

COUNTY COMMISSIONERS PROCEEDINGS

County of Rio Grande)
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State of Colorado)

The Board of the Rio Grande County Commissioners met in regular session on September 11, 2019.

At 9:30 a.m., Chairman Bothell called the meeting to order. Commissioner Glover led the prayer. The Pledge of Allegiance was said.

Clerk of the Board, Nikita Christensen called roll. Commissioner Bothell, Commissioner Noffske and Commissioner Glover were present along with County Administrator Tricia Slater.

Adoption of the Agenda

Commissioner Glover moved to adopt the agenda as presented. Commissioner Noffske seconded the motion and the motion carried.

Approval of Minutes from the Previous Meeting

Commissioner Glover moved to approve the minutes from August 28, 2019 as corrected. Commissioner Noffske seconded the motion and the motion carried.

Public Comment

Commissioner Bothell asked if there were any public comments, there were none.

Consent Agenda

The consent agenda was presented which included the Veterans’ report, Department of Social Services accounts payable, general accounts payable, voucher 50011, Written and Verbal Authorization to enter into business relationship with City Service Valcon a vendor for Aviation gas, 2020 MOU for Control of Confidential Data, and the 2019 Landfill Cover Letter. Commissioner Noffske moved to approve 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 the new employee is doing great. He noted that building logs for the month of August showed how busy the department has been. There are four new home starts this month.

Dixie Diltz, Land Use, updated the Board on the annexation of the Del Norte School property. She stated that she had received a phone call from Gene Farish, Del Norte Attorney about concerns with the annexation. The school would like to annex a parcel that is in Rio Grande County into the Town of Del Norte. This parcel however, is not eligible for annexation due to the 1/6 Rule. The 1/6 Rule states that 1/6 of any parcel must have boundaries contiguousness with the town limit. Ms. Diltz clarified that the parcel with the football field is not eligible for annexing. Subdividing was suggested however that process would take 10 weeks; Mr. Farish thought that time could be waived in this case. Ms. Diltz suggested that Mr. Farish contact Mr. Dunn about the issue. Mr. Dunn noted that he had not been contacted at that time. The school sits on parcel two and three and the football field sits on parcel one. Mr. Dunn will reach out to Mr. Farish. Ms. Diltz thought that annexing parcels two and three may be a good option at this time. Annex the building but leave the football field in the County.

Mr. Dunn updated the Board on the Giel property at 54 Winook in Alpine Village, South Fork. Mr. Dunn emailed a copy of the original compliance agreement as well as an amended agreement by the Jemisons. The agreement acknowledges that the property is in violation and sets forth a timeline as a corrective action plan. County Land Use fees will be waived if terms of the agreement are met. The Jemisons did amend the construction date to May 31, 2023 and added a catastrophic event clause. Mr. Dunn noted that he doesn’t have an objection to the catastrophic event clause. Mr. Dunn noted that this agreement is only being considered because of the special situation of the building being well built and because the building has been out of compliance for 15 years. He also noted that Mr. Kern and Ms. Diltz have presented information fully, however there was a gap of information between 2009 and 2017. This

agreement is not to set a precedent for accessory buildings. The special circumstances are the only reason the agreement is being considered while being out of compliance.

Mr. Jemison presented a timeline for securing the property and building a primary building. During the time of 2021-2022 there will be no activity. The primary residence should be complete by 2024.

Ms. Diltz noted that she replied to the agreement via email to the Board. She read her emailed response for the record as follows. *I do not wish to be a part of this negotiation contract. I would like my name and signature removed from the document as I am not in agreement with compromising on a code violation. I am also not comfortable with Mr. Jemisons adding a full year and 3 months to the 2 ½ years that you offered to give prior to obtaining the building permit nor his request to complete construction (ie: enclosing the gable ends) on a building that is knowingly in violation of the codes. I would suggest that the contract include all three of the Commissioners signatures in place of mine if it is the desire of the Commissioners to accommodate the violation. It should be clear that it is the decision of the BOCC and not of the Land Use Administrator to deviate from the adopted codes.*

Mr. Jemison clarified that he does not want to complete construction but secure the building to avoid the liability of people being on the premises. Mr. Dunn noted that the BOCC should take into consideration the attractive nuisance and the liability to the landowner.

Commissioner Bothell stated that it was a good compromise; the violation is wrong but it may be a longer term solution to the problem even though it is not the ideal solution, it does clear up the issue. Commissioner Bothell moved to approve the agreement that was written by Mr. Dunn with all amendments submitted by the Jemisons. Commissioner Noffske noted that he is less comfortable with the current agreement because the rules have been bent largely.

Commissioner Glover noted that his concern was with the violation and not being in compliance with the Land Use Codes. Commissioner Glover seconded the motion and the motion carried. Commissioner Bothell and the Jemisons signed the agreement.

Louise Colville, Museum Director, updated the Board. She is working on a five year plan for the budgeting process. The sprinkler system needs to be repaired and will be in the budget. Valley Lock and Security will be installing the waterbugs and fire alarms. Ms. Colville noted that the 501(c)3 Museum Board needs to be active in order for the Museum to apply for Grants. Part of Ms. Colville's five year plan is to expand the gift shop. A work session with the Commissioners was scheduled for September 23, 2019.

The Sheriff had an emergency, so he was not available for updates. Ms. Slater gave the sheriffs reports to the Board. She noted that arrests are up this month.

Floyd Futschik, resident at the end of County Road 14 C was present to ask permission to put a gate on the end of 14 C. Mr. Futschik purchased the property in 2016. His property is through an easement 3/10 of a mile off 14 C. It was noted that the road was taken over by the County but is not listed on the County's "maintained county road" list. The county road dead ends at Mr. Futschik's access easement and a BLM road. Mr. Futschik previously asked Commissioner Glover if a gate could be put up at the end of the county road. After discussion with other land owners and Mr. Wilder who owns the easement property, Mr. Futschik placed two gates. Mr. Wilder then asked that they be taken down. Mr. Futschik presented a few hand written letters in support of the gate and stating that high trespassing rates is the reason for the gate. It was noted that the County does not have any way to help with an easement disagreement. The easement allows for access across the property. Mr. Futschik noted that Mr. Wilder does have another primary access to his property. Mr. Futschik stated that it was unfair to "dump" public transportation into his private property (easement). Commissioner Noffske commented that gates do not keep people out of the property. The Board stated that they have no ability to put gates up as this is on private land.

Lauri McCulng, Monte Vista Cemetery, was present to ask the board for consideration while entering budget season. All of the work at the Cemetery is being done by volunteers and board members. Income for non-profit cemeteries have decreased due to fewer burials. There has been some discussion about forming a joint cemetery organization in order to pool resources. Funding provided by counties would be used for equipment not for employees.

Mr. Dunn and Commissioner Noffske discussed the Railroad engagement letter with a railroad law firm. Mr. Dunn had concern with identifying the client. It was clarified that currently the

Commissioner Bothell asked if there were any public comments, there were none.

Consent Agenda

The consent agenda was presented which included accounts payable, payroll, and hanger lease transfer from Chez Yund to Nicholas Miner, Airport Tract 36. Commissioner Noffske moved to approve the consent agenda. Commissioner Glover seconded the motion and the motion carried.

The Resolution to change the name on a conditional use permit for Community Energy Solar LLC was discussed. The name was changed to Consolidated School District NO 8 and Monte Vista Solar 2 CSG, LLC, with the investment group of Rock Creek Solar 2 CSG, LLC. Commissioner Glover moved to approve the name change and resolution. Commissioner Noffske seconded the motion and the motion carried. Book 598 Page 886

2019 Monthly Vouchers

Vender	Amount
2ND STEEL	\$459.63
ADAMSON POLICE PRODUCTS	\$54.00
AGENCY TOURISM MARKETING	\$116.06
ALAMOSA CO NURSING SVC	\$1,583.33
AMY LIN ENGLE	\$500.00
BRANDON ROGERS	\$56.16
BROWN'S SEPTIC SVC INC	\$76.00
BRYAN CHRISTENSEN	\$60.35
CDHS CENTRAL ACCOUNTING	\$61.00
CHAVEZ PLUMBING & HEATING, LLC	\$223.00
CO.BUREAU OF INVESTIGATIO	\$52.50
COLORADO DEPART. OF REVENUE	\$290.00
CONEJOS COUNTY NURSING	\$38.94
COSTILLA COUNTY PUBLIC	\$2,033.00
CRITTERS BARRICADES	\$15,542.00
CYNTHIA FORD	\$7,483.75
DALE TRUJILLO	\$535.88
DAN AND KENDRA KOEHN	\$150.00
DAVE SCHEEL	\$20.99
DIXIE DILTZ	\$136.07
DOUG COOPER	\$52.07
DP AG SERVICES	\$2,689.56
FUENTES AUTO GLASS	\$265.00
GALLS, LLC	\$158.08
GENE GLOVER	\$94.50
GOBINS, INC	\$37.36
GUNBARREL STATION, INC	\$287.00
INTEGRITY STEEL WORKS	\$4,076.49
JACK RUDDER	\$773.76
JADE COMMUNICATIONS, LLC	\$92.60
JAMES CLARE	\$52.25
KD KLENE	\$124.90
KEN'S SERVICE CENTER	\$805.18
KIMRAD TRANSPORT LP	\$7,254.05
KRISTI HILLIS	\$1,216.00
LENCO WEST, INC	\$19.76
LOWE'S PAY AND SAVE, INC	\$54.18
MADDOX COLLECTIONS	\$30.00
MARK MUELLER	\$56.30
MASTER PRINT & WEB DESIGN, INC	\$100.00
McKESSON MEDICAL-	\$103.81
MDS WASTE & RECYCLE, INC	\$186.00
MIKE REAVES ELECTRIC	\$314.22
MIKE SCHAEFER	\$56.30

MOBILE RECORD SHREDDERS, LLC	\$28.00
MYERS BROTHERS TRUCK AND TRACTOR, INC	\$71.36
NACCHO	\$402.76
NICOLLE ROSECRANS	\$1,555.15
PACHECO PAINT AND FINISHING, LLC	\$1,200.00
PAXVAX, INC	\$207.28
PRO COM, LLC	\$148.00
PSYCHOLOGICAL RESOURCES	\$135.00
RG & ASSOCIATES, LLC	\$4,578.75
RIO GRANDE COUNTY ROAD & BRIDGE	\$41,961.07
ROCK WATER MANAGEMENT, LLC	\$450.00
ROCKY MOUNTAIN PLUMBING	\$774.90
ROGERS FAMILY MORTUARY, INC	\$350.00
S & S DISTRIBUTION, INC	\$16.00
SAN LUIS VALLEY RURAL PHILANTHROPY DAYS	\$500.00
SANOFI PASTEUR, INC.	\$319.69
SLV AUTO REPAIR, LLC	\$267.05
SLV PARTS, INC	\$88.32
SPARKLE CLEANERS	\$47.00
STAPLES BUSINESS	\$114.19
SUMMIT PUBLISHING	\$800.00
SUNTRUST EQUIPMENT, CORP	\$10,547.00
TOM HAEFELI	\$66.20
TORRES PLUMBING & HEATING, LLC	\$1,038.61
TOWN OF DEL NORTE	\$679.15
VALERO MARKETING	\$75,847.10
VENDOLA PLUMBING, INC	\$2,840.17
VERIZON WIRELESS	\$1,443.75
VERIZON WIRELESS	\$187.71
VERIZON WIRELESS	\$284.66
VERIZON WIRELESS	\$259.23
VICTIM ASSISTANCE FUND	\$61.00
W. RYAN DUNN, ATTORNEY AT LAW	\$2,881.25
WAGNER EQUIPMENT	\$3,892.56
WASTE MANAGEMENT-	\$248.10
WEX BANK	\$500.11
WSB COMPUTER SERVICES	\$4,664.00
XCEL ENERGY	\$3,041.77
XCEL ENERGY	\$1,925.10
XCEL ENERGY	\$10,553.16
	\$223,347.18

September 2019 Payroll

County General:	\$ 259,629.13
Road and Bridge:	\$ 79,154.42
DSS:	\$ 127,180.75
Weed District:	\$ 9,299.23
Airport:	\$ 1,200.62
Public Health:	\$ 21,840.00
TOTAL:	\$ 498,304.15

County Official and Department Head Reports

Randy Kern, Building Department, reported to the Board. Mr. Kern reported that he has completed the report needed by the state for the energy code updates. Mr. Kern explained that he is concerned about the new contemporaneous plumbing reviews that are required by legislation. The new review system and information must be up by July 1, 2020. Mr. Kern has been working to get all information together for the website; he is using other counties

templates. The review is a method to verify the license of the plumber. He noted that homeowners that are doing their own plumbing work are exempt due to the homeowner's clause.

Mr. Kern asked for the board's permission to file a letter of intent with the State stating that Rio Grande County will no longer be providing plumbing inspections. He explained that the inspections would be done by the State inspector within 3 days of request. He also noted that the letter of intent must be filed by October 1, 2019 but the County would not be done with plumbing inspections until July 1, 2020. Mr. Kern showed a map of counties that are being inspected by the State versus local entities and noted that Rio Grande County is surrounded by counties that are state inspected. Mr. Kern noted that he felt the County has an increased liability with the new regulations. Mr. Kern noted that the plumbing inspection service generates about \$10,000 to \$12,000 annually and does not pencil out. Commissioner Noffske moved to authorize Mr. Kern to submit the letter of intent to disengage from the plumbing inspections. Commissioner Glover seconded the motion and the motion carried.

Emily Brown, Public Health, reported to the Board. She noted that the Statewide Healthcare Review Committee will be at the Alamosa Family Recreation Center on October 2, 2019, from 6-8 p.m. The event is primarily a listening session for community members to raise concerns about healthcare in their area. The Harm Reduction discussions will be held at the Del Norte Neighborhood Watch meeting on October 15, 2019, and tentatively at the South Fork Town Council meeting on October 22, 2019.

Ms. Brown was asked to be a speaker at the Colorado Consortium's annual conference on October 23, 2019. She will be talking about her experience with the Harm Reduction programs that are being created.

There will be four flu clinics in Rio Grande County as follows:

- Tri County Senior Center in Monte Vista on October 2, 2019, from 9:00 a.m. to 12:00 p.m.
- Rio Grande County Annex in Del Norte on October 15, 2019, from 3:00p.m. to 6:00 p.m.
- The Sargent Elementary Gym tentatively on October 17, 2019, from 3:00p.m. to 6:00 p.m.
- Fire & Ambulance Barn in South Fork tentatively on the 1st or 2nd Saturday in November from 7:00 a.m. to 10:00 a.m.

Ms. Brown reported that there will be a Positive Youth Development training at HVCC. The training will cover how to include youth in community discussions in a positive way.

Ms. Brown presented a contract amendment for the OPPI/LPHA contract for an additional \$3,137.25. This amendment allows additional funds to be used for opioid response program and allows staff to spend more time reporting on money used. The total contract is for \$44,515.25 for the 2020 Fiscal Year. Commissioner Glover moved to amend the contract to add the additional \$3,137.25. Commissioner Noffske seconded the motion and the motion carried.

Ms. Brown reminded the Board about the "How to Prepare for Everything" training that will take place September 28, 2019 from 9:00 a.m. to 11:00 a.m. The Annual Office of Emergency Preparedness partners meeting will take place on October 28, 2019 through October 31, 2019.

The DHS STEP staff will be visiting Rio Grande County on October 3, 2019. The STEP program has been successful in Rio Grande County so the staff will be looking at the program in the County.

Ms. Brown will be attending The Total Worker Health conference in Denver on October 15, 2019 and will be working with the program to create a healthy safe work place.

Ms. Brown requested a work session to discuss the proposed move by Public Health to the old middle school. A work session was scheduled for October 14, 2019.

Don McDonald, Rio Grande County Sheriff, reported to the Board. He noted that the sale of old county vehicles put out to bid are going well. Sheriff McDonald asked the Board if vehicles that were not sold need to go through the bidding process again. Mr. Dunn, County Attorney, noted that the vehicles should go through the bid process again.

Sheriff McDonald also reported that the Victims' Advocate program is going well. He is working with the valley coordinator to find more funds for the program; however, records cannot be

found for previous years about the funding usage. The Victim's Advocate is currently handling 82 cases. Sheriff McDonald will be writing a letter stating why the records are not available.

Sheriff McDonald also noted that there will be a press release about a search warrant that ended with an arrest after a 10-day investigation.

Darrin Ehardt, son of Rio Grande County resident and Iowa Pacific Railroad easement owner was present. Mr. Ehardt explained that the railroad has not been fixing the crossing at his mother's property. He has tried to work with the Federal Railroad Administration as well as the Department of Transportation to find a remedy. Due to turnover at the Federal Railroad Administration he has not been able to find help. The Department of Transportation stated that they had no jurisdiction on private easements. Mr. Ehardt noted that when he pushed the Railroad he was asked to prove that they have an easement, sign a 3rd party agreement and pay for any improvement that the crossing may need. Mr. Ehardt has not signed this agreement because he thought it was not fairly written.

Mr. Dunn noted that unfortunately, the County is unable to aid because it is a private issue with the Railroad. Commissioner Noffske noted that Mr. Ehardt may be able to join the interested parties if the railroad issue continues.

Ms. Slater presented the sealed bids for the Sheriff vehicles. The vehicles are to be sold "AS IS" and no guarantees as to their condition. All bids were due postmarked by September 20, 2019 by 5:00 p.m. Ms. Slater announced the bid winners as follows:

- 1989 WAY School Bus, VIN: 1GBM6P1B5LV100731 for \$37.00 to Mr. Wesley Keen
- 2007 Ford Expedition, VIN: 1FMFU16527LA67985 for \$1,015.00 to Mr. Phillip Craig
- 2006 Ford Expedition, VIN: 1FMFU16596LA67422 for \$1,015.00 to Mr. Phillip Craig
- 1996 Chevy LS Mini-Van, VIN: 1GNDM19W8TB129509 NOT SOLD
- 1998 Ford Taurus SE, VIN: 1FAFP52U9WA112565 for \$500.00 to Ms. Rosalie Grey
- 2008 Chrysler, Van, VIN: 2A8HR44H98R821866 NOT SOLD
- 2005 Dodge Durango, VIN: ID4HB48D05F560958 for \$612.00 to Mr. Wesley Keen

Commissioner Glover moved to approve the bids as above. Commissioner Noffske seconded the motion and the motion carried.

Unfinished Business

Ms. Slater presented the bid from Tyler Technologies for the County to change finance software. She stated that the current software is inadequate for the needs of the County. The Board considered other companies that provide a similar service, however felt that none met the criteria needed for the County. The assessor's office also uses this software which will make the two departments more uniform. Ms. Slater received eight letters from other counties stating that this software is adequate and preferred for county governmental use. It was determined that the Tyler Technologies Finance Software fits the needs of the County. Commissioner Glover moved to go forward with purchasing the Tyler Technologies system. Commissioner Noffske seconded the motion and the motion carried.

The Summitville Spar Placer negotiation was discussed. It was stated that the negotiation underlines exchange value vs. acre for acre exchange. Ryan Dunn, County Attorney, noted that he is comfortable with the agreement but wanted to ensure that the Forest Service is comfortable. No action was taken at this time.

Commissioner Updates and Administrative Updates

Tricia Slater, County Administrator, gave an update on her office and tasks completed in the first five months of her employment. Ms. Slater along with the County interim accountant has made a number of corrective journal entries. She noted that an supplemental budget will be needed as there have been several changes. She also stated that grant information will need to come through the administrative office to ensure that all information is kept on record to meet federal requirements. Most grants have been put in a miscellaneous grant category. This will need to be corrected. Ms. Slater also noted that there are some employees that are not set up correctly in payroll.

Applications are online for the Human Resources Officer. Ms. Slater stated that the online ads will help attract more applicants.

Ms. Slater has researched a new supplier for business cards and paper which should decrease our costs for these items. A phone audit was also completed and shows that a \$5000 savings

could be available. The New Life Insurance can provide discounted insurance for employees that leave the County. Ms. Slater has found that the County could be done with the energy audit after three years but have been paying for the audit for several years.

Ms. Slater stated that the previous accountant allocated the Safe Routes to School (SRS) funding as Title I funding only. The funding that the County received was Title I and Title III. Title III funding should only be used for fire mitigation. Monies will need to be returned from the following schools: Monte Vista for \$5,783.83, Del Norte for \$2059.58, and Sargent for \$1,734.65. The Road and Bridge department will also have a difference of \$3,192.69 less. Mr. Dunn, County Attorney recommended having this discussion with the schools in a work session. Commissioner Bothell recommended sending a letter outlining the situation.

At 10:37 a.m., Commissioner Glover moved to adjourn the regular meeting and move into executive session, CRS 24-6-402 (4)(b), for legal advice from County attorney. Commissioner Bothell seconded the motion and the motion carried.

At 11:47 a.m., the Board exited executive session. No decisions were made.

Attest:

Suzanne Bothell, Chairman
Chairman of the Board

Nikita Christensen
Clerk of the Board