

COUNTY COMMISSIONERS PROCEEDINGS

State of Colorado                    )  
   SS  
 County of Rio Grande                )

The Rio Grande County Board of County Commissioners met in regular session on Wednesday, November 2, 2011. Members present included: Chairman of the Board—Mr. Dennis Murphy, Commissioner Doug Davie and Commissioner Karla Shriver, County Administrator—Suzanne Benton, and Intern—Mary Beth Miles.

At 9:00 a.m. Chairman Murphy called the meeting to order. Commissioner Shriver led the group in the morning invocation; Commissioner Davie led the pledge of allegiance.

Commissioner Davie made a motion to table the October 26<sup>th</sup> Commissioner meeting minutes until next week’s meeting. Commissioner Shriver seconded; the motion passed.

Commissioner Shriver requested to add a discussion topic to the agenda for a future meeting. Additionally, Ms. Benton requested that the Commissioners add Mr. Steffens to the agenda for a 10:00 a.m. appointment and that the agenda reflect Mike Trujillo’s cancelation during Bill Dunn’s meeting time at 11:30 a.m. Commissioner Davie made a motion to accept the agenda as amended. Commissioner Shriver seconded; the motion passed. The agenda for the meeting was set, and business proceeded as set forth by the agenda.

At 9:10 a.m. Ms. Benton presented pending matters. The Board reviewed the following claims:

**County General Fund**

CenturyLink	telephone	\$	1,781.91
Colo Dept of Human Services	September	\$	4.00
Del Norte Auto Supply	supplies	\$	77.82
District Attorney Office	10th payment	\$	13,389.75
El Paso County Coroner	autopsy exp	\$	6,250.00
First Ford	repairs	\$	48.51
Fleet Services	fuel	\$	193.83
Mary Beth Miles	mileage	\$	66.60
Monte Electric	repairs	\$	85.00
Pitney Bowes, Inc	postage	\$	203.26
Pueblo Co Information System	computer exp	\$	5,200.00
Rhoda Koehn	museum	\$	340.00
Rio Grande County	reimbursed exp	\$	66.78
Rio Grande Cnty Public Health	reimbursed exp	\$	66.13
Robert Hanna		\$	43.78
State of Colorado/DOI	T1 line	\$	333.84
Valley Lock & Security	repairs	\$	132.00
Valley Meat	jail supply	\$	295.09
Vemco Electrical		\$	8,706.00
Verizon Wireless	cell phone	\$	724.85
Verizon Wireless	cell phone	\$	14.73
Victim Assistance	September	\$	4.00
Xcel Energy	utility	\$	<u>2,648.93</u>

**TOTAL** \$ 40,676.81

American Public Life	October	\$	467.46
Community Bank of the Rockies	September	\$	51,587.39
Family Support Registry	exp	\$	370.00
Family Support Registry	exp	\$	600.00
Midland Credit Mgmt, Inc	exp	\$	99.46
Pre-paid Legal Services	exp	\$	139.45
Rio Grande County Treasurer	September	\$	44,795.04
Security Benefit	exp	\$	1,450.00

**TOTAL** \$ 99,508.80

US Postmaster	ballots	\$	100.76
ACS Services Inc	computer exp	\$	3,551.48
Business Solutions Leasing	copier	\$	410.33
CenturyLink	telephone	\$	23.63
Co Dept of Public Safety	traffic fines	\$	315.00
Colorado Counties Inc		\$	1,675.00
County Sheriffs of Colo	Ed Rapps	\$	25.00
Crowne Plaza Colo Springs	lodging	\$	870.00
Dale Trujillo	mileage	\$	63.90
Del Norte Auto Supply	supplies	\$	23.00
Digitcom Electronics	exp	\$	48.00
Duckwall-Alco Discount	supplies	\$	248.19
Dunn Law, LLP	legal services	\$	62.50
Ed Raps	reimbursed exp	\$	79.64
ESRI Inc		\$	400.00
First Bankcard	card pmt	\$	6,187.67
Fleet Services	fuel	\$	5,385.83
Galls Inc	supplies	\$	66.99
Gobins	supplies	\$	508.46
Jack's Market	jail food	\$	198.84
Jack's Market	supplies	\$	24.22
Jeff Babcock	Homeland Sec	\$	7,075.71
John Michalke	Homeland Sec	\$	5,864.10
KALQ Radio Services		\$	230.00
Ken's Service Center		\$	1,894.88
MARC		\$	570.00
Meadow Gold Dairies	jail food	\$	218.30
Michael Valdez	reimbursed exp	\$	74.70
Michelle Medina	reimbursed exp	\$	117.00
Monte Electric	repairs	\$	77.97
Mount'n Valley Sports	repairs	\$	1,228.00
Notes & Numbers LLC	board clerk	\$	215.00
O&V Printing	supplies	\$	759.26
Oncall Paging Service	October	\$	71.91
Peggy J Kern	reimbursed exp	\$	18.00
Proforce		\$	387.95
Randall Kern	reimbursed exp	\$	30.15
Rio Grande Hospital	inmate exp	\$	1,301.63
Rio Grande Pharmacy	inmate exp	\$	356.63
Safeway Inc	jail food	\$	69.45
Saguache County Jail	holding	\$	1,620.00
Shamrock Food Company	jail food	\$	2,307.44

Sherryl Steving	reimbursed exp	\$	12.60
Southern Colo Computer	RGSO	\$	60.00
Sue Davis	Homeland Sec	\$	3,856.52
Suzanne Benton	reimbursed exp	\$	94.50
Ultramax		\$	2,738.00
United Reprographic	supplies	\$	133.66
Valley Gun Service	RGSO	\$	29.95
Valley Lock and Security	repairs	\$	266.30
Valley Meat	jail food	\$	250.43
Valley Publishing	ads	\$	517.50
Vendola Plumbing	repairs	\$	187.50
WSB Computer Services	computer exp	\$	4,364.75
<b>TOTAL</b>		<b>\$</b>	<b>57,268.23</b>

#### Road & Bridge Fund

Business Solutions Lsng	copier	\$	110.08
CenturyLink	telephone	\$	55.54
Darrel Plane		\$	208.50
Lenco West	parts	\$	25.50
SLV REC	utility	\$	180.00
Valcom	radios	\$	2,700.00
Valley Tractor Repair	repairs	\$	976.38
Verizon Wireless	cell phone	\$	224.35
<b>TOTAL</b>		<b>\$</b>	<b>4,480.35</b>

American Public Life	exp	\$	285.44
Community Banks of Colorado	exp	\$	19,981.41
Rio Grande County Treasurer	exp	\$	17,763.16
Security Benefit	exp	\$	50.00
<b>TOTAL</b>		<b>\$</b>	<b>38,080.01</b>

Airgas Intermountain Inc	supplies	\$	81.89
Alta Fuels	fuel	\$	27,620.83
Brown's Septic Svc Inc	maintenance	\$	21.50
CenturyLink	telephone	\$	470.88
Colorado Counties Inc	Sullivan	\$	335.00
Del Norte Auto Supply	parts	\$	328.75
Division of Reclamation	pit permits	\$	791.00
Duckwall-Alco Discount	supplies	\$	13.98
First Bankcard	card pmt	\$	263.10
Fleet Services	fuel	\$	2,257.63
Gobins	supplies	\$	29.30
Gunbarrel Service Station	repairs	\$	160.00
Haynie's Inc	supplies	\$	2,147.26
Industrial & Farm Supply	parts	\$	95.46
Lenco West	parts	\$	141.00
Leroy A Romero	maintenance	\$	125.00
Matco Tools	supplies	\$	36.39
Mathias Concrete Inc	supplies	\$	737.50
Monte Glass Shop	repairs	\$	32.45
Monte Vista Cooperative	supplies	\$	326.52
Myers Brothers Truck	repairs	\$	435.31
Paving Maintenance Supply	supplies	\$	115.64

Petty Cash	petty cash	\$	39.28
Rocky Mountain Upholstery	repairs	\$	282.04
South Fork Propane	utility	\$	219.00
Transwest Truck, Inc		\$	552.43
United Rentals Inc	repairs	\$	147.96
Wagner Equipment	repairs	\$	2,091.63
Whiteall's Alpine	supplies	\$	45.60
WSB Computer Services	repairs	\$	720.00
<b>TOTAL</b>		<b>\$</b>	<b>40,664.33</b>
<b>Pest Control</b>			
AT&T Mobility	cell phone	\$	67.37
Monte Vista Cooperative	supplies	\$	403.95
SLV REC	utility	\$	69.00
<b>TOTAL</b>		<b>\$</b>	<b>540.32</b>
Community Banks of Colorado	September	\$	1,470.15
Rio Grande County Treas.	exp	\$	1,078.48
<b>TOTAL</b>		<b>\$</b>	<b>2,548.63</b>
Aspen Office Products	supplies	\$	50.96
AT&T Mobility	cell phone	\$	42.08
CenturyLink	telephone	\$	82.86
First Bankcard	card pmt	\$	19.95
<b>TOTAL</b>		<b>\$</b>	<b>195.85</b>
<b>Airport Fund</b>			
SLV REC	utility	\$	281.00
<b>TOTAL</b>		<b>\$</b>	<b>281.00</b>
<b>Capital Expenditure Fund</b>			
		\$	-
<b>TOTAL</b>		<b>\$</b>	<b>-</b>
<b>Conservation Trust</b>			
<b>TOTAL</b>		<b>\$</b>	<b>-</b>
<b>Tourism Trust</b>			
Foothills Lodge	coupon	\$	10.00
Josephine Pierce		\$	301.68
South Fork Visitor's	AARP	\$	2,186.69
<b>TOTAL</b>		<b>\$</b>	<b>2,498.37</b>
<b>Public Health Department</b>			
CenturyLink	telephone	\$	264.50
Chaffee Cnty Public Health	September	\$	1,400.00
Del Norte Auto Supply	parts	\$	8.39
Gabe's Appliance	repairs	\$	60.00
Glaxosmithkline	vaccine	\$	528.00
Jack's Market	supply	\$	50.96

Lake County Health Dept	September	\$	1,500.00
Saguache Co Public Health	September	\$	2,100.00
Staples Business	supply	\$	133.98
State of Colorado/DOI	T1 line	\$	61.51
Valley Publishing	ads	\$	140.00
Verizon Wireless	cell phone	\$	135.72
<b>TOTAL</b>		<b>\$</b>	<b>6,383.06</b>
American Public Life	exp	\$	75.02
Community Bank of the Rockies	exp	\$	5,418.34
Rio Grande County Treasurer	exp	\$	4,735.57
Security Benefit	exp	\$	50.00
Sooper Credit Union	exp	\$	100.00
<b>TOTAL</b>		<b>\$</b>	<b>10,378.93</b>
CenturyLink	telephone	\$	4.13
First Bankcard	card pmt	\$	958.49
WSB Computer Services	computer svc	\$	530.00
<b>TOTAL</b>		<b>\$</b>	<b>1,492.62</b>

At 9:25 a.m. Ms. Vanderpool joined the session to discuss ongoing land use business. Ms. Vanderpool reiterated that the issue with the Vern Braun/Valerie Braun-Fry property (in terms of zoning) still persists. Under Mr. Braun's Conditional Use permit a "salvage yard" is a non-conforming use. In addition, Ms. Vanderpool stated that there are other operations within the County, such as Sanner Brother's salvage yard, that ought to be reviewed in accordance with the County's zoning regulations.

At 9:45 a.m. Ms. Miles updated the Board on the preliminary contract negotiations with Siemens, the energy service company that will be executing the County's Energy Performance Contract. Siemens will be sending a lighting auditor for a walk-through of the County's facilities on Tuesday, November 8, 2011, as an effort to capture Xcel's lighting bonus rebates by the end of the year. Commissioner Shriver confirmed the Board's motion from the prior week regarding proceeding forth in the process with Siemens as the County's energy partner in this process.

Ms. Benton informed the Commissioners that on Thursday, November 3, 2011 seven individuals from various State agencies including the Department of Health Care Policy and Financing will be visiting the Department of Social Services from 1:00-2:30 p.m. The participants include: Susan Birch-Executive Director of Health Care Policy and Financing, Stephanie Donner-Senior Deputy Counsel to the Governor, Kathy Nesbitt-Executive Director of the Department of Personnel and Administration, Kirstin Russell-Secretary of Technology a Chief Information Officer, Chris Urbina-Executive Director for the Colorado Department of Public Health and the Environment, Heather Hewitt-Community Relations Manager, and Kim Eisen-Quality and Monitoring Supervisor. Chairman Murphy and Commissioner Shriver are planning to attend the forum; Commissioner Davie is unavailable given that he will be meeting with representatives from the Colorado Department of Transportation at this time.

Ms. Benton notified the Commissioners that three assessment appeals were filed with the State Board Assessment of Appeals for commercial property holdings within Rio Grande County as a result of the failed audit, in addition to the storage unit facility located in Monte Vista.

Ms. Benton requested direction from the Board regarding impact fees for a Conditional Use permit for a business that is already in existence but is relocating. Consensus of the Board was to make the final decision upon receiving the permit.

At 9:55 a.m. Ms. Vanderpool rejoined the meeting. Ms. Vanderpool stated that she received a phone call from Christine Canaly regarding the County submitting a formal request to the COGCC to extend the comment period ten days past the current deadline of November 3, 2011. The Board advised Ms. Vanderpool to request an extension on the comment period on behalf of the Rio Grande County Residents, given that the request will not inhibit any proceeding at the State or local level.

Following the commencement of this discussion, the Board invited Mr. Bruce Steffens to join the group to discuss his Conditional Use Permit. Ms. Vanderpool stated that today's discussion is a continuation from the August 31, 2011 discussion with regard to easement issue that arose during the prior conversation. The discussion had to be postponed until today. Ms. Vanderpool clarified that the land use issue at hand is with regard to the Conditional Use permit that Mr. Steffens acquired to allow a "cabin" to continue to exist at the current location. As defined in the Conditional Use permit, the cabin's intended use, at the existing location, is strictly storage. Commissioner Davie stated that the easement issue is a civil issue that is outside of the purview of the Board. Mr. Stephens reassured the Board that the easement issue had since been resolved. Likewise, Ms. Vanderpool said that if the Board is interested, Mr. Steffens has a preliminary/draft version of the legal easement in addition to the land survey that was completed by Mark Reynolds.

Based on the information at hand, Commissioner Davie made a motion to allow Mr. Steffens to store the cabin at the existing site for one year. At the commencement of this one year timeline (June 2012) Mr. Steffens may either re-locate the cabin or purchase a building permit. In response to Commissioner Davie's motion, Mr. Steffens stated that given the current economic times, he would like to request a minimum 2 year exemption from either re-locating the cabin or purchasing a building permit. His requested timeline would expire in June of 2013 rather than June of 2012. Commissioner Davie amended his motion for a two year period per Mr. Steffens request. The motion died for lack of a second. Chairman Murphy recognized John Nofsker, audience member; after swearing Mr. Nofsker in, Chairman Murphy gave him the opportunity to contribute to the conversation. Mr. Nofsker stated that the cabin in question is actually owned by him rather than Mr. Steffens. This issue is currently in litigation; and as such, the cabin should not be re-located until the ownership issue is resolved. Likewise, the cabin was initially moved by Mr. Steffens without regard for the County's existing administrative processes;

thus, Mr. Nofsker would like the Board to refrain from granting Mr. Steffens his request. Chairman Murphy inquired among his fellow Commissioners if a civil matter would supersede the Board's business. In response, Commissioner Shriver stated that she didn't feel it was appropriate to grant the requested extension on the Conditional Use permit given that the ownership of the cabin is in question, out of fear of setting precedence for future legal proceedings. The Board mutually agreed that their decision would be postponed until the ownership issue is resolved.

While Ms. Vanderpool was still in the session, the Commissioners discussed the way in which accessory buildings are addressed in the land use regulations, specifically with regard to the Alpine subdivision and the consolidation of parcels. It was suggested that the Board and the Planning and Zoning Commission meet collectively to have a work session with regard to this issue and to familiarize each of the boards, including the new board members, with the amendments the land use regulations that were adopted in the last year. The preliminary date for this work session is November 22, 2011.

At 10:35 a.m. the Board addressed various constituent concerns. Following this discussion, Commissioner Shriver made a motion to approve the October claims, retracting the voucher submitted for repairs conducted on the Search and Rescue ATVs until further information could be acquired. Commissioner Davie seconded; the motion passed.

Commissioner Shriver proposed that in the 2012 fiscal year the Board consider dedicating one Wednesday meeting per month to a work session, which would give the Board time to actively work to achieve the goals they set forth in the 2012 budgetary process. Chairman Murphy mentioned that in deciding which day should be dedicated to a work session, the Board will have to be conscious of the business they conduct on the 1<sup>st</sup> and 4<sup>th</sup> Wednesdays—namely, claims and payroll. Commissioner Shriver suggested that the Board evaluate the pros and cons of such an arrangement and discuss their options at a later date.

Ms. Benton told the Board that the voucher that was retracted during the approval of the claims was billed to an existing line item within the Sheriff's budget for Search and Rescue equipment repairs. The Board agreed to include this voucher in the payment process.

The Board considered the next item of business, the Intergovernmental Agreement (IGA) between Rio Grande County and Alamosa County for prisoner holding. The sections of the IGA in question are as follows: 1.) the verbiage regarding the per day rate for each individual county; 2.) Item number four as outlined in the IGA—the county's responsibility for transport and medical care for the inmate and the portion of the IGA that says payment for housing the prisoner will be "subject to the availability of funds". Ms. Benton will meet with the Rio Grande County Sheriff and incorporate his suggestions into the document prior to sending the document to Mr. Dunn for final legal review.

At 11:05 a.m. Mr. Ralph Wells and Mr. Chris Coulson joined the session for the Beaver Mountain Estates Public Improvement District (PID) public hearing. Legal notice for the hearing was filed in the local

newspaper per State Statute. Neither the County, nor the Homeowners Association received written protest; and 65% of the residents were present at the home owner's annual meeting. Given that the prerequisites as set forth in Colorado State Statute for such a public hearing were achieved, Chairman Murphy proceeded to open the hearing by swearing in the individuals who intended to speak during the process. Both Mr. Wells and Mr. Coulson were sworn in at this time. Mr. Coulson stated that ten of the eleven home owners in the Association have formally agreed to participate in the PID. Ms. Benton clarified that the scope of work under this PID only included the upper portion of Church Creek Road. She said that the work will likely be completed during the summer of 2012. The payback period will span three years, with the Home Owners Association paying 40% of the total cost as derived by the County based on oil prices at the time of paving. It is estimated that the cost to each individual lot will be \$175 per year for three years, with a total project cost estimated at \$161,665. In addition, there will be three percent added to the total for Treasurer's fees. Commissioner Davie made a motion to approve the Beaver Mountain Estates PID, with Commissioner Shriver seconded the motion. The motion passed unanimously.

Ms. Benton presented the Board with a voucher that was submitted by the Rio Grande County Coroner for \$15,000 in retroactive payments for body removals dating back to 2001. It was noted that this excessive billing was not only inaccurate, but also inconsistent with State Statute—specifically C.R.S.30-11-107—which states that the Board has the authority to set travel reimbursement rates via resolution for County Corners who are acting in official capacity.

At 11:30 a.m. Mr. Bill Dunn, County Attorney, joined the session. The Board requested that Mr. Dunn to review the State Statute regarding County Coroner reimbursement for their next meeting. Ms. Benton notified Mr. Dunn that the current appointment, Mike Trujillo, rescheduled for next week's meeting. Mr. Dunn told the Board that he spoke with Mr. Trujillo regarding Ms. Fry's Case. Mr. Trujillo would like the Board to re-write the recorded resolution that specifies which sections of the Fry/Braun property are zoned with a commercial designation. The issue that Mr. Trujillo expressed to Mr. Dunn on behalf of Ms. Fry is that the resolution reflects a decision made by a past Board in which the Conditional Use permit that was submitted by Mr. Braun was approved with limitations. That is to say that the area in which Mr. Braun had requested for approval for commercial zoning designation was amended by the Board during the approval process. Likewise, Mr. Trujillo contends that the excess cars that are currently on the property should not be considered "blight". Mr. Dunn clarified that an automobile repair shop would be consistent with the allowable uses under the commercial zoning provisions; however, operating a salvage yard requires the property to be zoned for industrial use. Additionally, Mr. Trujillo contends that the County has failed to appropriately follow its administrative procedures. Mr. Dunn stated that the next step in responding to Mr. Trujillo would be to exchange discovery and prepare for litigation; the Board directed Mr. Dunn to proceed.

Mr. Dunn discussed other pending legal matters. The Board directed Mr. Dunn to continue forward with the lawsuit against Ms. Ellen Dunn

(no relation). The Building Inspector, Randy Kern, stated that minimal progress has taken place at Ms. Dunn's property. He stated that the main section of the building is in reasonable condition; however, the wall on the southeast end of the building still needs to be repaired even though the condition has improved. County staff feels that they have exhausted their resources, and Ms. Dunn has neglected to fully address the issue; thus, Mr. Dunn will proceed with litigation.

Mr. Dunn will join the Board next week to discuss pending legal matters.

At 12:30 a.m. Chairman Murphy adjourned official meeting proceedings.

Attest:

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Dennis Murphy, Jr.  
Chairman of the Board

\_\_\_\_\_  
Mary Beth Miles  
Intern

COUNTY COMMISSIONERS PROCEEDINGS

State of Colorado            )  
  SS  
County of Rio Grande        )

The Rio Grande County Board of Commissioners met in regular session on Wednesday, November 9, 2011. Members present were Chairman Dennis Murphy, Jr., Commissioners Doug Davie and Karla Shriver, Suzanne Benton, County Administrator, Mary Beth Miles, Intern, and Lyla Davis, Clerk of the Board.

At 9:00 a.m. Chairman Murphy called the meeting to order. Ms. Davis gave the opening prayer and Ms. Miles led the Pledge of Allegiance. Commissioner Davie made the motion to approve the agenda as presented. Commissioner Shriver seconded; the motion passed. Commissioner Davie made the motion to approve the October 26, 2011 minutes as presented. Commissioner Shriver seconded; the motion passed. Commissioner Davie made the motion to approve the November 2, 2011 as amended. Commissioner Shriver seconded; the motion passed.

Commissioner Davie made the motion to cancel the following warrant. Commissioner Shriver seconded; the motion passed.

Warrant #	Date	Payee	Amount	Line Item
134361	11/2/11	Crowne Plaza	\$348.00	001-0416-4106
			\$522.00	001-0415-4106

Ms. Benton presented the revised Intergovernmental Agreement for prisoner holding. County Attorney Bill Dunn has reviewed the document. Commissioner Shriver suggested setting the daily rate at \$55 per day which is an increase of \$10 per day to the existing \$45 daily rate. The Board agreed to this amount.

Ms. Benton noted that the Monte Vista Ambulance department has purchased a new emergency vehicle. The inspection will be done on December 7, 2011. The fee for ambulance inspections is \$125 per vehicle.

At 9:25 a.m. Patrick Sullivan, Road and Bridge Supervisor, joined the session for the monthly report. The written report was submitted as follows:

- Completed the San Francisco Creek Road project.
- Completed the rock project on the 5 East between the 9 South and 10 South roads.
- Completed the wing wall and abutment repairs on the 7 North and County Line bridge and replaced the bridge rail on County Road 23.
- Dug a burn pit for the San Luis Valley Cemetery to burn tree limbs.
- Paved the taxiway at the Del Norte Airport.
- Poured concrete in the fuel yard at the Monte Vista shop.
- Started paint striping.
- Cleaned brush behind the Sheriff's Department; inspected and filled the sink holes near the drains.
- Plowed snow in the South Fork area.
- The shop continues to make necessary repairs.
- The office is busy with year-end reports.

Proposed work for November includes completing paint striping for the year; complete the hauling of binder material to the 8 North and 5 ½ East roads; continue to work on numerous bridges, including deck work and guard rail installation; install snow wings on the graders for the snow season; start the building upgrade on the South Fork shop; begin the year-end orders of tires, oil, supplies, etc.; Mr. Sullivan will attend Colorado Counties Incorporated (CCI) meetings at the end of this month; new snow fence will be installed in the Rock Creek area; and crack sealing could begin in November.

Mr. Sullivan discussed an improvement project at the Empire Canal near Home Lake. The road will be improved and road damage will be minimized with an improved water structure. He will keep the Board informed as this project proceeds.

Thad Elliott spoke with Mr. Sullivan about the cross country ski area at the archery range near Rock Creek. The ski club will reimburse the County for installing snow fencing.

Mr. Sullivan discussed ordering crack-seal material at sixty-four cents per ton. He said there is over thirty miles of road to repair.

The work done at the airport totals \$17,000 in labor and asphalt.

The Board agreed to the Home Lake project, snow fencing at Rock Creek, ordering two loads of crack-seal material and doing the crack-seal work at the airport.

The heat costs at the South Fork shop has been about \$1,000 just in propane this fall. Mr. Sullivan has researched spray insulation options for the building. He received bids of sixty-eight cents per square foot per inch and seventy-five cents per square foot per inch. With other upgrades to the restrooms the project will be about \$9,200.

The heating unit at the Monte Vista shop will be re-installed correctly. This repair can be done by the crew.

At 10:00 a.m. Bill Dunn, County Attorney, joined the session for pending legal matters. Mike Trujillo, Vern Braun and Valerie Braun-Fry, joined the session to discuss the pending zoning and blight

matter. Mr. Trujillo presented copies of the resolutions and minutes from the meetings held in 1999. He stated that Mr. Braun applied for a five acre area to be zoned commercial (from rural zoning). The Planning and Zoning Commission denied the application but the Board of Commissioners gave approval. The attachment with the application was different from the attachment with the resolution that was approved. He stated that the resolution is not in line with the application. He asked that the Board amend the resolution so that the property in question is clearly defined. Mr. Dunn asked why Mr. Braun feels that the resolution is incorrect. Mr. Trujillo said the minutes state that the application is for approximately five acres of commercial zoning. The resolution states that the application is granted. Ms. Vanderpool noted that the Planning and Zoning Commission denied the application. Mr. Trujillo said the Board of Commissioners approved the application. The attachment 'A' should not be part of the resolution; attachment 'A' was part of the application as Exhibit A. Mr. Trujillo said there is no limiting language in the Board minutes or resolution. Mr. Dunn asked if the sketch described Mr. Braun's property. Mr. Braun agreed that the sketch is his basic building but it was a 'sloppy' sketch. He asked who had the authority to attach the sketch to the resolution. Mr. Trujillo said it would be logical for the Board to have specific language if there were limitations to the approval. He asked the Board to look at the full record and make their decision. Commissioner Davie said he understands the request and sees their concerns. The zoning is not the only issue at hand, the parked cars have not moved or been repaired so the property appears to be a salvage yard. Mr. Dunn said a salvage yard requires a conditional use permit in a commercial zone. Mr. Trujillo asked that the property record be cleared first. Commissioner Davie asked if there is actually five acres in this portion of Mr. Braun's property. Mr. Braun said a survey was done many years ago and there is over five acres in this parcel. Commissioner Shriver asked if the five acres were being assessed as commercial property. Mr. Braun confirmed that it is assessed as commercial property. Commissioner Shriver said she would like to take Mr. Trujillo's suggestion and review the documents and render a decision at a later date. Mr. Trujillo said it has been treated as a commercial property. Mr. Dunn said the parked cars, or blight, were the start of this matter. The cars have been there for so long that it is not realistic to claim that they are awaiting repairs. Mr. Braun said there are some cars that could be removed but he has been out of town for two years and could not complete the work. Mr. Braun said the County cannot tell him how to run his business. He cannot get rid of all the cars if he is in the auto repair business. Mr. Braun stated that some cars are moved and some have been there for several years. He asked if anyone was keeping track of the cars. Mr. Dunn suggested a compromise by getting rid of some cars or installing a large fence. Mr. Trujillo said they will put a proposal together of some options that Mr. Braun can complete while the Board reviews the matter of the resolution. A meeting was scheduled for January 4, 2012 to follow up on this matter.

Mr. Dunn said he has filed the blight case against Robert and Ellen Dunn (no relation). The Building Inspector has taken pictures of the site. The Dunns agreed to waive service so Mr. Dunn e-mailed the documents to them. They have voluntarily submitted themselves to the jurisdiction of this County. Ms. Dunn said she will contact the Building Inspector, Randy Kern, to find out exactly what needs to be done to satisfy the complaint.

Mr. Dunn reviewed the Coroner sections of the State Statutes. He contacted Ben Gibbons who represents Rusty Strohmayer, County

Coroner. There is concern with some of the vouchers submitted for reimbursed expenses. Mr. Gibbons will meet with his client and then set up a meeting with Mr. Dunn.

At 10:45 a.m. Judy Kelloff joined the session for the renewal of the liquor license for the Movie Manor Restaurant, Kelloff Enterprises, Inc. Commissioner Davie made the motion to approve the liquor license renewal. Commissioner Shriver seconded. Chairman Murphy asked if Kelloff's provided training for their employees to identify fraudulent identification cards and avoid underage drinking. Ms. Kelloff confirmed that the employees do have training on this. The motion passed.

At 11:00 a.m. Ms. Benton reviewed the meeting schedule and presented various items of correspondence.

Mr. Sullivan re-joined the session. The Board adjourned to tour a culvert and ditch that has been problematic in the South Fork area.

Attest:

\_\_\_\_\_  
Dennis Murphy, Jr.  
Chairman of the Board

\_\_\_\_\_  
Lyla Davis  
Clerk of the Board

COUNTY COMMISSIONERS PROCEEDINGS

State of Colorado            )  
  SS  
County of Rio Grande        )

The Rio Grande County Board of Commissioners met in regular session on Wednesday, November 16, 2011. Members present were Chairman Dennis Murphy, Jr., Commissioners Doug Davie and Karla Shriver, Suzanne Benton, County Administrator, Mary Beth Miles, Intern, and Lyla Davis, Clerk of the Board.

At 10:00 a.m. Chairman Murphy called the meeting to order following the monthly manager's meeting. Commissioner Davie gave the opening prayer and Ms. Davis led the Pledge of Allegiance. Commissioner Davie made the motion to approve the November 9, 2011 minutes as amended. Commissioner Shriver seconded; the motion passed.

At 10:10 a.m. Ms. Benton presented various items of correspondence. It was noted that the 2011 budget was reviewed in the manager's meeting.

At 10:15 a.m. Jody Kern, Director of Social Services, joined the session for the monthly report.

At 10:30 a.m. Ms. Benton presented action items. Commissioner Shriver made the motion to file the Certification of Eligibility to Receive Conservation Trust Funds for 2012. Commissioner Davie seconded; the motion passed.

Bill Mathews, South Fork Town Manager, joined the session and thanked the Board for their contribution of Conservation Trust Funds to the South Fork ice skating rink.

Commissioner Shriver commented on a meeting she attended and discussed the Great Outdoors Colorado (GOCO) grant application for the Multipurpose and Educational Facility at Ski Hi Park that was not recommended for approval this cycle. She noted there have been some changes to the grant criteria. Other governmental agencies throughout the State were not recommended as well. She shared the list of finalists with the Board.

Ms. Benton discussed the communication tower on the Burkhart property and use by various Public Broadcasting System (PBS) stations. The County owns the tower on this site.

The Land Use Department has recommended a moratorium on carbon dioxide (CO<sub>2</sub>) pipeline placement until further research can be done. Commissioner Davie made the motion to place the moratorium on carbon dioxide pipeline placement for six months, through June 1, 2012. Commissioner Shriver seconded; the motion passed.

The Land Use fees were presented for review. Commissioner Shriver asked to table the review until Rose Vanderpool, Land Use Administrator, is present.

The written evacuation procedures for the Sheriff's Department were presented.

The pending meeting schedule was reviewed.

Mr. Mathews discussed various meetings he has attended. Commissioner Davie made the motion to approve the Public Improvement District (PID) with the Beaver Mountain Estates Subdivision for Phase I, II and III of the paving project. Each of the 119 lots will be assessed \$175.03 for tax year 2011. The total assessments will be \$20,828.57. Commissioner Shriver seconded; the motion passed.

Mike Mitchell has agreed to serve on the Planning and Zoning Commission to fill Gary Seger's vacated position. Commissioner Shriver made the motion to appoint Mike Mitchell to fill the vacant position on the Planning and Zoning Commission. Commissioner Davie seconded; the motion passed.

At 11:30 a.m. County Attorney Bill Dunn joined the session for pending legal matters.

Mr. Dunn met with Ben Gibbons, who represents Rusty Strohmayer, County Coroner. He provided the Board with a list of equipment that the Coroner should have. There is not a State Statute requiring elected officials to have offices or equipment. Mr. Strohmayer contends that he needs the equipment on the list submitted. Sheriff Norton has offered office space in a vacant office at the jail. Chairman Murphy said expenses should be sent directly to the County.

Ellen Dunn (no relation) has contacted the Building Inspector on the pending blight case. Ms. Dunn does not want to go to court over the matter so she is in contact with the Building Department to remedy the situation. The case has been filed in District Court.

There was discussion of the zoning case with Vern Braun.

Mr. Dunn will be attending the County Attorneys meetings this week.

At 12:00 p.m. Ms. Benton continued with pending matters. Lawrence Fleming has requested three to four loads of gravel for his commercial property in the Town of South Fork. He told Ms. Benton

that he has been a tax payer for many years and should be able to receive gravel. Ms. Benton explained to him that the County cannot compete with private industry and he should talk with local businesses. The Board agreed that they cannot compete with private industry.

At 12:10 p.m. the meeting was adjourned for lunch and a work session.

Attest:

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Dennis Murphy, Jr.  
Chairman of the Board

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Lyla Davis  
Clerk of the Board

COUNTY COMMISSIONERS PROCEEDINGS

State of Colorado                    )  
  SS  
County of Rio Grande                )

The Rio Grande County Board of Commissioners met in regular session on Monday, November 21, 2011. Members present were Chairman Dennis Murphy, Jr., Commissioners Doug Davie and Karla Shriver, Suzanne Benton, County Administrator, Mary Beth Miles, Intern, and Lyla Davis, Clerk of the Board.

At 9:00 a.m. Chairman Murphy called the meeting to order. Commissioner Shriver gave the opening prayer and Ms. Benton led the Pledge of Allegiance. Commissioner Davie made the motion to approve the November 16, 2011 minutes as amended. Commissioner Shriver seconded; the motion passed.

At 9:10 a.m. Commissioner Shriver made the motion to approve the November 2011 payroll as follows. Commissioner Davie seconded; the motion passed.

**County General**

Davie, Douglas	sal.	\$	4,141.67
Murphy, Dennis	sal.	\$	4,141.67
Shriver, Karla	sal.	\$	4,141.67
Benton, Suzanne	sal.	\$	6,963.03
Dennis, Krystal	sal.	\$	2,267.42
Vanderpool, Rose	sal.	\$	3,215.33
Canada, Sean	sal.	\$	3,279.47
Kern, Randall	sal.	\$	4,296.93
Gabbel, Jaclyn	sal.	\$	1,698.67
Gonzales, Catherine	sal.	\$	2,112.93
Hill, Cindy	sal.	\$	4,141.67
Montoya, Michelle	sal.	\$	2,591.33
Parks, Torie Lynn	sal.	\$	1,632.80
Quintana, Mary	sal.	\$	2,574.00
Steving, Sherryl	sal.	\$	2,022.80
Wilson, Christina	sal.	\$	1,698.67
Dominguez, Telesforo	sal.	\$	4,141.67
Leist, Chris	sal.	\$	3,208.40
Lyons, Cherri	sal.	\$	2,267.20

Medina, Michelle	sal.	\$ 2,496.00
Mondragon, Jennifer	sal.	\$ 2,804.53
Salazar, Eva	sal.	\$ 2,312.27
Trujillo, Dale	sal.	\$ 2,447.47
Valdez, Michael	sal.	\$ 2,447.47
Kern, Peggy	sal.	\$ 4,141.67
Rue, Cherilyn	sal.	\$ 2,933.23
Voris, Carol	sal.	\$ 2,249.22
Brown, Elaine	sal.	\$ 1,348.32
Garcia, Carol	sal.	\$ 1,842.53
Marquez, Ronald	sal.	\$ 1,995.07
Medina, Porfie	sal.	\$ 2,508.13
Beecham, Alan	sal.	\$ 2,398.93
Bonemeyer, Michael	sal.	\$ 2,398.93
Clark, Frank	sal.	\$ 1,944.80
Coffman, Samuel	sal.	\$ 2,496.00
Doctor, Janette	sal.	\$ 2,996.93
Fresquez, Adam Paul	sal.	\$ 2,638.93
Lopez, Emily	sal.	\$ 2,643.33
Messoline, Larry	sal.	\$ 2,398.93
Norton, Brian	sal.	\$ 5,550.00
Raps, Edward	sal.	\$ 3,596.67
Schultz, Keith Charles	sal.	\$ 2,818.93
Wheelwright, Boyd	sal.	\$ 2,750.80
Archuleta, Anthony	sal.	\$ 2,411.07
Atencio, Joseph	sal.	\$ 2,546.27
Bailey, Ronald	sal.	\$ 1,995.80
Black, Kelly	sal.	\$ 3,272.53
Bollinger, Jason	sal.	\$ 1,951.71
Bruder, Gary	sal.	\$ 2,512.10
Delaine-Stone, Dana	sal.	\$ 1,967.72
Duran, Dusty	sal.	\$ 2,022.74
Ford, Donna	sal.	\$ 1,210.23
Fuentes, Jose	sal.	\$ 2,147.33
Gonzales, Kari	sal.	\$ 1,930.92
Hart, Jonathan	sal.	\$ 2,207.63
Naranjo, Henry	sal.	\$ 908.55
Ortega, Arthur	sal.	\$ 2,376.23
Pacheco, Helen	sal.	\$ 1,579.89
Parks, Joseph	sal.	\$ 2,439.27
Salazar, Alicia	sal.	\$ 1,991.51
Sierra, Shaun	sal.	\$ 2,042.14
Trujillo, Ramon	sal.	\$ 2,197.61
Vest, David	sal.	\$ 1,979.76
Wright, Todd	sal.	\$ 1,155.75
Strohmayr, Rusty	sal.	\$ 1,841.67
Ferran, Camille	sal.	\$ 1,993.33
Crowder, Larry	sal.	\$ 933.80
Colville, Louise	sal.	\$ 400.00
Lujan, Maxine	sal.	\$ 2,544.82
Miles, Mary B	sal.	\$ 4,888.88
		<b>\$180,145.68</b>

(Taxes Withheld, \$27,472.50; Deductions Withheld,  
\$25,455.22)

**ROAD & BRIDGE**

Atencio, Kevin	sal.	\$ 2,420.23
Black, Timothy	sal.	\$ 3,435.47
Hansen, Arnold	sal.	\$ 2,709.20
Hill, Carl	sal.	\$ 3,494.93
Lyons, Dale	sal.	\$ 2,184.00
Maestas, William	sal.	\$ 3,397.01
McKinley, Robert	sal.	\$ 3,111.33
Miles, Darryl	sal.	\$ 4,463.56
Pacheco, Carl	sal.	\$ 3,546.95
Plane, Kenneth	sal.	\$ 2,256.25
Archuletta, Mark	sal.	\$ 3,129.87
Atencio, Manuel	sal.	\$ 3,237.87
Benavides, Eodofredo	sal.	\$ 3,057.60
Davie, Andrew	sal.	\$ 2,140.67
Gates, Marvin	sal.	\$ 2,140.67
Gossard, Bruce	sal.	\$ 2,140.67
Harris, Charlie	sal.	\$ 1,479.50
Paulson, Roy	sal.	\$ 3,435.47
Rowe, Danny	sal.	\$ 2,502.19
Steffens, John	sal.	\$ 3,693.73
Sullivan, Patrick	sal.	\$ 5,455.45
Romero, Olivia	sal.	\$ 2,405.87
		<u>\$ 65,838.49</u>

(Taxes Withheld, \$11,199.98; Deductions Withheld,  
\$9,424.18)

**DEPARTMENT OF SOCIAL SERVICES**

Archuleta, April	sal.	\$ 2,543.40
Archuleta, Ramona	sal.	\$ 3,074.50
Atencio, Davine	sal.	\$ 2,083.25
Chavez, Melody	sal.	\$ 2,063.75
Dupont, Ilene	sal.	\$ 1,539.72
Duran, Jaxine	sal.	\$ 2,299.38
Gallegos, Brandi	sal.	\$ 2,790.13
Garcia, Shirley	sal.	\$ 1,628.25
Gonzales, Carolyn	sal.	\$ 2,393.63
Gunther, Darlene	sal.	\$ 2,299.38
Harmon, Alicia	sal.	\$ 2,083.25
Hernandez, Marlene	sal.	\$ 2,393.63
Horn, Ruth	sal.	\$ 4,129.13
Hurtado, Margarita	sal.	\$ 979.28
Jaramillo, Richelle	sal.	\$ 3,199.63
Jiron, John	sal.	\$ 2,340.00
Kern, Jody	sal.	\$ 5,000.00
Leblanc, Elizabteh	sal.	\$ 2,083.25
Lester, Heather	sal.	\$ 3,047.38
Maestas, Valarie	sal.	\$ 2,434.25
Martinez, Helen	sal.	\$ 4,057.63
Martinez, Janelle	sal.	\$ 2,255.50
Meder, Jeremy	sal.	\$ 2,785.25
Mills-McKim, Natasha	sal.	\$ 2,774.38

Palacios, Irma	sal.	\$ 2,255.50
Parra, Gregorio	sal.	\$ 3,950.38
Phillips, Donna	sal.	\$ 1,896.38
Resendiz, Michelle	sal.	\$ 2,774.38
Roesch, Korissa	sal.	\$ 456.89
Ruybal, Evelyn	sal.	\$ 2,130.58
Sanchez, Ramona	sal.	\$ 2,440.75
Shaver, Betty	sal.	\$ 2,803.13
Sierra, Jessica	sal.	\$ 2,299.38
Slane, Sherryl	sal.	\$ 2,955.88
Stephens, Jackie	sal.	\$ 3,823.63
Thompson, Chris	sal.	\$ 2,826.38
Varner, Julia	sal.	\$ 2,083.25
Velasquez, Amanda	sal.	\$ 1,928.88
White, Victoria	sal.	\$ 2,255.50
		<u>\$ 99,158.84</u>

(Taxes Withheld, \$14,081.19; Deductions Withheld, \$16,675.69)

#### **PEST CONTROL**

Plane, Darrel	sal.	\$ 3,913.40
		<u>\$ 3,913.40</u>

(Taxes Withheld, \$591.32; Deductions Withheld, \$896.09)

#### **PUBLIC HEALTH**

Hendricks, Paula	sal.	\$ 1,004.90
Koshak, Dianne	sal.	\$ 3,037.88
Kostuk, Diane	sal.	\$ 2,023.23
Masters, Judy	sal.	\$ 2,528.59
Perry, Patricia	sal.	\$ 4,642.65
Montoya-Salazar, Lanell	sal.	\$ 2,026.27
Robinson, Kelli	sal.	\$ 1,768.43
		<u>\$ 17,031.95</u>

(Taxes Withheld, \$2,965.63; Deductions Withheld, \$2,780.48)

At 9:15 a.m. Ms. Benton updated the Board on the Airport Board meeting. There was discussion of a grant for a weather station at the Del Norte Airport (Astronaut Rominger Airport). There is a State grant for this project. After the first of the year, Ms. Benton will rewrite the runway lighting grant to include the weather station and submit it to the State. Chairman Murphy signed letters which will be mailed to entities that are supporting the airport project to notify them of this progress. The County has the match funding for the lights. Donations are being sought for more funding to include the weather station in the grant.

Ms. Benton noted that agencies must be willing to apply for Community Block Service Grant funds if the County recommends them; one Valley entity denied the funds.

The PBS Station has not responded to Ms. Benton regarding the use of the tower on the Burkhart property. Commissioner Davie said the stations that broadcast from the San Antonio Mountain are clearer and should reach the northern part of the Valley.

At 9:30 a.m. the Board visited the jail for the annual inspection. Sheriff Norton reported that seventeen inmates were being housed at

the facility, two of which were women. The light in the recreation room needs to be repaired but will require scaffolding for someone to reach the fixture. There are a couple of unused offices available. The County Coroner is welcome to use the space and would have access to internet. Security concerns, including record confidentiality, would be addressed. The kitchen fan is very noisy and pulls the heat from the room when it is running. The cook asked for ideas to remedy the problem. The water softener has not been installed. Captain Kelly Black will follow up on this project. There is an office light that does not work and has come loose from the ceiling where water has damaged the sheetrock.

At 10:00 a.m. Pat Perry, Public Health Agency Director, joined the session for the monthly reports. The written reports were submitted and reviewed.

Ms. Perry has talked with the Del Norte school superintendent about temporary school nursing services. The full time nurse has resigned and they have not filled the position. A Registered Nurse must be on staff and hold a School Nurse's License. The County has been asked to fill this position until a nurse can be hired. The school is actively trying to fill this vacancy. A written agreement has been drafted and appropriate fees will be charged to the school for nursing services.

The Mineral County Public Health Agency will need temporary assistance with immunizations after the first of the year for a couple of months.

Ms. Perry noted various meetings and invited the Board to attend.

There is statewide discussion of having a division with the Department of Human Services catering to services for children from birth through age eight. There would be a transfer of some programs within the Public Health Agency and Department of Human Services. The new program would include services for mothers of these children as well. The Nurse Family Partnership would be involved with the changes. There is some concern with this change along with moving EPSDT from HCPF.

There was discussion of a bill being introduced by Senator Schwartz regarding cottage industries and requirements for food goods processed at homes, such as jellies and pies. It would place minimum requirements on home kitchens for food safety reasons.

There was also discussion of pregnant women receiving dental care through Medicaid. Ms. Perry noted the importance of dental hygiene for expectant mothers and the connection to prenatal health.

There is also discussion at the State level that mineral rights be disclosed with property purchases. Fracking chemical disclosure is also tied to this act.

Ms. Perry discussed a universal vaccine purchase through the State. She did not have a full report on this matter but wanted the Board to be aware of the topic.

At 10:40 a.m. Leah Opitiz, San Luis Valley Ecosystem Council, joined the session to discuss the Community Action for a Renewed Environment (CARE) program. This is an Environmental Protection Agency (EPA) project to reduce exposure to harmful pollutants. This is the largest area that the EPA has awarded a grant. There were 13 community forums to find out the main concerns for Valley residents. The Rio Grande County concerns were oil and gas development, the Village at Wolf

Creek, Radon, air quality, water quality, illegal dumping, recycling, train cars, and mining. Judy Masters and Dianne Koshak are the representatives from Rio Grande County who helped organize the forums. The EPA has asked the Ecosystem Council to find out what the problems are and then use the funding towards this program. Ms. Opitiz noted a seminar to be held November 30, 2011 with many experts available to discuss air and water quality, geology and other areas. An action plan will be developed next fall for the San Luis Valley. She said the Council will choose a program that benefits each county and will be a self sustaining program when the project ends. Ms. Opitiz will attend future Board meetings to present updates. She noted that some in-kind services may be asked of the counties.

At 10:50 a.m. Patrick Sullivan, Road and Bridge Supervisor, joined the session. He met with Alfred Chapman about the culvert concern with a ditch near South Fork. Mr. Sullivan also met with a homeowner on San Francisco Creek to remedy a situation where a fence had been cut and cattle were getting on the road.

At 11:00 a.m. Ms. Benton continued with pending matters. Chairman Murphy signed the Lighting Services Letter of Intent with Young Electric Service Company.

At 11:30 a.m. County Attorney Bill Dunn joined the session for pending legal matters. He reported on the County Attorney's meetings. He felt they were informative. Since Mr. Dunn was at convention meetings he did not have a progress report on pending matters.

At 12:00 p.m. the meeting was adjourned.

Attest:

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Dennis Murphy, Jr.  
Chairman of the Board

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Lyla Davis  
Clerk of the Board