on March 13, 2019.

At 9:00 a.m., Chairman Bothell called the meeting to order. Commissioner Glover led the opening prayer. The Pledge of Allegiance was said.

Clerk of the Board, Nikita Christensen called roll. Commissioner Suzanne Bothell, Commissioner Gene Glover, and Commissioner John Noffske were present.

Adoption of the Agenda

Commissioner Glover moved to approve the agenda. Commissioner Noffske seconded the motion and the motion carried.

Approval of the minutes from the previous meeting

Commissioner Noffske moved to accept the minutes as corrected. Commissioner Glover seconded the motion and the motion carried.

Public Comment

Chairman Bothell asked if there were public comments. There were none.

Chairman Noffske noted that he has discussed the city plowing issues with Porfie Medina, Maintenance Department.

Consent Agenda

The consent agenda was presented which included; monthly vouchers, Department of Social Services vouchers, Void warrants (Carol Keith, WSLV Transit, Colorado Clerks Assn.), Veteran's Report and accounts payable. Commissioner Noffske moved to accept the consent agenda. Commissioner Glover seconded the motion and the motion carried.

County Official and Department Head Reports

Randy Kern, Building Department, reported to the Board that he attended a training in Denver last week. The training included distillery buildings, marijuana growing facilities, existing building assessments, disaster assessments, water heater and furnace requirements, and emerging trends in building (tiny homes, and container houses). He noted that building permits are coming in for the spring. Mr. Kern mentioned that this winter, the County teamed up with the South Fork Fire Protection District to work on updating addresses.

Dixie Diltz, Land Use Department, updated the board on two cases concerning the Land Use Department. The Schoen and O'Rourke Public Hearing, Planning and Zoning minutes were transcribed and have been delivered to the County Attorney Bill Dunn. The Levi Shaw and Brenda Rippie case is pending as an extension was filed and will expire in April, 2019. Ms. Diltz also noted that the conditional use for this property expires in April.

Ms. Diltz reported that she has dealt with a blight issue as well as a resident living in a camper. The resident that is living in a camper is parked on a residence that has working septic, however sewage disposal and fire safety are still of concern. Ms. Diltz did contact the landowner as well as the person living in the camper. The landowner was aware that he was living on her property, however, did not feel that she could approach him about leaving the premises. Both the landowner and camper owner have been served with notice of the 30-day limit. Ms. Diltz assessed the blight issue along Castle Rock Road. The landowner was easy to deal with and said that he was embarrassed about the blight around his property. Ms. Diltz noted that with the snow in the area currently, this property will be re-assessed later.

Ms. Diltz reported that she is compiling a list of Conditional Use approvals and will be completing follow up inspections on those agreements. Ms. Diltz noted that they are in the policy stage of updating the code book. This project is running behind schedule slightly at this time. However, final deadlines should be met. A BOCC and Planning and Zoning joint work session will be delayed most likely to April. The County will also be having public meetings in Monte Vista and South Fork as well as meetings with Road and Bridge, Division of Water

Resources, Pest Control District and others. Commissioner Noffske asked about accessory dwelling units and the zoning regulations around these dwellings. Ms. Diltz said that the regulations regarding accessory dwelling units seemed to be arbitrary and they will be considering these regulations during the code book update.

Patrick Sullivan, Road & Bridge Department provided a copy of a letter sent to the Division of Water Resources about the County wells. Mr. Sullivan reported that the weather conditions are making the 11 South project more difficult. The department is working with the railroad to repair a crossing near the County shop. He noted that the County and railroad can work on many crossings together because of their strong relationship.

The McMullen Building repairs that have been discussed previously are completed. The department is working to keep road signs standing with the spring wind blowing them over. Mr. Sullivan reported that John Deere had a demonstration dozer in the area and County operators were able to demo that dozer. Mr. Sullivan explained that runoff will be a big problem for the department this spring. He noted that on County Road 11 South, the runoff from the circles are flooding driveways and making the drives hard for residents to enter. Mr. Sullivan noted that he expects South Fork and Del Norte to have heavy runoff in the next several days with raising temperatures. The department will be doing culvert work soon to prepare for the irrigation season. Snow removal is the highest priority currently.

Chairman Bothell asked Mr. Sullivan about the Bridge and Dike Tour. The Tour was set for April 16, 2019, at 10:00 a.m.

General Business and Administrative Items

Adam Moore, Colorado State Forest Service (CSFS) was present to discuss the Title 3 Service Agreements. He also provided the *2018 Report on the Health of Colorado's Forest*. He highlighted areas of the report that would be of interest concerning the San Luis Valley and particularly Rio Grande County. The Forests in Rio Grande had good conditions which was surprising given the circumstances. He highlighted that this was the 7th consecutive year of the pine beetle being a major problem. Spruce Beetle is also of concern because it is affecting 40% of state. The report included a map that outlined issues in Rio Grande County. The theme of the report was "Protecting our Communities" with wildfires being a large part of that theme. He also discussed the increase of wildland urban interfaces. The Fire Wise Community was a huge help in preventing structure fires during the Spring Fire.

Mr. Moore also explained that several towns within Rio Grande County are "Tree City USA" towns. The Forest Service is working with the towns to develop maintenance plans.

Mr. Moore explained that the effort from the CSFS to promote Title 3 was slow because of the Spring Fire. He noted that after a large fire like the Spring Fire, residents usually push for these better fire management practices. Mr. Moore asked that Commissioner Noffske sign that Title 3 for the Southern end of the Valley as he represents District 2 of Rio Grande County. South Fork should have a rough draft the beginning of June. Mr. Moore mentioned that the CSFS attended the Home & Garden and the Crane Festival to discuss fire prevention and the Title 3 program.

Mr. Moore also presented the Survey Summary. He explained that Title 3 is a Department of Local Affairs (DOLA) grant that goes through the County as fiscal agent. The CSFS works with the County to provide emergency facilities and resources for wildfire situations. Last year Mr. Moore attended the Community Planning Assistance for Wildfires (CPAW) meeting and looked at codes and zoning regulations that could assist in preventing structure fires during wildfires.

Commissioner Noffske asked if the insurance companies are involved in this discussion about structure protection. Mr. Moore explained that most insurance providers will work with residents to lower their risk. If residents can show that they have lowered their risk, insurers usually lower their rates and will insure the property. Mr. Moore explained that Title 3 needs to be approved by July but wanted to meet with the Commissioners to touch base. Commissioner Noffske asked how it would affect the budget; it was explained that these funds just pass through the County as fiscal agent of the grant.

Commissioner Noffske moved to approve the Title 3 Service Agreement with the Colorado State Forest Service. Commissioner Glover seconded the motion and the motion carried. The agreement was signed.

Virginia Christensen, agricultural water user and citizen of Rio Grande County; Deb Callahan, Friends of the National Wildlife Refuge, and Jenny Nehring, Wetland Dynamics and Friend of the National Wildlife Refuge were present to ask the Board of County Commissioners to create a resolution to oppose the Renewable Water Resources (RWR) Water Export plan. Ms. Christensen explained that RWR is proposing to pipe 22,000-acre feet of water out of our already over appropriated basin. She would like the County to take an official stand. She stated that the economy and ecology would be devastated if water is pumped out of the Valley. She explained that the Rio Grande Water Conservation District (RGWCD) has already approved a resolution to oppose the exportation of water and they will provide resources to oppose. Ms. Christensen stated that they feel it is important to create opposition to this exportation proposal as soon as possible. This resolution would help to make a statement about the damaging economic, ecological and cultural impact that this project would have on the San Luis Valley.

Jenny Nehring explained that she is part of the Friends of the National Wildlife Refuge organization. She thanked the Rio Grande County Commissioners for their continued support of the Sandhill Crane Festival.

Ms. Nehring read a letter written by Dr. Tim Armstrong, Adams State University Professor of Biology, and Friends of the National Wildlife Refuge President. The letter is attached below.

Friends of the San Luis Valley National Wildlife Refuges

P.O. Box 857
Monte Vista, CO 81144
(719) 589-4021



Rio Grande County Commissioners
925 6th Street Room 207
Del Norte, CO 81132

Dear Commissioners,

I am writing on behalf of the nearly 200 members of the Friends of the San Luis Valley National Wildlife Refuges to urge you to pass a resolution opposing the export of water from the San Luis Valley.

As you know, water is the lifeblood of this valley. Our economy will not survive if developers from outside the Valley purchase our water and dry out this valley. Indeed, our culture and way of life here is threatened by water export.

We have successfully fought previous water export schemes, and we urge you to help protect the Valley's water by opposing this latest effort to export water.

As County Commissioners, your opposition to this project is critically important. This proposed project will not benefit residents of Rio Grande County, and will negatively affect us by impacting the agricultural economy, wildlife, and citizens of the entire San Luis Valley.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tim Armstrong', written in a cursive style.

Tim Armstrong
president

Ms. Nehring personally explained that she has an appreciation for property rights and water rights and this opposition is not about removing those property rights to sell water, however it could help to keep the water within the basin. She stated that if we allow water exportation, "we will tie the hands of the basin". She explained that it is important to keep the water in the basin and make sure it is here for future generations. She fears that this exportation would be the first domino to drying up the San Luis Valley.

Ms. Nehring stated that the Valley could be arguably the most important wetland region in Colorado because forty percent of Colorado's wetlands, more than any other basin, are in the Valley. Ms. Nehring stated that she is a biologist with Wetland Dynamics, and they just completed a study tracking wetlands in the San Luis Valley from 1984 to 2017. The study showed that the Valley has already lost 60% of wet acres. She stated that wildlife needs these wetlands and that wildlife provide economic stimulation in the San Luis Valley. Wildlife viewing events like the Crane Festival are huge economic drivers in the San Luis Valley. She urged the BOCC as a professional biologist and a Friend of the National Wildlife Refuge to create and approve a resolution to oppose the RWR exportation proposal.

Deb Callahan, Friend of the National Wildlife Refuge, noted that as a Colorado native, she fears that if water goes over the hill it will be the end of the Valley.

Ms. Christensen noted that she had the opportunity to attend the State of the Basin Symposium with 315 attendees listening to Colorado's Attorney General and Other Water Professionals. She explained that Attorney General, Phil Weiser, vowed to be an ally and oppose this this exportation. Ms. Christensen explained that a large portion of the valley is opposed.

Chairman Bothell said that the BOCC needs to analyze this topic to ensure that it is a resolution they are comfortable with for the County. Commissioner Noffske asked if there is a timeline to create and approve this resolution. Ms. Christensen explained that there is not a specific deadline however RWR is meeting with other counties and groups in the Valley and in their proposal said that they would file in water court by the end of 2019. Commissioner Noffske noted that he has a concern with the resolution and does not want to leave room for argument. He personally does not believe that RWR proposal will be successful and he is personally opposed to the export. He said that the subdistricts arbitrarily set low prices for water and that as subdistrict fees raise, some farmers will want to get out of farming. Ms. Christensen replied that there are other buyers within the valley besides subdistricts. She noted that the Colorado Water Trust attended the Rio Grande Basin Round Table and they are currently looking for available water to purchase at "market value" for instream flow projects. Other organizations like the Rio Grande Headwaters Land Trust (RiGHT), and Colorado Open Lands are working to create "ground water" easements to help sustain healthy aquifer as well as give water users another market for their water. Commissioner Noffske suggested that this resolution opposes this proposal and that an opposition of exportation of water may encourage these creative markets for water.

Ms. Christensen said that she would like to see an opposition of water exportation in general because the Valley needs to keep the water within the Basin. Alternative Transfer Methods (ATM) are for local towns and communities. Ms. Nehring stated that "Water is the currency for Growth" and we need to have control of that currency. Commissioner Glover noted that he wants to make sure that this resolution is for the Valley and not just for one project. Commissioner Glover noted that he would like Ms. Christensen, Ms. Nehring, and Ms. Callahan to attend a work session to create a resolution. Chairman Bothell will send an email about a work session.

Ms. Nehring suggested that this may be a good topic for the San Luis Valley Commissioners and asked if a collaborative resolution would be beneficial. Ms. Christensen noted that it would be beneficial for the counties to take this on individually as well as a collaborative resolution.

Marcie Reiser presented the United States Forest Service (USFS) Summitville Memorandum of Agreement. Commissioner Noffske asked how Cabin (5RN547) designation to be a historic finding by the USFS would affect this agreement. Ms. Reiser explained that all work has been done and it is only a designation at this time. Officially this cabin is recommended to be historically significant, but the Conservation plans have wording to note that there is no historic significance left in the cabin.

Ms. Reiser clarified that there are no requirements from the County outlined in the MOA. However, Stipulation A does state that the County will designate the cabin as an historical site. She explained that Alpine Archaeological Consultants created a condition assessment and preservation plan. The preservation plan states that there is no further work needed for the cabin. The preservation plan also gives recommendations for the area. Commissioner Noffske asked if she is involved with the land transfer. Ms. Reiser replied she is not directly involved with the transfer. She stated that the MOA needs to be in place for the land transfer and as soon as the land transfer is complete, the MOA will be no longer needed. Commissioner Noffske moved to approve and sign the MOA. Commissioner Glover seconded the motion and the motion carried. The MOA was signed.

Ms. Reiser noted that she is happy to report back to the BOCC and discuss the preservation plans and recommendations to help the County use this site to its full potential.

Unfinished Business

The Xcel Energy parking lot light pricing and contract was clarified. Commissioner Noffske moved to approve parking lot light installation. Commissioner Glover seconded the motion. Commissioner Glover did state that the residents have not replied however, the city is fine with the installation. The motion carried.

Other Business

At 11:00 a.m., the Board of County Commissioners convened in the Courthouse Annex for the Second Amendment Sanctuary County Resolution.

Chairman Bothell welcomed the public and introduced the Red Flag Bill. She stated that the bill will be considered by the Senate on Friday. She stated that the Board believes that it is a very unconstitutional bill and doesn't allow for due process.

Rio Grande County Sheriff, Don McDonald discussed his reasons for supporting this Resolution. He stated that he and his deputies take an oath to uphold the Constitution. He feels very strongly that the Red Flag Bill would be against this oath. He explained that in the 1750s and 1760s the British were taking over and wanting to take weapons and firearms. The Second Amendment is the easiest Constitutional right to attack. He doesn't like the Red Flag Bill because it takes out due process. The first step to fighting this bill is approving a resolution; there will also be lawsuits against the State of Colorado. Counties across Colorado are pulling together to uphold citizens rights. Sheriff McDonald shared that his deputies told him "if we don't uphold this law, we are quitting".

Chairman Bothell read the resolution and asked the public if it covered their concerns with this bill.

Commissioner Glover moved to approve the Second Amendment Sanctuary County Resolution. Commissioner Noffske seconded the motion. Commissioner Noffske stated that this resolution is necessary due to the timing of the legislation. However, this may not cover some of the details including the burden of proof. He stated that the Red Flag Bill is overly broad. A roll call vote was called. Commissioner Bothell: yes, Commissioner Noffske: yes, Commissioner Glover: yes. The motion carried unanimously. The resolution was signed. Book 595 Page 1951

At 11:45 a.m., the board reconvened in the Commissioners' Meeting Room.

Upholstery for the annex chairs was discussed. The bid received included upholstery for 126 chairs totaling \$3,780.00. Bobbie Hatton, County Administrative Assistant noted she has found options to buy new chairs for \$28 per chair to \$58 per chair. Ms. Hatton will research more buying options as well as take inventory of chairs that need replaced in the annex.

Carpet bids were discussed. Right Carpet's bid was \$7,887.27 and Floor Store & More bid was \$6,744.48. Commissioner Glover moved to approve the bid from Floor Store & More. Commissioner Noffske seconded the motion and the motion carried.

At 11:54 a.m., Commissioner Glover moved to adjourn the meeting. Commissioner Noffske seconded the motion and the motion carried.

Attest:

Suzanne Bothell, Chairman
Chairman of the Board

Nikita Christensen
Clerk of the Board

COUNTY COMMISSIONERS' PROCEEDINGS

State of Colorado)
 ss

County of Rio Grande)

The Board of the Rio Grande County Commissioners met in regular session on March 27, 2019.

At 9:00 a.m., Chairman Bothell called the meeting to order. Chairman Bothell led the opening prayer. The Pledge of Allegiance was said.

Clerk of the Board, Nikita Christensen called roll. Commissioner Suzanne Bothell, Commissioner Gene Glover, and Commissioner John Noffske were present along with Assistant County Administrator/Human Resources Director, Kristy Dennis.

Adoption of the Agenda

Commissioner Glover moved to approve the agenda. Commissioner Noffske seconded the motion and the motion carried.

Approval of the minutes from the previous meeting

Commissioner Glover moved to approve the minutes as corrected. Commissioner Noffske seconded the motion and the motion carried.

Public Comment

Chairman Bothell asked if there were public comments. There were none.

Consent Agenda

The consent agenda was presented which included payroll and accounts payable vouchers. Commissioner Noffske asked about Value West expenditure in the accounts payable vouchers. It was explained that this is the company the Assessor's Office works with for conflicting appraisals. Commissioner Noffske moved to approve the consent agenda. Commissioner Glover seconded the motion and the motion carried.

March February 2019 Monthly Vouchers

AIRNAV, LLC	\$36.00
ALTA FUELS, LLC	\$340.36
AMERICAN ELECTRIC COMPANY	\$62.09
BciCAPITAL, INC	\$50,503.78
BROWN'S SEPTIC SVC INC	\$82.00
CAROL KEITH	\$65.00
CENTURYLINK	\$62.79
CITY OF MONTE VISTA	\$780.00
CO DEPT OF PUB HLTH & ENV	\$50.00
CO.BUREAU OF INVESTIGATIO	\$157.50
COAST TO COAST SOLUTIONS	\$1,424.03
COLORADO DEPART. OF REVENUE	\$122.00
COURTNEY ARTHUR	\$251.10
DALE TRUJILLO	\$40.50
DIGITCOM ELECTRONICS, INC	\$484.11
DISTRICT ATTORNEY OFFICE	\$22,166.67
EL PASO COUNTY CORONER	\$2,800.00
GALLS, LLC	\$2,057.17
GOBINS, INC	\$34.02
GUNBARREL STATION, INC	\$315.00
JACK'S MARKET	\$98.13
JADE COMMUNICATIONS, LLC	\$173.82
KENNETH VANIWARDEN	\$66.15
KEN'S SERVICE CENTER	\$1,719.18
KIMBERLY BRYANT	\$2,297.67
MADDOX COLLECTIONS	\$145.00
MASTER PRINT & WEB DESIGN, INC	\$363.33
MDS WASTE & RECYCLE, INC	\$177.00
MEADOW GOLD DAIRIES, INC	\$315.00
MICHAEL TODD & COMPANY	\$5,767.20
MOBILE RECORD SHREDDERS, LLC	\$28.00
MONTE VISTA COOPERATIVE	\$750.19
MOONLIGHT CUSTOMS LLC.	\$1,145.67
NEIGHBOR TO NEIGHBOR VOLUNTEERS	\$1,080.00
PAXVAX, INC	\$819.24

PRO COM, LLC	\$111.00
RG & ASSOCIATES, LLC	\$8,522.58
S & S DISTRIBUTION, INC	\$51.40
SAGUACHE CO PUBLIC HEALTH	\$775.00
SAMS CLUB	\$3,400.65
SANOFI PASTEUR, INC.	\$146.25
SHAMROCK FOODS COMPANY	\$3,025.33
SLV PARTS, INC	\$275.77
SOUTH FORK LUMBER	\$441.59
STAPLES BUSINESS CREDIT	\$1,351.37
SUMMIT MARKET	\$71.46
SUNTRUST EQUIPMENT, CORP	\$10,547.00
TONI STEFFENS-STEWARD	\$4,090.10
TOP VALUE	\$19.53
TOTAL OFFICE SOLUTIONS	\$118.98
TOWN OF DEL NORTE	\$296.25
TUMBLEWEED SPORTS	\$1,065.00
U.S. TRACTOR, INC	\$71.85
VALLEY IMAGING PRODUCTS, LLC	\$192.36
VALLEY LOCK AND SECURITY, INC	\$752.92
VAXCARE, INC	\$372.34
VEMCO ELECTRICAL, INC	\$299.58
VERIZON WIRELESS	\$216.05
VERIZON WIRELESS	\$305.93
VERIZON WIRELESS	\$1,505.36
VERIZON WIRELESS	\$184.16
WAGNER EQUIPMENT	\$1,218.32
WASTE MANAGEMENT-	\$234.06
WAXIE SANITARY SUPPLY	\$487.00
WORLD FUEL SERVICES, INC	\$15,155.90
WSB COMPUTER SERVICES	\$3,565.90
XCEL ENERGY	\$2,628.66
XCEL ENERGY	\$5,708.34
THE FLOOR STORE, LLC	\$5,169.48
AGENCY TOURISM MARKETING	\$320.77
AIRGAS USA, LLC	\$590.97
ALAMOSA CO NURSING SVC	\$5,363.99
ALAMOSA COUNTY	\$315.00
ALCON CONSTRUCTION, INC	\$1,038.29
ALL TRUCK AND TRAILER	\$418.70
AMERICAN ELECTRIC COMPANY	\$52.00
AMY LIN ENGLE	\$1,503.40
ASSN. OF COLO CNTY ADMIN	\$200.00
BCI MEDIA SERVICES	\$2,500.00
BROWN'S SEPTIC SVC INC	\$155.00
CAROL VORIS	\$9.00
CARY ALOIA	\$73.40
CENTURYLINK	\$516.21
CENTURYLINK	\$61.96
CENTURYLINK	\$54.44
CHAFFEE CNTY PUBLIC HLTH	\$1,445.00
CIELLO POWERED BY SLVREC	\$1,472.18
COAST TO COAST SOLUTIONS	\$127.92
CONEJOS COUNTY NURSING	\$1,537.02
COSTILLA COUNTY PUBLIC	\$6,998.36
CYNTHIA FORD	\$291.03
CYNTHIA FORD	\$4,201.35
DIANNE KOSHAK	\$65.70
DIRECT TV	\$181.98

DIXIE DILTZ	\$35.00
DWIGHT FREEMAN	\$63.50
ECODYNAMICS	\$1,350.00
EMILY BROWN	\$91.80
EVERETT MYERS	\$65.30
FIRST BANKCARD	\$13,173.33
GCR TIRE CENTER / TDS	\$1,433.30
GOBINS, INC	\$146.41
GOVERNMENT FINANCE OFFICE	\$190.00
GREAT AMERICA FINANCIAL	\$579.53
GROVER HATHORN	\$63.50
HAYNIE'S INC.	\$2,255.96
IDA SALAZAR	\$252.90
J & D ULTIMATE EMBROIDERING	\$160.00
JACK'S MARKET	\$2.18
JEAN BORREGO	\$5,359.41
LAKE COUNTY HEALTH DEPT.	\$1,450.00
LAWSON PRODUCT INC	\$63.50
LEONARD BROWN	\$63.50
LEROY A ROMERO	\$150.00
MANUEL D. ATENCIO JR	\$80.00
MASTER PRINT & WEB DESIGN, INC	\$240.00
MCKESSON MEDICAL SURGICAL	\$121.05
MICHAEL SISNEROS	\$182.50
MONTE VISTA COOPERATIVE	\$287.41
MONTE VISTA JOURNAL	\$39.00
MOORE MEDICAL, LLC	\$105.78
MYERS BROTHERS TRUCK AND TRACTOR, INC	\$34.31
PAUL WERTZ	\$117.00
PITNEY BOWES, INC.	\$295.00
PITNEY BOWES, INC.	\$105.00
PSYCHOLOGICAL RESOURCES	\$135.00
PUBLIC TRUSTEE ACCT# 101100621	\$73.50
S & S DISTRIBUTION, INC	\$73.40
SAFETY - KLEEN	\$210.94
SAGUACHE COUNTY JAIL	\$270.00
SARAH HERRERA	\$297.00
SHANE S BURRIS	\$3,000.00
SLV DIRT WORX, INC	\$2,000.00
SLV PARTS, INC	\$656.51
SLV REC	\$105.00
SLV REC	\$248.00
SLV REC	\$726.00
SOUTH FORK PROPANE, LTD. CO.	\$1,217.20
SPECTRACOM LLC	\$3,777.00
STAPLES BUSINESS	\$647.99
STOPSTICK, LTD	\$2,863.00
THE MASTER'S TOUCH, LLC	\$4,100.00
THE SIDWELL COMPANY	\$4,740.00
TOTAL OFFICE SOLUTIONS	\$65.69
TRANSWEST TRUCK, INC	\$30.50
TU CASA, INC	\$500.00
VALLEY COURIER	\$120.00
VALLEY ELECTRIC, INC	\$263.92
VALLEY LUMBER AND SUPPLY, INC	\$25.40
VALLEY PUBLISHING	\$183.75
VALLEY PUBLISHING	\$39.00

VALUEWEST,INC	\$3,000.00
VENDOLA PLUMBING, INC	\$127.50
VERIZON WIRELESS	\$352.19
WAGNER EQUIPMENT	\$2,118.26
WAGNER EQUIPMENT	\$318.78
WEX BANK	\$503.85
WEX BANK	\$4,058.09
WEX BANK	\$426.70
WILLIAM F. DUNN	\$2,178.50
WORLD FUEL SERVICES, INC	\$15,738.88
WSB COMPUTER SERVICES	\$114.58
XCEL ENERGY	\$2,558.52
XCEL ENERGY	\$888.27
AMERICAN FIDELITY	\$563.88
AMERICAN PUBLIC LIFE	\$189.30
BC SERVICES, INC.	\$730.75
CCOERA	\$31,353.52
COLORADO DEPARTMENT OF REVENUE	\$367.39
COLORADO DEPT. OF REVENUE	\$14,684.00
COLORADO STATE TREASURER	\$3,973.52
CTSI	\$86,299.75
FAMILY SUPPORT REGISTRY	\$1,157.00
FIRST SOUTHWEST BANK	\$101,594.46
SECURITY BENEFIT	\$3,360.00
TX CHILD SUPPORT SDU	\$520.00
Total	\$530,753.50

March 2019 Payroll

County General:	\$ 236,825.60
Road and Bridge:	\$ 82,659.51
DSS:	\$ 126,456.87
Weed District:	\$ 3,939.87
Airport:	\$ 718.10
Public Health:	\$ 15,569.43
TOTAL:	\$ 466,169.38

County Official and Department Head Reports

The Board adjourned to the Board of the Department of Social Services.

The Board reconvened as the Board of County Commissioners.

Emily Brown, Public Health Department, reported to the Board of County Commissioners.

She reminded the Board that Public Health Week is next week. The Public Health Department will be serving lunch in their department to celebrate Public Health Week. The department will also be delivering thank you baskets to their partners. Ms. Brown also noted that the Health and Wellness Board met for the second time and discussed more of the health assessment data.

Ms. Brown presented the High Valley Community Center (HVCC) Nurse Consultant contract to be approved by the Board. This allows Paul (County Nurse) to work with this childcare facility and delegate individuals to administer medication to children in the facility. Commissioner Noffske moved to approve the contract. Commissioner Glover seconded the motion and the motion carried.

Ms. Brown reminded the Board that the Del Norte Health Fair is next week at the Del Norte clinic.

At 9:38 a.m., Commissioner Glover moved to adjourn the regular session and enter a Board of Health session. Commissioner Bothell seconded the motion and the motion carried.

Ms. Brown introduced the Board of Health discussion concerning Ms. Susan Hutchings. Ms. Brown explained that she received a call from Ms. Marissa Hutchings, youngest daughter of Susan Hutchings, regarding the living conditions of her mother on Tuesday March 18, 2019.

The daughter, Marissa Hutchings was concerned about the condition of the property and asked if the property could be condemned. The Rio Grande County Sheriff has been called at least eleven times about this property since the first of 2019. Deputy Dean noted that he had never been in the house, but the sanitary condition is poor. He received a call on the March 16, 2019 from neighbors because Ms. Hutchings was walking down the road disoriented. Ms. Brown noted that multiple departments have gotten calls about this issue. There is no legal water or electricity. Deputy Dean noted that there is some electricity via an extension cord hooked to an electric pole.

The residence is owned by Mr. Keith Bodner, who is S. Hutchings' ex-husband. Mr. Bodner is also acting as the caretaker and has been hauling water to the residence. It was noted that the two daughters want to take S. Hutchings back to Utah with them, however S. Hutchings refused the offer. The Department of Social Services and mental health have been involved in this discussion. Jody Kern, Department of Social Services, noted that this case does deal with self-neglect, however the department does not have authority unless there is a proven health condition. Deputy Dean noted that they have been dealing with this resident since approximately 2013. Deputy Dean clarified that the Sheriff's department has no authority at this time. Commissioner Noffske asked if the sewer requirements are being met or if the County has some authority due to the sewer being out of compliance; the septic code may have wording that would allow the County to condemn the property. Ms. Diltz did do a site assessment and noted that there are blight issues but is unsure if it is dangerous building.

Bill Dunn, County Attorney, recommended two approaches to this issue. The County could file a cease-and-desist for the resident to stop living in the house due to the above issues. However, Mr. Dunn noted that the more logical way to handle this issue is to advise the family to file an emergency petition to place a member of the family as her guardian. He noted that the cease-and-desist will allow the County to step in, however this only puts her out of the house and doesn't deal with the more serious issue of her well-being. If the County does condemn the residence, the cleanup will most likely fall back onto the County. The cleanup costs will be added to the taxes of that property if needed. It was noted that Mr. Bodner has said that he will be cleaning up the residence and possibly bringing an RV for Ms. Hutchings to live in during the cleanup. Mr. Dunn will contact the family and advise them to file a petition. Ms. Diltz reported that the son said that if the county will condemn the property then the family may be able negotiate with her to move.

Commissioner Bothell recommended that if the family will file for guardianship, then the County will continue to pursue cease-and-desist order for the house. Commissioner Noffske said that a cease-and-desist should be a simple process that will keep the ball rolling.

The decision was made to have Mr. Dunn contact the family regarding filing for guardianship. The County will do a site visit and gather information about the current site condition. Commissioner Noffske moved to adjourn the Board of Public Health. Commissioner Glover seconded the motion and the motion carried.

The Board of County Commissioners reconvened.

Cindy Hill, reported to the Board that the Tequila Star Restaurant and Bar, LLC, located at 2830 US Hwy 160, Monte Vista is applying for a new liquor license. The problem is that the previous owner has not terminated his license nor will he transfer the current license to Tequila Star Restaurant and Bar, LLC. She discussed the enforcement with the State and according to the State the County is the authorizing agent and enforcement falls on the County. Mr. Dunn disagreed, and noted that the County has no authority to enforce state liquor licenses.

The Commissioners must set a public hearing date and shall publish the notice at least 10 days prior to the hearing. The Public Notice will be published in the Monte Vista Journal. The Tequila Star Restaurant and Bar, LLC Public Hearing was set for April 25, 2019, at 9 a.m. at the Commissioners' meeting room.

Ms. Hill clarified that she could issue a temporary permit following the hearing if the Commissioners approve the permit.

Ms. Hill noted that she is working with the Subsidized Training and Employment Program (STEP) for a potential intern that could work into a full-time position.

General Business and Administrative Items

Mike Oliver was present to voice his concern about the Idaho Pacific Potato dehydration facility waste disposal. Mr. Oliver noted that he was not here to shut the facility down but to voice his concern and get them to clean up the disposal area and technique. Mr. Oliver lives on the same quarter as Idaho Pacific's facility he explained that last fall they started pulling liquid out of the ditch and putting it on corners for waste water. They have dug three ditches on this quarter. They allow this waste water to drain back into the canal. Mr. Oliver presented pictures of a pond on the north end of the facility. Idaho pumps the waste down the road, and it leaks onto the corner by Mr. Oliver's house. The facility is out of compliance with the Colorado Department of Public Health and Environment (CDPHE) requirements. The smell and waste leakage are the major concern for Mr. Oliver. Commissioner Bothell noted that she discussed this with CDPHE and they said that Idaho Pacific is out of compliance. Commissioner Glover is also discussing this issue with CDPHE. Commissioner Noffske asked if it would be good to write a letter to CDPHE and send a copy to Idaho Pacific. Mr. Oliver stated that property values will decrease due to health concerns, aesthetic values, odor, soil and water quality and the possibility of this drainage affecting other producers' Global G.A.P. (Global Good Agricultural Practice) requirements. It was clarified that the water in the drainage has been through the sanitation system. Commissioner Noffske asked if the county has any authority for this issue. Emily Brown, Public Health, noted that if health concerns exist, the County may have Board of Health authority. Ms. Brown recommended discussing with CDPHE first, as they have more authority and will be able to find a solution more quickly.

Commissioner Bothell suggested that the Board send a letter to CDPHE to discuss this issue. The Board agreed. Commissioner Glover will take the lead on this issue.

Other Business

Kristine Stanley, County Technical Services, Inc. (CTSI) updated the Board on the County's insurance savings and claims. Ms. Stanley explained the Colorado Counties Casualty Property Pool and the benefit of being in the pool. The insurance rates are calculated from the dollar value of claims versus the number of claims; the method which most insurers use. The Road and Bridge and Law Enforcement departments have the highest frequency and severity of claims for Rio Grande County which is consistent with the rest of the State.

Ms. Stanley also discussed the workers' compensation pool and noted that counties should consider savings during budgeting. She noted that the supervisors play an important role in the safety of employees. Ms. Stanley recommended that a hazard awareness class be offered for County employees. This recommendation was made from the current claim profile of Rio Grande County.

Suzanne and Gordon Off presented a plaque to memorialize Virgil Simon Off. Ms. Off asked if the Board would consider placing this plaque on the wall in the Courthouse with the other memorial plaques on the first floor. Commissioner Bothell recommended that the Board place it on the wall as well as have a celebration to memorialize Virgil Simon Off. Commissioner Glover said that he would discuss a date with Lewis Entz.

Ed Raps, Undersheriff presented an invoice to Sargent School District for the School Resource Officer provided by the Sheriff's Office to be placed in the administrative file. Ms. Dennis asked if there is a due date on the invoice. It was clarified that the original Memorandum of Understanding with the school district did not have a due date, so a due date was not included on the invoice. Undersheriff Raps also presented a state fleet bid for two F150 pickups for \$70,000.00 total. He noted that this would be a capital expenditure and would be under budget for capital expenditures. Commissioner Noffske moved to approve the purchase of the two F150 pickups. Commissioner Glover seconded the motion and the motion carried.

Bids for the Rio Grande County Museum Roof were discussed. The Board of County Commissioners decided to table this decision until more information and possible more bids can be gathered. The current bidders will be asked for references.

At 12:30 p.m., pursuant to C.R.S. 24 -6-402(4)(f), Commissioner Noffske moved to adjourn into executive session for personnel matters. Commissioner Glover seconded the motion and the motion carried.

At 12:58 p.m. the board exited executive session and no decisions were made. The Board of County Commissioners reconvened.

Unfinished Business

Chairman Bothell introduced the Rio Grande Water Conservation District Board Appointment agenda item and noted that the Board received two letters of interest from Cory Off and Virginia Christensen. Commissioner Glover said that at this time he would like to re-appoint Cory Off. He noted that Mr. Off has the background and work ethic to continue to serve on this Board. Commissioner Noffske noted he feels it is important for river rights to be represented and felt that Mr. Off represents the river and he also challenges people to look at different ideas. He also said that Mr. Off has been effective at getting things done. Commissioner Glover moved to re-appoint Cory Off for the position on the Rio Grande Water Conservation District Board. Commissioner Noffske seconded the motion and the motion carried.

Chairman Bothell noted that the Board had a work session on the Water Exportation Resolution with community members. The Board did decide that they would like to sign a resolution but have not drafted the language for this resolution yet. Chairman Bothell noted that the Board does want to make a public statement that the Board of County Commissioners opposes the Renewable Water Resources Water Exportation. Commissioner Noffske said that he is concerned about the potential effects to the Valley and wants to take all information into consideration.

Commissioner Updates

Commissioner Noffske reported that he will be attending the SLV Housing Coalition meeting on April 26th, 2019. The Coalition is trying to have a fundraiser to provide funding for a down payment for a new building. He noted that he is very impressed with this Board and people on the Board. Commissioner Noffske attended the Rominger Airport Board meeting and noted that the Airport did not get the Jet A system. The development at Wolf Creek may help the Airport get the Jet A system due to more traffic of this type. The Enterprise Zone was discussed as well as the new hangar.

Commissioner Glover reported that the Landfill meeting was productive. Commissioner Glover also reported that Lori Laske, Adams State University, attended the Rotary Club meeting. Ms. Laske discussed the scholarship programs in the Valley. There was a lot of discussion about scholarship donors for the Rio Grande County Scholarship which includes scholarships for Adams State University, Trinidad State College, and Western State Colorado University. Commissioner Bothell discussed having a job fair with the schools to promote the variety of jobs the County has to offer. Commissioner Glover noted that he attended the Tri County Senior Citizens meeting and noted that they will be having a dietitian to advise residents with diabetes and other diet-based health issues. The District library meeting had a long discussion about Del Norte's funding being a lesser percentage compared to other districts. The Ski Hi meeting was productive. They have changed the name of the group to Friends of Ski Hi Park. The funding is being secured and facility plans are being drawn up for development.

Commissioner Bothell reported that she attended the All Hazards Committee meeting and they discussed the Integrated Public Alert and Warning System (IPAWS). This system is starting to be used for emergencies. IPAWS can be used by Counties. In her E911 meeting, it was discussed that a Memorandum of Understanding will be coming to the counties soon for the IPAWS.

At 1:18 p.m., Commissioner Glover moved to adjourn the meeting. Commissioner Noffske seconded the motion and the motion carried.

Land Use Public Hearing, Ivan & Magdalena Troyer, Grocery Store Addition and Cabinet Shop

At 1:30 p.m., Chairman Bothell called the Land Use Public Hearing to order.

Ivan Troyer was sworn in for the Public Hearing.

Dixie Diltz, Land Use, introduced the Conditional Use Application submitted by Ivan and Magdalena Troyer. Ms. Diltz reported the following:

The request is for Conditional Use permit for an addition to the existing Grocery Store and to also operate a Cabinet Building Shop in an existing ag building. The property is located at 10978 S. County Road 5 East, Monte Vista, Colorado. It is 322.09 acres zoned Agricultural Ranching. The property historically was a farming/ranching property. In 2008, the Troyer's applied for a Home Occupation permit to operate a Grocery Store on the parcel of land. Although the Home Occupation application was initially denied by Land Use Staff, with

persistence of the Troyers', the Planning Commissioner eventually recommended approval and the Board of County Commissioners approved by resolution the Home Occupation with several contingencies.

In 2012 the Troyer's submitted an application for Condition Use for the Grocery Store as they wished to enlarge it beyond what the Home Occupation would allow. The Planning Commission reviewed the application and recommended approval to the Board of County Commissioners. Rio Grande County BOCC approved by Resolution the Condition Use application allowing the applicants to add 658 square feet to the 1,000 square foot store.

In 2011, Ivan Troyer applied for and received a building permit to build a 45' x 60' Ag Building; he signed the agricultural building waiver prior to receiving the permit and built the building under an ag exemption without the requirement to meet building codes.

Notice for the current Conditional Use application was emailed to Pat McDermott at the Division of Water Resources. His comments included 2 adjudicated domestic wells were identified on the Troyer property and the conditions of commercial used were explained.

Mr. McDermott clarified that the two adjudicated domestic wells could either be augmented in order to keep current pumping rates and change the use to commercial or he could decrease pumping rates to 15 gallons per minute in order to change the use to Exempt Commercial Wells. Mr. Troyer noted that he would change his well to an Exempt Commercial Well Use and decrease the decreed amount to 15 gallons a minute limit.

Ms. Diltz continued her report: *Notice was emailed to Pat Sullivan at Rio Grande County Road and Bridge. Mr. Sullivan completed an inspection of the current driveway access to the store and determined that the access meets all the necessary requirements for the Road and Bridge Department.*

Notice of Public Hearing was published in the Monte Vista Journal on January 30, 2019. Notification was mailed to surrounding property owners within fifteen hundred feet on January 23, 2019; no comments were received at this time from neighbors.

The Rio Grande County Planning Commissioner at the regularly scheduled meeting on February 19, 2019 reviewed the conditional use application and voted on it in two parts. On the addition to the grocery store, the Board voted unanimously to recommend approval with the stipulations that: 1) Driveway access is approved by the Road and Bridge Department, 2) All requirements of the Division of Water Resources are met, 3) All County Building codes are met, 4) Working plumbing and sewer are provided in the building. Regarding the Cabinet Building Shop, the Planning Commissioner recommended denial of the application based on Article XII of the Land Use Development Code, Section A, 1. This article outlines the purpose and intent regarding scale or intensity of activity and traffic generated. The Board also recommended denial as presence of the documentation of agricultural exemption form being signed but never being abided by.

Ms. Diltz clarified that this is an agricultural area and the Planning Commission felt that if a cabinet shop is added, the parcel becomes commercial use. Commissioner Noffske noted that the building is ag exempt and will need to be brought up to code for retail or commercial. Both building plans will need engineered plans as well as County permits. Mr. Troyer noted that the ag building is currently being used for grocery store storage. Ms. Diltz also explained that Mr. Sullivan and she had discussed the volume of applications in this area and although single applications do not have an impact on the Road and Bridge department the volume of applications will affect the maintenance needed in these areas due to increased traffic. Commissioner Noffske asked about rezoning this area due to the increased traffic. Ms. Diltz said that her concern regarding rezoning is that this area is agricultural and would affect those parcels as well.

It was noted that the Agricultural building exemption issue had been addressed through a change in the policy, stating that if an ag building was to be used for any other purposes, it may need to be brought up to current building codes and standards.

Commissioner Bothell moved to approve with condition that well requirements are met and approved by the DWR, be compliant with engineering and building requirements and acquire permits from the County. Commissioner Glover seconded the motion and the motion carried.

The Public Hearing was adjourned.

The Board reconvened as the Board of County Commissioners.

Other Business

Pat McDermott, Water Resources Engineer and Craig Cotten, Division Engineer, from the Division of Water Resources (DWR) were present to discuss water issues in the Valley and update the Board on the current snowpack and projected runoff for the Rio Grande River.

Mr. McDermott discussed the potential for flooding with the big snow pack that the Rio Grande Basin has had in the 2018/2019 winter. He noted that the runoff will be at least as high as 2005. He presented a graph with snow packs for the last 30 years with an average being over a 30-year period. Mr. McDermott wanted to bring this to the attention of the Board because this may be demanding for the Road and Bridge Department. He noted that the Rio Grande Reservoir may not store a large volume of water due to the repairs happening to that reservoir.

Mr. Cotten discussed the Sub-districts and presented a map of the Sub-districts in the Valley. The Ground Water Rules and Regulations are approved as of March 15, 2019. The rules and regulations have an appeal period of that 49 days from approval. These rules state that wells will have to be in Sub-District or have an augmentation plan. Commissioner Bothell asked about surface rights just outside of the Subdistrict and was wondering if the County should “join” the Sub-districts to gain augmentation credits to sell and gain revenue for the county. She asked if Mr. McDermott or Mr. Cotten foresee any bad consequences for the County. Mr. McDermott clarified that the county would have to contract into the Sub-District. Currently, Sub-District 1 fees are \$90/AF. Mr. Cotten clarified that Well Owners do not have to join a Sub-District, however they will have to create their own augmentation plans by March 15th, 2021. Mr. Cotten noted that this will affect subdivisions, towns, and commercial well owners. He clarified that the SLV Conservancy District deals with time and place issues for augmentation plans. Commissioner Noffske asked about Fire Well permits and adding a permit to an irrigation well up Rock Creek. Mr. Cotten noted that a change (addition) in use could be done to create a fire well.

Mr. McDermott discussed exempt wells and noted that these well permits are still available. He noted that the DWR has a great relationship with the Land Use department and appreciates the communication during Land Use Department issues concerning water resources. Policies that affect the Land Use Department were discussed including Policy 2011-1 and Policy 2011-3.

Irrigation seasons were discussed and the ground water rules around the irrigation seasons. Mr. McDermott noted that year-round use in green houses is not permitted when using an irrigation decreed well; these wells can only be used during the irrigation season. Commissioner Noffske asked about the irrigation season for surface rights. It was clarified that if historical use of water during off seasons can be shown, an exemption can be made.

At 3:27 p.m. the meeting was adjourned.

Attest:

Suzanne Bothell, Chairman
Chairman of the Board

Nikita Christensen
Clerk of the Board