COUNTY COMMISSIONERS' PROCEEDINGS
State of Colorado
County of Rio Grande

The Board of the Rio Grande County Commissioners met in special session on Wednesday November 4, 2020.

At 9:00 AM Chair Noffsner called the meeting to order.

The prayer and Pledge of Allegiance were conducted.

Present were Commissioner Noffsner, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert.

Business:

A. Review and direct staff regarding structure and process of Coronavirus Relief Fund business assistance program.
B. Consider approval of contract for services with CVRF funding partners
   a. First Southwest Community Fund
   b. Upper Rio Grande Economic Development
   c. K's Accounting

Ms. Egbert presented a review of the program structure, eligibility, and processing, with the note that the program details are still evolving. The partners will be receiving and screening applications, with the County providing funding through the CVRF grant funds.

She asked that the program structure be approved with the understanding that details may change; and that the contracts be approved subject to legal review. Any substantive changes would be brought back for approval.

A motion was made by Commissioner Glover and seconded by Commissioner Bothell to approve the structure of the business assistance program as presented with the understanding that details may change; and to approve contracts with the funding partners subject to legal review. The motion carried unanimously.

Executive Session

Commissioner Bothell moved, seconded by Commissioner Glover to enter into Executive Session pursuant to CRS 24-6-402(f) for a personnel matter, specifically to interview an applicant for the position of County Administrator. The motion carried unanimously.

The Executive Session began at 9:05 a.m. Chair Noffsner noted that those to be present at the Executive Session include himself, Commissioner Bothell, Commissioner Glover, and the applicant.

The Commission called for a recess at 10:25 a.m., and resumed the Executive Session at 10:43 a.m.

Regular Session

When back in Regular Session at 11:10 a.m., Chair Noffsner confirmed that the Executive Session was held solely for the stated purpose and that no action was taken.

Adjourn

Commissioner Bothell moved, seconded by Commissioner Glover to adjourn. The motion carried unanimously, and the meeting adjourned at 11:12 a.m.
Work Session
An informal work session was held for the purpose of budget discussion and directing
staff toward changes to the draft budget.

Attest:

____________________________________________  ____________________________
John Noffsker                                                             Judy Egbert, Interim Administrator
Board Chair                                                              Acting 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 special session on
Wednesday November 6, 2020.

At 11:45 a.m. Chair Noffsker called the meeting to order. The prayer and Pledge of
Allegiance were conducted.

Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner
Glover, along with Interim County Administrator Judy Egbert.

Business:
   a. Take formal action regarding desired changes to the draft budget.

A motion was made by Commissioner Bothell and seconded by Commissioner Glover
to formalize direction to staff to 1) specify that the County will pay for the increase
portion of health insurance premiums; and 2) include a 2% cost of living increase and
the 2% merit/step increase in the budget.

Recess
A recess was called at 11:55 a.m., and the meeting resumed at 1:00 p.m.

Executive Session
Commissioner Bothell moved, seconded by Commissioner Glover to enter into
Executive Session pursuant to CRS 24-6-402(f) for a personnel matter, specifically to
interview an applicant for the position of Airport Manager; and a second Executive
Session to begin immediately following pursuant to CRS 24-6-402(f) for a personnel
matter, specifically to discuss applicants for the position of County Administrator. The
motion carried unanimously.

Regular Session
When back in Regular Session at 2:25 p.m. Chair Noffsker confirmed that the Executive
Session was held solely for the stated purpose and that no action was taken.

Adjourn
Commissioner Bothell moved, seconded by Commissioner Glover to adjourn. The motion carried unanimously, and the meeting adjourned at 2:30 p.m.

Attest:

____________________________________________  ____________________________
John Noffsker                                                                 Judy Egbert, Interim Administrator
Board Chair                                                                Acting 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 special session on Wednesday November 9, 2020.

At 2:56 p.m. Chair Noffsker called the meeting to order. The prayer and Pledge of Allegiance were conducted.

Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert.

Business:

Executive Session

Commissioner Glover moved, seconded by Commissioner Bothell to enter into Executive Session pursuant to CRS 24-6-402(f) for a personnel matter, and pursuant to CRS 24-6-402(4)(e) for the purpose of matters subject to negotiations and instructing negotiators. The motion carried unanimously.

Regular Session

When back in Regular Session at 4:45 p.m. Chair Noffsker confirmed that the Executive Session was held solely for the stated purpose and that no action was taken.

Adjourn

Commissioner Bothell moved, seconded by Commissioner Glover to adjourn. The motion carried unanimously, and the meeting adjourned at 4:48 p.m.

Attest:

____________________________________________  ____________________________
John Noffsker                                                                 Judy Egbert, Interim Administrator
Board Chair                                                                Acting 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 Thursday, November 12, 2020.

At 9:00 AM Chairman Noffsker called the meeting to order. Prayer was led by Commissioner Bothell, and the Pledge of Allegiance was said.

Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert, and Clerk of the Board DeAnn Jacobs.

Adoption of the Agenda

Commissioner Bothell made a motion to approve the agenda as presented. Commissioner Glover seconded the motion, and the motion carried.

Public Comment

Commissioner Noffsker asked if there were any comments. There were none.

Consent Agenda

- October 27, 2020 BOCC Minutes
- November 4, 2020 BOCC Minutes
- November 6, 2020 BOCC Minutes
- Accounts Payable
- DSS Accounts Payable
- GovPro Consulting contract for Interim Administrator services

Commissioner Bothell suggested the posted minutes have a “Draft” watermark until approved.

Commissioner Glover made a motion to approve the Consent Agenda. Commissioner Bothell seconded the motion, and the motion carried.

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At 9:07 AM, the Board convened as the Board of Public Health.

At 9:47 AM the Board reconvened as the Board of County Commissioners.

**County official and Department Head Reports**

At 9:49 AM, Jack Rudder, Veterans’ Services, said the Denver office has told him they do not always receive the monthly reports. He asked that, in the future, Ms. Egbert e-mail a copy to him when the report is sent to Denver, so that he can resubmit it if needed. The reports need to be received by the 15th of each month. Commissioner Bothell made a motion to approve the October 2020 Veterans’ Service Report. Commissioner Glover seconded the motion, and the motion carried.

At 9:50 AM, Patrick Sullivan, Road and Bridge Department, gave his October 2020 report. He said the department had removed all the debris from the September snow storm. The total cost of $120,000 includes renting a chipper, and Mr. Sullivan is hoping he can negotiate a reduced price on the rental. Mr. Sullivan said paint striping and Schedule A roads were completed for the year. Road-side mowing was completed, as was plowing for the second snow storm. Mr. Sullivan and Olivia Romero attended the annual Highway Users Tax Fund (HUTF) seminar via Zoom. The welding shop has done repairs on the dump body of unit 77. Engineering work was started on the Centennial Ditch project. Mr. Sullivan said proposed work included completion of the Centennial Ditch project, stockpiling for 2021 projects, and engineering work on County Road 29 and La Garita Road.

Mr. Sullivan said the new contract with the State Land Board for the South Fork gravel pit has been signed.

Mr. Sullivan said his department has four open positions. Interviews for two of the positions are scheduled for the week of November 16, 2020.

Mr. Sullivan said the department got the new pickup it ordered.

Mr. Sullivan said spending on a few line items on the 2020 budget went over-budget, but other line items came in under budget, so overall, the department is fine.

At 9:56 AM, Kolawole Bankole, Department of Public Health Director, gave an update on the COVID-19 situation in Rio Grande County. He said Colorado Department of Public Health and Environment (CDPHE) has new definitions for COVID-19 outbreaks. The previous definition was unclear. A COVID-19 outbreak in a facility, such as a long-term health facility, is one confirmed and two probable cases, or two confirmed cases, within a fourteen-day period. The cases include both staff and residents.

Dr. Bankole said 20 million doses of COVID-19 vaccine are expected to be available nationwide beginning in December 2020. They will be distributed based on state population. Colorado will receive about 6% of them. CDPHE is planning ten primary distribution sites, and seven secondary sites. Dr. Bankole is looking at the County’s capacity to store the vaccine, which must be stored at -80° F. He said if County resources do not already include the ability to store the vaccine, he is considering whether the vaccine could be purchased. Commissioner Bothell
asked if a freezer that could hold that temperature would be eligible for COVID-19 grant funding. Dr. Bankole said up to $5,000 for an ultra-cold freezer is an eligible expense.

Dr. Bankole said CDPHE has a new color-coded dial for determining COVID-19 restrictions. Three matrixes are used to determine the County's restrictions. The first is the number of case incidents in a two-week period. He said the County is currently at 204.7 incidents, which puts the dial in the orange bracket. The second matrix is the two-week positivity rate. The County is at 2.59% positivity, which puts it in the green bracket. The third matrix is hospitalization. There are currently two hospitalized cases, which is down from the previous amount of four cases, and also puts the County in the green bracket.

Dr. Bankole spoke about preventative measures concerning COVID-19, such as Protect Our Neighbors. He said surrounding counties are in the orange and red brackets, so Rio Grande County residents and employees need to be diligent about using Personal Protective Equipment (PPE), hand washing, and social distancing. Dr. Bankole said the court house should be a role model for County residents. Commissioner Glover said he would look into having hand sanitizer stations at all doors. Dr. Bankole recommended the Commissioner consider having temperature measurement at the central door if the County moves into a higher bracket. Commissioner Bothell suggested that staff could enter by the front door when arriving in the morning to have their temperatures taken. Commissioner Glover said he would ask the maintenance staff to make sure there are signs at all building entrances stating that masks and hand washing are required. Dr. Bankole said he is looking into having multiple suppliers for PPE to ensure uninterrupted shipments.

Dr. Bankole spoke about the San Luis Valley Health Access Risk Reduction Project (SHARRP). He said the event last week was well attended. He also said that, according to Communities that Care (CTC) Rio Grande County has a higher rate of substance abuse than some surrounding counties.

Dr. Bankole said he is working on the CTC grant. The first report was due in September, but it had been rejected, so he is working to make sure it is accepted. The second report is due December 15, 2020.

General Business and Administrative Items

At 10:25 AM, Dawn Melgares, San Luis Valley Housing Coalition (SLVHC) gave a presentation on its proposed Housing Market Study. The study will collect data on population vs available housing to determine the needs for housing growth. It will include the needs for the homeless population, as well as for the seasonal workforce. The study will cover the six counties in the San Luis Valley. In Rio Grande County, the study will take place in Del Norte and South Fork. The goal of the study is to create a ten-year action plan to help jurisdictions with housing plans. The overall budget for the study is $272,000. SLVHC cohorts have already raised some funds from several jurisdictions and entities, but still needs $83,877. They have applied for a $60,000 Department of Local Affairs (DOLA) grant that requires matching funding from all communities covered by the study. They expect to know whether the grant is approved by the week of November 16, 2020. Ms. Melgares said she is asking every county to help reach the $60,000 needed to match the grant. She said a total of $10,000 is needed for Rio Grande County’s portion, but that amount could be split between the County, and the Towns of Del Norte and South Fork. Ms. Melgares asked that Rio Grande County contribute between $500 and $3,000. She said after the study is completed, cohort members will help communities fulfill housing needs in areas such as funding and creative housing solutions. Ms. Melgares said she would be available if the Commissioners have any questions in the future.

At 10:42 AM, Commissioner Bothell said, due to a conflict in her schedule, she would not be attending the employee appreciation event on November 13, 2020, and she gave her apologies to the County staff.

At 10:43 AM, Commissioner Bothell made a motion to adjourn the regular session for executive session, pursuant to 24-6-402(4)(d) C.R.S. to discuss specialized details of security arrangements or investigations; and pursuant to 24-6-402(4)(e) C.R.S. for the purpose of matters subject to negotiations and instructing negotiators. Specifically, this is to receive a report regarding cyber security services, and to consider continuation of the contract for Cyber security services. Also, for executive session, pursuant to 24-6-402(4)(f) C.R.S., personnel matters, specifically to discuss Administrator applicants. Commissioner Glover seconded the motion, and the motion carried.

At 12:26 PM, the Board exited executive session.
At 12:27 PM, Board resumed the regular session. Commissioner Noffsker said no actions were taken.

Commissioner Glover made a motion to hire and put in place Leslie Klusmire as Rio Grande County Administrator. Commissioner Bothell seconded the motion, and asked that a rollcall vote be taken. Commissioner Glover voted in favor of the motion. Commissioner Bothell voted against the motion. Commissioner Noffsker voted in favor of the motion, and the motion carried.

**RESOLUTION NO. 2020-53**

**RESOLUTION APPOINTING COUNTY ADMINISTRATOR**

WHEREAS, pursuant to C.R.S. §30-11-107(n), the Rio Grande County Board of County Commissioners (“Board”) is authorized to create, by resolution duly adopted, the office of the County Administrator or such other offices as the Board deems necessary for the efficient management of the business and concerns of the County; and

WHEREAS, the Board is authorized to make appointments to the offices so created and to prescribe duties to be performed by such appointees; and

WHEREAS, to further the efficient and effective management of the County affairs, the Board desires to appoint Leslie Klusmire as the County Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Rio Grande County:

1. Leslie Klusmire is hereby appointed as the County Administrator; and

2. The appointment set forth herein shall be effective December 21, 2020; and

3. The duties of the County Administrator shall be described in the attached Position Description; and

4. The County Administrator shall implement policies established by the Board and manage the day-to-day operations of county government, including monitoring and evaluation of the following county departments: Veterans Service Office; Building Inspections; Land Use and Code Enforcement; Airport Manager; Emergency Manager; County Museum; and Administration and Finance.

MOVED, READ and ADOPTED by the Board of County Commissioners for the County of Rio Grande, State of Colorado, at its regular meeting held the 16th day of December, 2020.

ATTEST:

[Signature]

Clerk of the Board of County Commissioners

By: [Signature]

John Noffsker, Chairman

COUNTY OF RIO GRANDE,
STATE OF COLORADO,
BOARD OF COUNTY COMMISSIONERS

[Date]
Rio Grande County

Job Description

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SUMMARY: The County Administrator directs the day-to-day operations of county government. He/she shall direct and coordinate administration of county government in accordance with policies adopted by the Board of County Commissioners by performing duties listed below personally or through subordinated supervisors.

SUPERVISION EXERCISED:
- Supervises, evaluates, hires and terminates the following positions:
  - Human Resources/Payroll Administrator
  - Accounts Payable Clerk and Office Assistant
  - Accountant
  - Evaluates on an annual basis:
    - Road and Bridge Supervisor
    - Facilities and Maintenance Supervisor
    - RGC Museum Staff
    - Emergency Manager
    - Airport Manager
    - Land Use Administrator/Code Enforcement
    - Building Inspector
    - Veteran's Service Officer

Coordination duties
- Coordinate with All Department Heads and Elected Officials

ESSENTIAL DUTIES and RESPONSIBILITIES: The list of duties below is not all inclusive.

- Is the assistant to the Board of County Commissioners (BOCC) and serves at its pleasure.
- Communicates with all members of the Board of County Commissioners.

- Oversees all correspondence for the Board of County Commissioners. Composes and researches positional and pervasive documents on behalf of the commissioners.
- Composes and prepares confidential correspondence, reports, and other complex documents.
- Attends and participates in BOCC meetings and any other meetings the Board may designate; directs preparation of the commission meeting agendas; provides staff support and research to the Board such as researching subjects or specific areas of concern; informs the Board of pertinent items on the agenda that require their particular attention and concern; provides background data on important matters coming before the BOCC.
• Acts as county spokesperson as directed by the Board.

• Coordinates the management of appointments for the Board of County Commissioners, sets and posts agenda and meeting dates.

• Advises the Board of Commissioners in establishing policies and programs; administers such programs within legislative regulations.

• Composes, prepares, and recommends various policies and procedures for county personnel and department heads for BOCC consideration.

• Establishes and maintains relationships with other agencies and organizations in the community toward meeting community needs and services. Serves on community boards and commissions as requested by BOCC, and as they relate to county business.

• Assists the BOCC in educating and updating general public on current county events and issues including writing news releases and other public relation documents.

• Coordinates, reviews, and recommends procurement of all insurance policies including property and casualty, liability, and works with the Human Resource department on health and workmen’s compensation policies.

• Reads and consults with the county attorney concerning the Colorado Revised Statutes and Regulations, Federal regulations, etc. Coordinates with the county attorney on any legal matters or law suits.

• Meets with the public to respond to inquiries, complaints and concerns; responds and resolves inquiries, complaints and concerns in a tactful, timely and effective manner concerning the County’s policies and programs.

• Serves as the point of contact for the airport including but not limited to maintaining the storm drain permit, issuing leases, coordinating the operation of the AWOS, lights, phone, and internet service.

• Obtain and maintain emergency preparedness training as required by FEMA and the Office of Emergency Management.

• Conducts regular staff meetings to review progress, accomplishments, budget strategies, and plans for the county.

• Researches, develops, writes, and supervises grant applications and awards; monitors expenditures of grants as requested by the BOCC.

• Manages, directs, and develops systems for long-range planning and prioritization of projects and programs for the county.

• Is appointed by the BOCC as Budget Officer and Fiscal Agent. Prepares the annual budget with assistance from the accountant for recommendation to the BOCC for the next fiscal year and submit the same to the Board as required by the Colorado State Statutes. Such budget shall include recommended staffing, operating expenses, capital expenditures, and revenue sources for all departments and agencies of the county government and any other information deemed necessary to justify the recommendations.

• Consults with and advises the BOCC on finance related issues; prepares reports and makes presentations; keeps management informed of new legislation and account standards affecting County finance policies and rules.

• Evaluates and advises Commissioners on long range financial planning needs and costs of associated needs, and on financial implications of complex business decisions.

• Provides the BOCC with timely and reliable reports on the County’s financial status and budgetary performance.

• Coordinates and oversees the annual financial and compliance audits.

• Ensures that effective internal controls are in place and functioning to maintain compliance with applicable federal, state and local regulatory laws and stands for financial reporting.

• Provides oversight as the financial officer during times of emergency disasters.

• Coordinates county owned real property including land and buildings as it relates to inspections, safety, and complaints.
• Over-sight of capital improvement plan for county needs.

• Performs other duties as assigned by the BOCC which might include but not be limited by the following:
  o Answering the telephone, routes calls when necessary, and provides the public with general information regarding County services as needed.
  o Performs various support duties including making copies and prints, updating materials or reports, and mailing materials.

Future Duties When Determined and approved by Commissioners

• Coordinates and monitors department head progress on board-approved projects, programs, and contracts; keeps the BOCC apprised of progress on a regular basis including management of construction & developing project plans.

QUALIFICATIONS

Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions.

EDUCATION and EXPERIENCE: Bachelor’s degree (B.A.) from a four year college or university in Public Administration or Business Administration with two or more years related experience and/or training, or equivalent combination of education and experience. Shall have a minimum of five to eight years’ experience in management capacity with an organization of similar size and complexity as that of the County. Experience with a Colorado County preferred.

Knowledge, Skills, and Abilities:

• Extensive knowledge of governmental accounting, financial reporting and budgeting
• Extensive knowledge of the principals and techniques of organization, management, and supervision
• Extensive knowledge of the principals, practices and techniques of public administration
• Experience and knowledge of the principals, practices and technology of modern office management.
• Knowledge of Colorado law as applicable to the operations, functions, policies and procedure of county government.
• Strong leadership, interpersonal, and conflict resolution skills.
• Strong written and verbal communication skills.
• Extensive experience in project planning and management.
• Well-developed facilitation and mediation skills.
• Ability to assemble, organize, and present statistical, financial and factual information derived from a variety of original and secondary sources.
• Well-developed ability to provide effective leadership and coordination in developing solutions, recommending new techniques, and supervising staff procedures.
• Ability to prepare, present, and interpret complex reports.
• Ability to express ideas clearly and concisely, orally and in writing.
• Well-developed ability to establish and maintain effective working relationships with employees, officials and the public.
• Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical solutions.

SUPERVISORY RESPONSIBILITIES: Directly supervises employees as assigned. Carries out supervisory responsibilities in accordance with the organization’s policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance, rewarding and disciplining employees; addressing complaints and resolving problems.

LANGUAGE SKILLS: Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches, and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.
CERTIFICATES, LICENSES, REGISTRATIONS: Valid Driver’s License

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This is an office position which requires sitting, standing, and walking. The employee must occasionally lift and/or move up to 30 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to focus. Must perform a variety of hand and eye coordination tasks.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

The noise level in the work environment is usually quiet. Employee works in a standard office environment where there is freedom to sit, stand, or walk at will.

Employee frequently attends after-hour meetings locally and state wide. This job may require some travel, over-night stays, and looking at projects that require hard hats, clothing, and or appropriate footwear for the situation. Must be able to respond to emergency situations 24 hours per day.

BENEFITS: Full time employees will receive a full benefit package as provided by the Rio Grande County of Commissioners.

EQUAL OPPORTUNITY

Rio Grande County is an Equal Opportunity Employer. All persons receiving compensation from Rio Grande County through payroll are considered employees of Rio Grande County and are expected to adhere to Rio Grande County Employment Policies.

THIS JOB DESCRIPTION DOES NOT CONSTITUTE AN EMPLOYMENT AGREEMENT.

Nothing in this job description restricts Rio Grande County’s ability to assign, reassign or eliminate duties and responsibilities of this job at any time. It does not prescribe or restrict the tasks that may be assigned. Those functions may change at any time as the needs of the County change or for other reasons deemed appropriate. This does not constitute a contract, written or implied, between the County and any County employee. No employee should consider these guidelines as a contract. Rio Grande County does not guarantee any specific term or length of employment. All employees of the County are “at will employees”.

I, ________________________________ have read the above job description for Rio Grande County ____________________________ Department. To the best of my knowledge, I am able to perform all duties of the job as described.

Employee/Applicant  

Date

Rio Grande County Commissioner  

Date

Rio Grande County Commissioner  

Date

Rio Grande County Commissioner  

Date

Note: A job description will need to be signed by the applicant selected for the position.
Commissioners and Administrator Updates

At 12:28 PM, Commissioner Glover said Armando Ross, County Weed and Pest District, had given a presentation to the Town of Del Norte Council, who is interested in having them spray for weeds inside town limits next spring. The council will let the county know of its decision during the week of November 16, 2020.

At 12:29 PM, Commissioner Noffsger said the Corona Virus Relief Fund (CVRF) website has gone live. Applications for COVID-19 related expense reimbursements may be done online through First South West Community Fund. There is a $15,000 cap on reimbursements to each business that applies.

At 12:31 PM, Ms. Egbert said CVRF applicants may get help during office hours. She also said the County has received its first CVRF reimbursement, and will be writing reimbursement checks to the municipalities soon.

At 12:32 PM, Commissioner Glover made a motion to take a recess until the scheduled public hearings at 1:30 PM. Commissioner Bothell seconded the motion, and the meeting was recessed.

Public Hearings

At 1:33 PM, Commissioner Noffsger reconvened the BOCC for Public Hearings for Land Use. The first Public Hearing was for C&C Farms, Minor Subdivision of Land. Chris Miner, C&C Farms, was present for the hearing.

Dixie Diltz, Land Use, said an application for minor subdivision had been submitted by Craig and Chris Miner, owners of C&C Farms. The parcel does not qualify for an exempt division, because it has been divided previously. The parcel is approximately one mile east on County Road 4 N, near Monte Vista. The applicants are requesting 3.43 acres be divided from the current 152.76 acres for the purposes of estate planning and the continued farming of future generations. The application was received on June 28, 2020, and accepted as complete on August 4, 2020. Notification letters were sent to nine surrounding property owners on August 18, 2020, and notice was published in the Monte Vista Journal on August 19, 2020. The hearing was rescheduled for October to allow the applicants time to rectify water issues after receiving comments from the Division of Water Resources. A second hearing notice was sent to property owners on September 8, 2020. Requests for comment were sent to Colorado Parks and Wildlife, the Division of Water Resources, the Forest Service, the Fish and Wildlife Department, the Natural Resources Conservation Service, the State Land Board, the Water Conservation District, the United States Department of Agriculture, Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney on August 11, 2020. No responses were received from property owners or from the public notice. Comments were received from the Division of Water Resources and Rio Grande County Road and Bridge. The Forest Service and the State Land Board responded with, “no comment”. No negative comments were received. The Planning Commission met on October 20, 2020, and by unanimous vote recommended the BOCC approve the application, and that the land be rezoned as Agricultural Estate.

Commissioner Bothell made a motion to approve the division of land with the contingency that it be zoned as Agricultural Estate. Commissioner Glover seconded the motion, and the motion carried.
RESOL. #2020–30

RESOLUTION OF

THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY

APPROVING THE MINOR SUBDIVISION KNOWN AS

C & C FARMS FARM BUILDING #2 MINOR SUBDIVISION

WHEREAS, the Board of County Commissioners of Rio Grande County has received an application from C & C Farms, Chris Minor and Craig Minor for approval of the above named minor subdivision located in the SW1/4SW1/4 of Section 8, Township 39N, Range 8E, N.M.P.M. pursuant to the Rio Grande County Land Development Code, and;

WHEREAS, said application has been reviewed by the Rio Grande County Planning Commission at a public hearing on the 20th day of October, 2020, and the recommended approval of the Planning Commission has been forwarded to the Board of County Commissioners, and;

WHEREAS, the Board of County Commissioners held a public meeting on the 12th day of November 2020 after proper notice and publication as required by the Rio Grande County Land Development Code, and;

WHEREAS, the Board of County Commissioners has considered said application and found that said application should be approved.

BE IT THEREFORE RESOLVED that said minor subdivision is hereby approved contingent upon creation of a final plat, which final plat must be reviewed and approved by the County Land Use Administrator and thereafter filed with the Rio Grande County Clerk and Recorder.

THE FOREGOING resolution was offered by Commissioner Bothell, seconded by Commissioner Glover and passed on vote of the Board of County Commissioners at a meeting of said Board on the 12th day of November 2020.

John Noffsiger – Chairman

Gene Glover – Commissioner

Suzanne Bothell – Commissioner

ATTEST:

Clerk of the Board
At 1:41 PM, the meeting was recessed until the next Public Hearing.

At 1:45 PM, the second Public Hearing began. The purpose of the hearing was for Clear Water Farms Minor Subdivision of Land. Chris Miner, Clear Water Farms, was present for the hearing.

Dixie Diltz, Land Use, said an application for minor subdivision had been submitted by Craig and Chris Miner, owners of Clear Water Farms. The parcel does not qualify for an exempt
division, because it has been divided previously. The parcel is approximately one and one-half miles west on County Road 4 N, near Monte Vista. The applicants are requesting one residential parcel of 4.18 acres and one agricultural parcel of 5.24 acres be divided from the current 317.99 acres for the purposes of estate planning and the continued farming of future generations. The application was received on June 28, 2020, and accepted as complete on August 4, 2020. Notification letters were sent to twelve surrounding property owners on August 18, 2020, and notice was published in the Monte Vista Journal on August 19, 2020. The hearing was rescheduled for October to allow the applicants time to rectify water issues after receiving comments from the Division of Water Resources. A second hearing notice was sent to property owners on September 8, 2020. Requests for comment were sent to Colorado Parks and Wildlife, the Division of Water Resources, the Forest Service, the Fish and Wildlife Department, the Natural Resources Conservation Service, the State Land Board, the Water Conservation District, the United States Department of Agriculture, Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney on August 11, 2020. No responses were received from property owners or from the public notice. Comments were received from the Division of Water Resources and Rio Grande County Road and Bridge. The Forest Service and the State Land Board responded with, "no comment". No negative comments were received. The Planning Commission met on October 20, 2020, and by unanimous vote recommended the BOCC approve the application, and that both parcels be rezoned as Agricultural Estate. This is also the consensus of the Land Use Staff.

Commissioner Bothell made a motion to approve the division of land with the contingency that it be zoned as Agricultural Estate. Commissioner Glover seconded the motion, and the motion carried.
Johr Nofsser - Chairman

Gens Glover - Commissioner

Suzanne Bothell - Commissioner

ATTEST:

Clerk of the Board
At 1:49 PM, the meeting was recessed until the next Public Hearing.

At 2:00 PM, the third Public Hearing began. The purpose of the hearing was for C&C Farms Minor Subdivision of Land. Chris Miner, C&C Farms, was present for the hearing.

Dixie Diltz, Land Use, said an application for minor subdivision had been submitted by Craig and Chris Miner, owners of C&C Farms. The parcel does not qualify for an exempt division, because it has been divided previously. The parcel is located at 1010 E County Road 5 N, Monte Vista. The applicants are requesting 4.81 acres be divided from the current 154.16 acres for the purposes of estate planning and the continued farming of future generations. The
application was received on June 28, 2020, and accepted as complete on August 4, 2020. Notification letters were sent to eight surrounding property owners on August 18, 2020, and notice was published in the Monte Vista Journal on August 19, 2020. The hearing was rescheduled for October to allow the applicants time to rectify water issues after receiving comments from the Division of Water Resources. A second hearing notice was sent to property owners on September 8, 2020. Requests for comment were sent to Colorado Parks and Wildlife, the Division of Water Resources, the Forest Service, the Fish and Wildlife Department, the Natural Resources Conservation Service, the State Land Board, the Water Conservation District, the United States Department of Agriculture, Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney on August 11, 2020. No responses were received from property owners or from the public notice. Comments were received from the Division of Water Resources and Rio Grande County Road and Bridge. The Forest Service and the State Land Board responded with, “no comment”. No negative comments were received. The Planning Commission met on October 20, 2020, and by unanimous vote recommended the BOCC approve the application on the condition that all water issues be resolved with the Division of Water Resources, and that the land be rezoned as Agricultural Estate. Mr. Miner said he is working on the water issues, and is confident they will be resolved.

Commissioner Bothell made a motion to approve the division of land with the contingency that the water issues be resolved, and that it be zoned as Agricultural Estate. Commissioner Glover seconded the motion, and the motion carried. Ms. Diltz said she will not have the BOCC sign the resolution until she receives documentation from the Division of Water Resources stating that the water issues have been resolved.
ATTEST:

[Signature]

Clerk of the Board
At 2:05 PM, the meeting was recessed until the next Public Hearing.

At 2:30 PM, the fourth Public Hearing began. The purpose of the hearing was for LGM, LLC Minor Subdivision of Land. Mike Schaefer, LGM, LLC, was present for the hearing.

Dixie Diltz, Land Use, said an application for minor subdivision had been submitted by Mike Schaefer, Lynn Widger, and Glenda Archer, owners of LGM, LLC. The parcel does not qualify
for an exempt division, because it has been divided previously. The parcel is located at 279 Swede Lane, Monte Vista. The applicants are requesting 3.98 acres be divided from the current 131.39 acres for the purposes of estate planning. The application was received on July 16, 2020, and accepted as complete on August 4, 2020. Requests for comment were sent to Colorado Department of Transportation, the Division of Water Resources, the Natural Resources Conservation Service, the State Land Board, the Water Conservation District, the United States Department of Agriculture, Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney on October 5, 2020. Comments were received from the Division of Water Resources and Rio Grande County Road and Bridge. No negative comments were received. The Planning Commission met on October 20, 2020, and by unanimous vote recommended the BOCC approve the application, and that the land be rezoned as Agricultural Estate.

Commissioner Bothell made a motion to approve the division of land with the contingency that it be zoned as Agricultural Estate. Commissioner Glover seconded the motion, and the motion carried.
John Noffsner – Chairman

Gene Glover – Commissioner

Suzanne Bothell – Commissioner

ATTEST:

Clerk of the Board
At 2:33 PM, Commissioner Glover made a motion to adjourn the regular session. Commissioner Bothell seconded the motion, and the meeting was adjourned.

Attest:

John Noffsiker  
Chairman of the Board

DeAnn Jacobs  
Clerk of the Board
The Board of the Rio Grande County Commissioners met in special session on Wednesday, November 18, 2020.

At 12:00 noon Chair Noffsker called the meeting to order. The prayer and Pledge of Allegiance were conducted.

Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert.

Business:

A. Consider approval of employment contract with Leslie Klusmire to fill the County Administrator position

This document documents the accepted offer that was announced at the last meeting. Commissioner Bothell pointed out that the mileage section should be changed to reflect the practice of general employees rather than the IRS standard.

Commissioner Glover moved, seconded by Commissioner Bothell, to execute the employment agreement with Leslie Klusmire for the position of County Administrator with the noted change to the mileage language. The motion carried unanimously.

Ms. Klusmire’s starting date is December 28, 2020.

BOARD OF PUBLIC HEALTH

Chair Noffsker noted that there will be a meeting this Friday, November 20 with CDPHE. More information will be available at that time. Currently the County remains in the yellow category of the dial.

Adjourn

Commissioner Bothell moved, seconded by Commissioner Glover to adjourn. The motion carried unanimously, and the meeting adjourned at 12:20 p.m.

Attest:

____________________________________________  ________________________
John Noffsker                              Judy Egbert, Interim Administrator
Board Chair                                Acting Clerk of the Board
Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert, and Clerk of the Board DeAnn Jacobs.

Commissioner Bothell made a motion to dispense with the ceremonies. Commissioner Noffsker seconded the motion, and the motion carried.

**General Business and Administrative Items**

At 1:02 PM, Commissioner Glover made a motion to adjourn the special session for executive session, pursuant to 24-6-402(4)(f) C.R.S., personnel matters, specifically to interview Airport Manager applicant. Commissioner Bothell seconded the motion, and the motion carried.

At 1:38 PM, the Board exited executive session.

At 1:40 PM, Board resumed the regular session. No actions were taken.

The special session was recessed until the 2:00 PM Board of Health Meeting.

At 2:05 PM, the Board convened as the Board of Public Health.

At 2:34 PM, Commissioner Glover made a motion to adjourn. Commissioner Bothell seconded the motion, and the meeting was adjourned.

Attest:

John Noffsker  
Chairman of the Board

DeAnn Jacobs  
Clerk of the Board

**COUNTY COMMISSIONERS’ PROCEEDINGS**

State of Colorado  
County of Rio Grande  
ss

The Board of the Rio Grande County Commissioners met in regular session on Tuesday, November 24, 2020.

At 9:05 AM Chairman Noffsker called the meeting to order. Prayer was led by Commissioner Glover, and the Pledge of Allegiance was said.

Present were Commissioner Noffsker, Commissioner Bothell, and Commissioner Glover, along with Interim County Administrator Judy Egbert, and Clerk of the Board DeAnn Jacobs.

**Adoption of the Agenda**

Commissioner Bothell asked that the renewal contract between the County and Jean Borrego, Regional Homeland Security Coordinator, be added to the consent agenda. Ms. Borrego handles Homeland Security grants for the County.

Commissioner Bothell made a motion to approve the agenda as amended. Commissioner Glover seconded the motion, and the motion carried.

**Public Comment**

Commissioner Noffsker asked if there were any comments. There were none.

Commissioner Noffsker said that the Board is trying to conform to best practices. Since it is difficult to understand people wearing masks when they speak at Commissioner meetings, the Board meeting room has been arranged to allow at least a six-foot distance between participants.

**Consent Agenda**

- Approve minutes of prior meetings:
  - October 14, 2020
  - October 28, 2020
  - November 9, 2020
Accounts Payable
DSS Accounts Payable
Payroll

Resolutions pertaining to actions at November 12, 2020 meeting:

- C&C Farms Farm Building #1 Minor Subdivision
- C&C Farms Farm Building #2 Minor Subdivision
- Clear Water Farms Minor Subdivision
- LGM Farms Minor Subdivision

Resolution reappointing Leonard Brown to serve on Planning Commission Zoning Board
Resolution reappointing Mike Mitchell to serve on Planning Commission Zoning Board
Jean Borrego, Regional Homeland Security Coordinator, Agreement for Services

Commissioner Bothell made a motion to approve the Consent Agenda. Commissioner Glover seconded the motion, and the motion carried.

Subdivision Resolutions are recorded with the minutes for November 12, 2020.

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November 2020 Payroll

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RESOL NO. 2020–35

THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY

RE-APPOINTING LEONARD BROWN TO SERVE ON THE PLANNING COMMISSION ZONING BOARD

WHEREAS, CRS 38-28-103 (as amended) requires that the Board of County Commissioners appoints a Planning Commission consisting of not less than three and not more than nine members whose terms of office shall be for three years and until their respective successors have been appointed, and;

WHEREAS, the Board of County Commissioners, believes that Leonard Brown has the ability, knowledge and judgment necessary to carry out the duties required of members of the County Planning Commission.

BE IT THEREFORE RESOLVED that the Board of County Commissioners of Rio Grande County hereby re-appoints Leonard Brown to the Rio Grande County Planning Commission with the term of such appointment commencing on January 1st, 2021, and expiring on December 31, 2023. Re-appointment shall be reviewed upon a request of continuance by the appointee.

The foregoing Resolution as offered by Commissioner Botello, seconded by Commissioner Glover, passed on vote of the Board of County Commissioners of Rio Grande County at a meeting of said Board held on the 09th day of Dec. 2020.

ATTEST:

[Signature]

John Nottage, Chair

[Signature]

Gene Glover

[Signature]

Sanaine Botello
At 9:09 AM, the Board discussed the application for the renewal of the liquor license held by RGC Properties LLC d/b/a Rio Grande Club and Resort. Ms. Egbert said Cindy Hill, County Clerk, had submitted a memo concerning the renewal to the Board. She said it is a routine renewal, and there have been no complaints or negative issues submitted concerning the renewal. Commissioner Glover made a motion to renew the liquor license of RGC Properties LLC d/b/a Rio Grande Club and Resort. Commissioner Bothell seconded the motion, and the motion carried.

At 9:11 AM, the Board convened as the Board of Public Health.

At 9:13 AM the Board reconvened as the Board of County Commissioners.

At 9:13 AM, the Commissioners, acting as the Board of the Department of Social Services (DSS) considered approval of the DSS minutes.


Commissioner Bothell made a motion to approve the minutes as presented. Commissioner Glover seconded the motion, and the motion carried.

County official and Department Head Reports
At 9:14 AM, Jack Rudder, Veterans Service Officer (VSO), said Alamosa County recently lost its VSO. Mr. Rudder will be helping Alamosa County until a new VSO is hired, and he will also help train the new VSO. Commissioner Glover made a motion to approve the October Veterans’ Report. Commissioner Bothell seconded the motion, and the motion carried.

General Business and Administrative Items

At 9:16 AM, Ms. Egbert, presented a resolution recognizing the de-annexation of Big River at South Fork Ranches from South Fork Ranches Subdivision. The Board discussed the de-annexation at their meeting on October 28, 2020. Ms. Egbert said the resolution recognizes the court’s decision for de-annexation. Ms. Egbert said, during the last Board discussion, the Board had suggested getting direction from the county attorney before adopting the resolution. Dixie Diltz, Land Use, said after the resolution is approved, she would like direction from the attorney before having discussions with the land development applicant. Commissioner Bothell made a motion to approve the resolution recognizing the court ordered de-annexation of Big River at South Fork Ranches from South Fork Ranches Subdivision. Commissioner Glover seconded the motion, and the motion carried.

RESOLUTION RECOGNIZING THE DE-ANNEXATION OF BIG RIVER AT SOUTH FORK RANCHES FROM SOUTH FORK RANCHES SUBDIVISION

WHEREAS, Big River at South Fork Ranches subdivision was plat ed by plat filed at Reception 392162, map drawer 11, Map #283; and

WHEREAS, the subdivision is subject to the ‘Master Declaration of Covenants, Conditions and Restrictions’ for South Fork Ranches which are filed at Reception 366491, Book 293, Pages 732 through 791 of the Real Property Records of Rio Grande County; and

WHEREAS, Sterling Properties, L.L.C., is the owner of Lots 1 through 15, inclusive, Big River at South Fork Ranch, as shown on the plat map filed in Drawer 11, Map #283, in the Real Property Records of Rio Grande County, State of Colorado, known as “Big River”; and

WHEREAS, Big River was originally a subdivision of the aforesaid South Fork Ranches Subdivision in Rio Grande County, Colorado; however, prior to any lots being sold in Big River, pursuant to the ‘Master Declaration of Covenants’ the developer transferred its development rights, including its right to de-annexation of Big River, and Sterling Properties, L.L.C., did in fact de-annex Big River from South Fork Ranches Subdivision; and

WHEREAS, the ‘Declaration of De-Annexation’ describing Lots 1 through 15, inclusive, Big River at South Fork Ranches, as shown on the plat map filed in Drawer 11, Map #283, was dated May 23, 2010 and recorded in the records of Rio Grande County on June 7, 2010, at Reception 201000408678, Book 549, Pages 804 through 805; and

WHEREAS, the Honorable Martin A. Gonzales of the Rio Grande County District Court entered a ‘Consent Decree Quieting Title’ on March 24, 2013, in Rio Grande County District Court case number 2012CV33; and

WHEREAS, in entering the aforementioned ‘Consent Decree Quieting Title’ the District Court specifically found that the ‘Declaration of De-Annexation’ of Big River from South Fork Ranches Subdivision was a “valid and effective de-annexation of the said property.”
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners for Rio Grande County, Colorado:

THAT, the Board of County Commissioners for Rio Grande County hereby acknowledges the District Court’s ‘Consent Decree Quieting Title’;

THAT, the Board of County Commissioners finds, determines and declares that Lots 1 through 15, inclusive, Big River at South Fork Ranches, as shown on the plat map filed in Drawer 11, Map #283, have been effectively and validly de-annexed from the South Fork Ranches Subdivision.

THAT, the records of Rio Grande County, including but not limited to that of the Land Use Administrator, Clerk and Recorder, and Assessor shall reflect such de-annexation.

MOVED, READ, AND ADOPTED by the Board of County Commissioners for the County of Rio Grande, State of Colorado, at its regular meeting held the 24th day of November, 2020.

ATTEST: RIO GRANDE COUNTY BOARD OF COUNTY COMMISSIONERS

[Signatures]

Clerk of the Board of County Commissioners

John Noffsker, Chairman of the Board

Commissioner Glover seconded adoption of the foregoing Resolution. The roll having been called; the vote was as follows:

Commissioner John Noffsker

Commissioner Suzanne Bothell

Commissioner Gene Glover

At 9:18 AM, the Board considered the appointment of David Garrison to the Rio Grande County Tourism Board. Commissioner Bothell said her only hesitation is that Mr. Garrison is new to the community, and may not fully understand community concerns. Commissioner Glover said Mr. Garrison has worked to help open a new business, so Mr. Garrison has an investment in the community. He also said the Tourism Board had recommended Mr. Garrison to fill the vacated position. Commissioner Glover made a motion to approve the placement of David Garrison to the Tourism Board. Commissioner Bothell seconded the motion, and the motion carried.

Commissioners and Administrator Updates

At 9:22 AM, Commissioner Noffsker asked about a line item on the financial report. He said the Communities that Care (CTC) grant salary line seemed small for the year, and he asked if it included the deputy director’s salary. He said the salary needs to be included in order for the County to receive reimbursement from the CTC grant. Ms. Egbert said she will ask Debbie Phillips, Chief Financial Officer.

At 9:23 AM, Commissioner Noffsker said that, before the Tyler Technology software conversion, the Accounts Payable Report was shown by department. Now it is shown by vendor. He said it is more helpful to have it shown by department, and the other Commissioners agreed. Ms. Egbert said she will find out if the report can be restructured.

At 9:24 AM, Commissioner Glover gave an update on the legislative special session, beginning November 30, 2020. It is scheduled to consider about one hundred pieces of legislation. Commissioner Glover also spoke about the statewide Opioid Board that met on November 23.
2020. He said the board decided to meet periodically as a large group, but have smaller groups meet on a regular basis in order to pass on information to the counties. He said the board also believed it would be more beneficial to have smaller groups meet with the State Attorney General’s Office concerning topics such as opioid intervention.

At 9:26 AM, Commissioner Bothell said she is continuing to work on Homeland Security issues.

At 9:26 AM, Ms. Egbert spoke about the Corona Virus Relief Fund (CVRF). She said yesterday, November 23, 2020 was the deadline for businesses to submit applications to the County for CVRF reimbursement. There were thirty-six applicants. The team is reviewing the applications before submitting them to the State. If each applicant is eligible for the maximum reimbursement of $15,000, the County will be near its allowed total of $300,000 before opening a second application round. She said she won’t know the eligibility total until the applications have all been reviewed. If the total is near $600,000, Ms. Egbert said she would recommend not opening a second application round. Ms. Egbert said she received a request from the Department of Local Affairs (DOLA) on November 23, 2020 for a report showing how the County plans to spend the entirety of the CVRF grant. If the County cannot show how funds will be used, it risks losing funding to other recipients. Ms. Egbert contacted municipalities in the county to get estimates on how they anticipate using their portion of CVRF. She used their estimates, along with those from the County, to create a spending plan for DOLA.

Ms. Egbert said the County has not yet received reimbursement for its first CVRF request. The request was approved on the first of four reviews; each review takes seven to ten days, and Ms. Egbert said the total time for review should be over. She also said the County may not apply for more reimbursements until the first request has been approved. Commissioner Bothell asked what would happen if the County does not receive State approval for all its reimbursement requests before the December 31, 2020 deadline. Ms. Egbert said she has been trying to submit requests as early as possible to avoid running up against the deadline. She said most of the County’s direct internal spending needs have been captured well. She said a large amount of the next County request would be from the sheriff’s department. It is around $70,000. Ms. Egbert praised the team working on CVRF reimbursements through the County. She said each team member brings special skills needed for the application process. Ms. Egbert said the team considers applicants’ resiliency when requesting reimbursement. The Commissioners said the personal help offered to businesses helped with the application process.

Commissioner Noffsiker asked Ms. Egbert if she had any new information concerning CVRF reimbursement for purchasing an ultra-cold freezer to be used for COVID vaccine storage. She said she had received verbal approval that the freezer would be eligible for reimbursement. Commissioner Glover said Dr. Bankole, Public Health Director, should be included in the decision to purchase a freezer. Ms. Egbert said Dr. Bankole thought a freezer could be purchased for around $5,000, and Ms. Egbert had asked for $7,500, to include installation, when she received the verbal approval. The Board discussed various COVID vaccines, their distribution and methods of administration. They will wait for Dr. Bankole’s advice on the matter.

At 9:42 AM, Commissioner Glover told Ms. Egbert he had budget information to be given to the San Luis Valley Commissioners Association.

At 9:43 AM, Commissioner Glover said the County needed extra storage space for COVID related personal protective equipment (PPE). He suggested installing a storage bin, such as a shipping container, next to the maintenance building. Lawn equipment could be stored in the storage bin, making room in the maintenance building for the PPE. Commissioner Noffsiker asked if CVRF funds could be used to purchase a shipping container. Ms. Egbert said the limitation on capital expenses is $5,000, and it cannot have a lifespan of over one year. She said some exceptions can be made, such as the one for an ultra-cold freezer. She will find out if this would be an eligible expense. Commissioner Bothell suggested that, if there is not room for storage next to the maintenance building, there may be room on the County lot on Oak Street, across from the museum. It was agreed that the first step is to find out whether it would be an eligible expense or not.

At 9:49 AM, Commissioner Glover made a motion to recess the meeting until the Public Hearings scheduled to begin at 1:15 PM. Commissioner Bothell seconded the motion, and the meeting was recessed.

Public Hearings

At 1:15 PM, Commissioner Noffsiker reconvened the BOCC for Public Hearings
The purpose of the first hearing was to consider Tedd and Candice Hennigh’s request for Right of Way Vacation.

Dixie Diltz, Land Use, said the request is to vacate the alley between Lots 1-2-3 and Lots 10-11-12 in Block 24, Cornwall subdivision. Each parcel is approximately half an acre, and zoned residential. The Hennighs own both parcels, are in the process of building a residence, and would like to combine the two parcels into one to facilitate building a garage.

Ms. Diltz said the application was received on September 28, 2020, and deemed complete. Requests for comment were sent to the Division of Water Resources, the Fish and Wildlife Department, the United States Department of Agriculture, Colorado Parks and Wildlife, Rio Grande County Road and Bridge Department, Rio Grande County Sheriff’s Department, and the Rio Grande County Attorney. The Road and Bridge Department and the Sheriff’s Department sent comments stating that they had no concerns with the vacation of the alley way. One hundred eight notification letters were sent to surrounding property owners on October 20, 2020, and notice of the Public Hearing was published in the Monte Vista Journal on October 28, 2020. No comments were received from the public.

Ms. Diltz said there would be no effect on platted roads or right-of-way to other parcels. It is the recommendation of the Land Use staff that the Hennigh’s request be approved with the condition that the applicants file a new survey of the combined parcels prior to obtaining a building permit for the garage. Rio Grande County Planning and Zoning Commission met on November 17, 2020, and by unanimous vote recommended approval of the Right of Way Vacation.

Commissioner Bothell said the satellite photo of the property showed no visible alley way between the parcels. She asked whether combining the two parcels would impede any potential access to other properties. Candice Hennigh said Spring Creek is on the west side of the alley way, and 3rd Street is on the east side. Ms. Diltz said a bridge would have to be built across the creek to facilitate an actual roadway or alley way being built. She said no other property would become land locked by vacating the alley. Ms. Diltz said the alley way serves only the two parcels owned by the Hennighs.

Commissioner Bothell made a motion to approve Tedd and Candice Hennigh’s request for Right of Way Vacation. Commissioner seconded the motion, and the motion carried.
BE IT THEREFORE RESOLVED that said action of right of way is hereby approved contingent upon creation of a final plat, which final plat must be reviewed and approved by the County Land Use Administrator and thereafter filed with the Rio Grande County Clerk and Recorder.

THE FOREGOING resolution was offered by Commissioner Bothell, seconded by Commissioner Glover and passed on vote of the Board of County Commissioners at a meeting of said Board on the 24th day of November 2020.

John Noffsker – Chairman

Gene Glover – Commissioner

Suzanne Bothell – Commissioner

ATTEST:

Clerk of the Board

At 1:20 PM, the meeting was recessed until the next Public Hearing.

At 1:30 PM, Commissioner Noffsker called the Public Hearing to order. The purpose of the hearing was to consider Michael and Kim Schaefer’s application for Minor Subdivision of Land.

Ms. Diltz said the address of the property is 1604 County Road 28. The initial plats were received on July 16, 2020, and the application and corrected plats were received on September 10, 2020. Notification of the hearing was published in the Monte Vista Journal on October 28, 2020. Notification letters were mailed to thirty-eight surrounding property owners on September 25, 2020.

Ms. Diltz said the parcel is currently 579.8 acres, and is zoned as agricultural ranching. It is just west of Monte Vista, and south of US Highway 160. The request is to divide Tract 1, a 6.56-acre parcel from the remaining 573.24 acres. The parcel does not qualify for an exempt division, because it has been divided previously. There is no proposed use change for the land, and the division is being requested for estate planning purposes.

Ms. Diltz said requests for comment were sent to the City of Monte Vista, the State Land Board, the United States Department of Agriculture, the Water Conservation District, the Division of Water Resources, the Natural Resources Conservation Service, the Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney. No comments have been received from the public. The Land Use staff recommends approval of this minor subdivision, with the 6.56-acre parcel being zoned as Agricultural Estate. The Planning and Zoning Commission met on November 17, 2020. One member of the Commission recused themselves, due to previous dealings with the Schaefers, leaving the Commission without a quorum. The Commission heard the application, vetted it, and forwarded it to the BOCC without giving a recommendation. Ms. Diltz said the Commission had no concerns with the application.

Ms. Diltz said the request included the division of another parcel, Tract 2, a 4.72-acre parcel, which is already physically divided from the main parcel by County Road 28 and a canal. Commissioner Bothell made a motion to approve Michael and Kim Schaefer’s request for Minor Subdivision of Land, conditioned that Tracts 1 and 2 be zoned as Agricultural Estate. Commissioner Glover seconded the motion, and the motion carried.
RESOL. #2020–44
RESOLUTION OF

THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY

APPROVING THE MINOR SUBDIVISION KNOWN AS

SCHAEFER DIVISION OF LAND NO. 1

WHEREAS, the Board of County Commissioners of Rio Grande County has received an application from Michael & Kim Schaefer for approval of the above named minor subdivision located in the SE 1/4 NW 1/4 of Section 2, Township 38N, Range 7E, N.M.P.M. pursuant to the Rio Grande County Land Development Code, and;

WHEREAS, said application has been reviewed by the Rio Grande County Planning Commission at a public hearing on the 17th day of November, 2020, and the recommended approval of the Planning Commission has been forwarded to the Board of County Commissioners, and;

WHEREAS, the Board of County Commissioners held a public meeting on the 24th day of November 2020 after proper notice and publication as required by the Rio Grande County Land Development Code, and;

WHEREAS, the Board of County Commissioners has considered said application and found that said application should be approved.

BE IT THEREFORE RESOLVED that said minor subdivision is hereby approved contingent upon recording of a final plat, which final plat must be reviewed and approved by the County Land Use Administrator and thereafter filed with the Rio Grande County Clerk and Recorder.

The foregoing resolution was offered by Commissioner Bothell, seconded by Commissioner Glover and passed on vote of the Board of County Commissioners at a meeting of said Board on the 24th day of November 2020.

John Nollman – Chairman

Gene Glover – Commissioner

Sethamle Bothell – Commissioner

ATTEST:

Darryl Jagers
Clerk of the Board
At 1:37 PM, the meeting was recessed until the next Public Hearing.

At 1:45 PM, Commissioner Noffscher called the Public Hearing to order. The purpose of the hearing was to consider another application from Michael and Kim Schaefer’s for Minor Subdivision of Land.

Ms. Diltz said the initial plats were received July 16, 2020, and the corrected plats were received September 10, 2020. Notification letters were mailed to thirty-four surrounding property owners on September 25, 2020, and a notice of Public Hearing was published in the Monte Vista Journal on October 28, 2020. The parcel is 64.17 acres zoned Agricultural Ranching. It is located at 5657 County Road 27, just west of Monte Vista and north of US Highway 160. The request is to divide 4.88 acres from the remaining 59.29 acres. The parcel does not qualify for an exempt division, because it has been divided previously. The purpose of the division is for estate planning purposes.
Ms. Diltz said requests for comment were sent to the State Land Board, the Natural Resources Conservation Services, the Water Conservation District, the Division of Water Resources, Rio Grande County Road and Bridge Department, and the Rio Grande County Attorney. Responses were received from the Road and Bridge Department and the Division of Water Resources. No comments were received from the public. Ms. Diltz said it is the recommendation of the Land Use staff that the application be approved, with the 4.88-acre parcel being zoned Rural Residential. The Planning and Zoning Commission met on November 17, 2020. One member of the Commission recused themselves, due to previous dealings with the Schaefers, leaving the Commission without a quorum. The Commission heard the application and vetted it. The Commission had no concerns, but due to lack of a quorum, forwarded it to the BOCC without giving a recommendation. Commissioner Glover made a motion to approve Michael and Kim Schaefer’s request for Minor Subdivision, conditioned that the 4.88-acre parcel be zoned as Rural Residential. Commissioner Bothell seconded the motion, and the motion carried.

RESOLUTION OF 2020-47
THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY
APPROVING THE MINOR SUBDIVISION KNOWN AS
SCHAEPER MINOR SUBDIVISION NO. 2

WHEREAS, the Board of County Commissioners of Rio Grande County has received an application from Michael & Kim Schaefer for approval of the above named minor subdivision located in the FR NE4 of Section 34, Township 39N, Range 71, N.M.P.M. (Exhibit A) pursuant to the Rio Grande County Land Development Code, and;

WHEREAS, said application has been reviewed by the Rio Grande County Planning Commission at a public hearing on the 17th day of November, 2020, and the recommended approval of the Planning Commission has been forwarded to the Board of County Commissioners, and;

WHEREAS, the Board of County Commissioners held a public meeting on the 24th day of November 2020 after proper notice and publication as required by the Rio Grande County Land Development Code, and;

WHEREAS, the Board of County Commissioners has considered said application and found that said application should be approved.

BE IT THEREFORE RESOLVED that said minor subdivision is hereby approved contingent upon recording of a final plat, which final plat must be reviewed and approved by the County Land Use Administrator and thereafter filed with the Rio Grande County Clerk and Recorder.

THE FOREGOING resolution was offered by Commissioner Glover, seconded by Commissioner Bothell and passed on vote of the Board of County Commissioners at a meeting of said Board on the 24th day of November 2020.

John Nolte - Chairman

Glove Glover – Commissioner

Sue Bothell - Commissioner

ATTEST:

Clerk of the Board
At 1:49 PM, the meeting was recessed until the next Public Hearing.

At 2:00 PM, Commissioner Noffsner called the Public Hearing to order. The purpose of the hearing was to consider the Velasquez / Estate of Delma Trujillo application for Minor Subdivision of Land.

Ms. Diltz said the application was submitted by Diana Velasquez on behalf of the estate of Delma Trujillo. Probate court was held before the applicant brought the request to the County for approval. The final application fee payment was received on October 7, 2020; the application and plats were received as complete on October 9, 2020. Notification letters were mailed to sixty-nine surrounding property owners on October 20, 2020, and notice of the Public Hearing was published in the Monte Vista Journal on October 28, 2020.

Ms. Diltz said the parcel is currently 13.43 acres, zoned as Agricultural Estate. It is located at 422 County Road 63. Ms. Diltz said several parcels have previously been divided from the property, and several boundary line adjustments were made while settling the estate, therefore the application must be handled as a minor subdivision. The applicants are requesting a
division into four parcels of various sizes in order to finalize the estate. Ms. Diltz said the plat was approved by the court.

Ms. Diltz said requests for comment were sent to the Forest Service, Colorado Parks and Wildlife, United States Department of Agriculture, the State Land Board, the Water Conservation District, the Division of Water Resources, Rio Grande County Road and Bridge Department, the Natural Resources Conservation Services, the Rio Grande County Attorney, and the Fish and Wildlife Service on November 2, 2020. Responses were received from the Colorado Parks and Wildlife and the Division of Water Resources. Ms. Diltz said the only public comment received was from Tom O’Rourke, a nearby property owner, who said he has no concerns and is in support of the division. Ms. Diltz said the Land Use staff recommendation is for approval of the minor subdivision, with the parcels being zoned Residential or Rural Residential depending on their size. She said the Planning and Zoning Commission heard the application on November 17, 2020, and made a recommendation of approval, with the appropriate zoning dependent on size, to the BOCC. Commissioner Bothell made a motion to approve the Velasquez / Trujillo Estate Minor Subdivision of Land, conditioned on the parcels being zoned Residential or Rural Residential dependent of size. Commissioner Glover seconded the motion, and the motion carried.

WHEREAS, the Board of County Commissioners of Rio Grande County has received an application from Diana Velasquez for approval of the above named minor subdivision located in the SE1 NW4 of Section 20, Township 40N, Range 4E, N.M.P.M. (Exhibit A) pursuant to the Rio Grande County Land Development Code, and;

WHEREAS, said application has been reviewed by the Rio Grande County Planning Commission at a public hearing on the 17th day of November, 2020, and the recommended approval of the Planning Commission has been forwarded to the Board of County Commissioners, and;

WHEREAS, the Board of County Commissioners held a public meeting on the 24th day of November 2020 after proper notice and publication as required by the Rio Grande County Land Development Code, and;

WHEREAS, the Board of County Commissioners has considered said application and found that said application should be approved.

BE IT THEREFORE RESOLVED that said minor subdivision is hereby approved contingent upon recording of a final plat, which final plat must be reviewed and approved by the County Land Use Administrator and thereafter filed with the Rio Grande County Clerk and Recorder.

THE FOREGOING resolution was offered by Commissioner Bothell, seconded by Commissioner Glover and passed on vote of the Board of County Commissioners at a meeting of said Board on the 24th day of November 2020.

John Bothell, Chairman
Gene Glover, Commissioner
Susanne Bothell, Commissioner

ATTEST:

Clerk of the Board
Judy Baker, daughter of Delma Trujillo, said that, while working on the parcel divisions, the family became aware that the northern property boundary had apparently been changed. A fence has been constructed, probably within the last ten years, which would remove several acres from the total property. She asked what could be done to rectify the situation. Commissioner Noffsger suggested the family speak with an attorney.

At 2:13 PM, the meeting was recessed until the next Public Hearing.

At 2:30 PM, Commissioner Noffsger called the Public Hearing to order. The purpose of the hearing was to consider Absalom and Levi Yoder’s application for Conditional Use for a cabinet shop.

Ms. Diltz said the application is for an expansion to an existing cabinet shop. In 2010 Absalom Yoder applied for a home occupation permit to operate the cabinet shop out of his building. Ms. Diltz said the square footage of the building greatly exceeds that allowed by home occupation, so the Land Use staff determined the conditional use application should be made under the cottage industry use. Ms. Diltz said in 2010 Mr. Yoder also applied for a conditional use permit to operate a commercial greenhouse on the property. In 2015 he applied for a conditional use
permit to add a laying hen operation on the property, and in 2019 Mr. Yoder applied for a building permit for a second residence on the property.

Ms. Diltz said the new development code must be followed when considering the current application. If the primary use of the property is residential, the business conditional use will be accessory. If the primary use of the property has become the businesses, the residential becomes the accessory use. The property is not zoned for the primary use to be the businesses. If the primary use is still residential, the businesses will be considered as cottage industry. Ms. Diltz said the original recommendation of the Land Use staff was denial of the application, based on their determination that the businesses had become the primary use of the property, which is not allowed according to the zoning. Ms. Diltz said she is not comfortable with denying the application, so she is making the recommendations that, if the BOCC and Planning Commission approve the application, the following conditions be applied to that approval.

1. No further expansion of the operation will be allowed.
2. The business may not employ any employees other than those residing in the residences on the property.
3. Public access is limited to only those who have cabinets in the process of being built. No showroom or stock room is allowed. Public access is limited to the hours between 8:00 AM, and 6:00 PM.
4. All exterior aspects of the operation shall not disrupt the residential character of the area.
5. All outdoor storage shall be screened in accordance with Section 6.02.C of the Land Use Development Code Book.

Ms. Diltz said the Planning and Zoning Commission considered the application on November 17, 2020. They recommended approval with the conditions as stated in the staff report.

Commissioner Bothell said it was her understanding the greenhouse was no longer being used for commercial use. Ms. Diltz said that is correct; the greenhouse has not been used commercially for a year, and the Yoders are willing to forgo their conditional use permit for it. Absalom Yoder said the greenhouse is still standing, but it is used only for the family. Commissioner Bothell said it was also her understanding the chicken facility was not large enough to be considered as commercial. Ms. Diltz said that is correct; there are less than 3,000 hens. Commissioner Bothell said she believes the conditional use permit for the cabinet shop is appropriate, and she made a motion to approve Absalom and Levi Yoder’s application for Conditional Use for the cabinet shop. Commissioner Glover voiced concern over unresolved water permit issues related to previous conditional use permits. Absalom Yoder said the permit is ready at the Division of Water Resources office. He said he has paid for the certificate, but has not picked up the permit. Ms. Diltz said the Division of Water Resources had sent an email to her stating that Mr. Yoder was in the process of getting the permit. Commissioner Glover seconded Commissioner Bothell’s motion, pending Ms. Diltz’ reception of the Yoder’s water permit, and also with the conditions stated in the Land Use staff report. The motion carried. Absalom Yoder said he will get the water permit to Ms. Diltz. Ms. Diltz said the Water Resources office may email a copy to her, and she will create the resolution approving the conditional use for the cabinet shop after she receives the copy.

WHEREAS, Rio Grande County has received an application for Conditional Use approval from Absalom & Levi Yoder to expand and operate a cabinet manufacturing business on property zoned agricultural estate, located at 5190 E County Road 8 S, Monte Vista, CO. Legal description of Tract 3 Wildlife Estates and;
WHEREAS, the Rio Grande County Planning Commission met on November 17, 2020 to review the conditional use request and unanimously recommended approval with the stipulations that:

1. NO further expansion of the operation will be allowed. No further home occupation, cottage industry or conditional uses will be allowed on the property.
2. The business may not employ any employees other than those who reside in the residences on the property.
3. Public access is limited to only those who have cabinets in the process of being built. NO “showroom” or “stockroom” is allowed. Public access is limited to the hours between 8:00 am and 6:00 pm.
4. ALL exterior aspects of the operation shall not disrupt the residential character of the area.
5. ALL outdoor storage shall be screened in accordance with Section 6.02.C Fences, Wall and Hedges, of the Rio Grande County Land Use Development Code.

And:

WHEREAS, the Rio Grande County Board of County Commissioners has, at a Public Hearing of said Board held on November 24, 2020, to consider said application after mailing of a notice of said application to all owners of property within 1,500 feet of the subject parcel and review of Planning Commission recommendations; and;

WHEREAS, the Board of County Commissioners of Rio Grande County determined that granting the application for conditional use as stated above is consistent with the objective and purposes of the Rio Grande County Land Development Code as declared in Section 3.05 of said Regulations, and have found that the use for which the application is submitted would be compatible with the surrounding land uses in the area, and;

BE IT THEREFORE RESOLVED that the Board of County Commissioners of Rio Grande County hereby agree with the recommendations of the Planning Commission, and approve the application with the following stipulations:

1. All five (5) stipulations recommended by the Planning Commission as listed above.

2. Copy of the completed permit from Colorado Division of Water Resources is provided to the Land Use Office prior to beginning any construction.

The foregoing Resolution was offered by Commissioner Suzanne Bothell, seconded by Commissioner Gene Glover and passed on a unanimous vote of the Board of County Commissioners at a hearing of said Board on the 24th, day of November 2020.

ATTEST:

John Noffsaker, Chairman

DeAnn Jacobs, Clerk of the Board

At 2:39 PM, Ms. Egbert said Kelly and Cory Avilla had joined the session via Zoom. Ms. Avilla said they wanted to attend the Schaefer public hearing, but their information said it was scheduled for 2:45 PM. Ms. Diltz said the hearing had been held at 1:45 PM, but asked the Avillas to share their comments. Mr. Avilla said they wanted more information on the purpose of the subdivision. Ms. Diltz said the Schaefer family was dividing a 4.88-acre parcel next to US Highway 160, and that they did not have any immediate plans for building on the parcel. She said in the future, a member of the Schaefer family might decide to build a house there. The Avillas said their concern had been that the division was for the purpose of building a housing development.

At 2:44 PM, Commissioner Glover made a motion to adjourn the regular session for executive session scheduled 3:00 PM. The executive session is being held pursuant to C.R.S. 24-6-402(4)(f), personnel matters, specifically to interview Airport Manager applicants. Commissioner Bothell seconded the motion, and the motion carried.

At 4:25 PM, the Board exited executive session. Commissioner Noffsaker left the executive session at 3:30 PM, due to a conflicting appointment.

At 4:25 PM, Board resumed the regular session. No actions were taken.

At 4:26 PM, Commissioner Glover made a motion to adjourn the regular session. Commissioner Bothell seconded the motion, and the meeting was adjourned.

Attest:

John Noffsaker
Chairman of the Board

DeAnn Jacobs
Clerk of the Board