



The Pagosa Springs

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PAWSD discusses fluoride in water

By John Finefrock
Staff Writer

The Pagosa Area Water and Sanitation District (PAWSD) Board of Directors briefly discussed fluoride in drinking water at its meeting on Feb. 13.

PAWSD stopped putting fluoride in the local water supply in 2005.

"The state has contacted us, and they would like to give us a presentation on the pros and cons of fluorizing the water," PAWSD Manager Justin Ramsey said. "We do not put fluoride in the water. I have no wish to put fluoride in the water. I told the state I'll be happy to sit through their little spiel."

Board members Glenn Walsh and Gordon McIver both noted that putting fluoride in drinking water is a contentious issue.

McIver explained when he was running for the PAWSD board, he received several "over the top" phone calls from people against putting fluoride in the water.

■ See Fouride A8

On to State!



Nine Pagosa Springs High School wrestlers set out for Denver Wednesday morning for the state wrestling tournament, which begins today and runs through Saturday. Pictured are, top row: Will Aucoin, Skyler Hill, Erik Wyman, Dylan Tressler and Brae Bergdolt. Bottom row: Cameron Lucero, E.J. Monterroso, Dustin Clark and Trevor Torrez.

SUN photo/John Finefrock

Dispatch board discusses long-term move

Center impacted by flooding

By John Finefrock
Staff Writer

The dispatch center is one step closer to being relocated.

Members of the Dispatch Executive Management Board have explained the current dispatch center is an inadequate facility due to lack of security, location and proximity to neighboring businesses that produce toxic fumes that waft into the facility.

Further complicating the facility issue for dispatch, on the evening of Tuesday, Feb. 18, the dispatch center flooded, according to dispatch board chair Connie Cook.

"Water was pouring into the center," Cook said.

Cook explained that a failure stemming from a communal bath-

■ See Dispatch A8



SUN photo/John Finefrock

Dr. Mitch Wilkinson poses with his two horses, Lucky and Blacky, at his home in Pagosa Springs. Wilkinson has traveled around the world in search of horse DNA to prove that certain breeds are genetically unique.

D-N-Neigh

Searching for centuries-old horse DNA to save dwindling species

By John Finefrock
Staff Writer

Dr. Mitch Wilkinson is on the hunt for horse DNA in an attempt to save two species that have dwindling numbers: the Spanish colonial horse and the North American curly horse.

If Wilkinson can prove these horses are genetically unique, he may be able to reclassify them and help protect them.

Wilkinson's search has taken him around the world, from remote parts of Patagonia in Argentina to parts of Europe and Canada, all in the search for ancestral horse DNA to compare to modern horses.

The Curly Horse Project

Wilkinson is part of The Curly Horse Project, which seeks to unwind

■ See Curly A8



SUN photo/John Finefrock

Lucky, a North American curly horse, has a unique curly coat due to a genetic mutation.

Town considers new legal counsel

By Randi Pierce
Staff Writer

This evening's Pagosa Springs Town Council meeting is slated to include a discussion about the town's attorney services.

The discussion stems from last week's work session and special meeting in which the council and selected town staff members interviewed potential attorneys and firms.

In December 2019, council opted to put out a request for proposals

(RFP) for general legal services, which it last did about three years ago.

Council's attorney of 28 years, Bob Cole, of Collins Cockrel and Cole Law Firm, did not submit a proposal, leaving the town to find new legal representation.

The town received seven responses to its request, with the council opting to interview all of the interested attorneys and firms.

Those interviews took place on

■ See Counsel A8

Commissioners, court staff talk game plan for courthouse construction

By John Finefrock
Staff Writer

The county commissioners continue to move forward with constructing a new courthouse that is expected to cost between \$4.1 and \$4.9 million.

On Tuesday, at the Archuleta County Board of County Commissioners' work session, Sixth Judicial Court Executive Eric Hogue, Sixth Judicial District Judge Jeffrey R. Wilson and other court staff discussed the project with the county commissioners.

The Sixth Judicial District and Archuleta County Courts vacated the Archuleta County Courthouse in

mid-September of 2017 citing health and safety concerns with the building, and have held court in La Plata County since.

The three county commissioners have expressed recently they want to move as fast as possible on getting construction started, citing they want to maximize grant funding opportunities and because of the state mandate for the county to have a courthouse.

Architect Brad Ash outlined the time frame of the project:

• Sketch plans for the courthouse are expected to be submitted to the Town of Pagosa Springs by March 24,

■ See Courthouse A8

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Counsel

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Feb. 11 in an all-day work session.

Those interviewed were: Kim Perdue of Southwest Water and Property Law LLC, David Liberman, James Garrett, Charlotte Vochem, Mike Green, Clayton Buchner, and Todd Starr of Cunningham Swaim.

Each interview lasted about 45 minutes and included both general and attorney-specific questions from the council members and town staff.

Following the work session in which the candidates were interviewed, the council held a special meeting to discuss each person's framework for looking at the candidates and each person's top candidates.

Two finalists came out of that special meeting: Southwest Water and Property Law, and Buchner.

However, those finalists left council and staff with additional questions due to the nature of Buchner's

proposal.

The RFP outlined the need for general legal counsel, including in-person attendance at council meetings, other meetings with council and staff as needed, responding to inquiries from the town officials and staff; and providing a minimum of one day per week (or eight hours total) within Town Hall for office hours.

The RFP sought costs for the above, as well as an hourly rate for items beyond the minimum requirements.

Southwest Water and Property Law, which is a firm of Perdue and Jeff Kane, who serves as the town's water attorney, proposed an hourly rate structure.

Those hourly rates are as follows, per hour for Kane and Perdue, \$130 per hour for paralegals, \$185 per hour for special counsel Maya Kane.

The firm, which is based out of

Durango, also proposed invoicing mileage at the IRS's standard rate of 58 cents per mile, and printing and copying at cost.

Buchner, who currently serves as the town's municipal court judge, explains in his proposal, however, that the town is likely to need an attorney's services for more than is included within the town's RFP.

Buchner's proposal notes that, at his hourly rate of \$150 and his calculation of 47 hours per month outlined in the RFP the town would be looking at about \$84,600 per year.

The proposal also states prior to the above estimate, "However, based on the nature of services described in the RFP it is evident that 47 hours per month is insufficient time to capably provide the scope of services required."

Buchner estimates in his proposal a minimum of 15-20 hours per week in excess of the minimum required

ments, "and such estimate does not include hours for unknown and impending litigation and other pressing legal matters."

The proposal then estimates that, for 27 hours of work, \$194,400 for the year "for barely over a half-time equivalent employee."

The proposal continues, "This is not a practical fee for the Town, especially considering this is the minimum estimated fee."

After explaining that, Buchner's proposal outlines a salary fee proposal of \$144,000.

"I strongly believe that the Town Attorney should be fully committed and retained to provide legal services for the Town of Pagosa Springs. In order to provide the services required, I would have to dedicate my time and energy solely to the Town of Pagosa Springs, giving up multiple, lucrative current and future revenue streams that conflict with the role of town attorney," the proposal states.

Buchner's proposal further states that the town would then no longer need to spend money on special legal counsel or Employers Council, a description of law firm the town contracts with, and that, after stepping down as municipal judge (which it states he would do if given the attorney position), he could also take on the role of town prosecutor.

The proposal notes Buchner would agree to a single contract covering the town attorney and town prosecutor requirements for \$175,000 per year.

Due to that proposal, the council directed staff to assess the proposal and whether more time from the attorney would be necessary.

The agenda brief for tonight's meeting states, "At this time, staff does not recommend creating a full time employee position. This would require offering benefits, creating a job description, etc. Staff recommends that the town enter into an Independent Contractor Agreement. The amount of work, scope of services, compensation, etc. can be set out in the agreement, but the firm or individual would not be considered an employee of the town."

The brief further notes that Town Manager Andrea Phillips discussed legal services needs with all depart-

ment heads, noting that needs vary from day to day and week to week.

"At this time, staff feels that an attorney could be utilized roughly 20-30 hours per week on average, between Council meetings and the scope of services attached. This could grow in the future as the needs of the Town evolve. In 2019, an average of 54 hours/month were used with Collins Cockerell and Cole, it states.

The brief later notes that staff recommend re-evaluating the idea of combining the town attorney and town prosecutor services at the end of the year.

The town's contract with the current town prosecutor ends at the end of the year, it notes.

The brief further explains that staff recommends retaining the town's water law attorney and Employers Council.

It notes that \$130,000 is budgeted for 2020 for the town attorney for the town and Pagosa Springs Sanitation General Improvement District (PSS-GID) budgets.

Budget and costs

The town and PSSGID budget for legal costs in several areas.

The town's 2020 budget includes \$115,000 for contract and as-needed attorney services (the town is contracting with Cole's office for as-needed work).

In 2019, the town spent \$165,297 on legal fees. In 2018, the town spent \$144,155, while that total was \$110,681 in 2017.

The town has also budgeted \$4,000 in 2020 for special legal counsel for things such as code defense. In 2019, the town paid \$1,220 for special legal counsel. In 2018, the town spent \$1,694 and, in 2017, spent \$6,763.

The town also budgets for a geothermal water attorney, currently Jeff Kane. This year, \$2,000 is budgeted. In 2019, the town paid out \$46. In 2018, the town paid \$5,057. In 2017, the town paid \$231.

The PSSGID budget includes \$15,000 for legal services in 2020, with that fund going toward contract and as-needed legal services (the town attorney). In 2019, the PSSGID paid \$19,173. In 2018, that figure was \$48,490. In 2017, it was \$47,029.

The annual subscription for Employers Council is budgeted at \$4,837 in the 2020 budget. In 2019, the cost was \$4,364. For 2018, the first year the town used the firm, the cost was \$4,696.

The finalists

According to Southwest Water and Property Law's proposal, "Kim Perdue and Jeff Kane have practiced civil law in Colorado since 2009 and 2011, respectively."

The proposal notes that Jeff Kane has "broad experience in matters respecting water infrastructure and regulatory issues, derived from his representation of local governmental and private entities in a range of civil and regulatory matters, with an emphasis on water rights, water infrastructure, and real property concerns, as well as his pre-law career as an engineer and scientist."

His resume outlines that he received a Bachelor of Science in engineering from Brown University in 1997; a master's in civil and environmental engineering from the University of California, Berkeley in 2003; did doctoral work in the Department of Geography at the University of British Columbia; and obtained his law degree from the University of Oregon School of Law in 2011.

Of Perdue, the proposal states, "Kim offers a depth of experience in civil and local government practices having served as an Assistant La Plata County Attorney from 2016 to 2019, and also having consulted with and defended local government districts in regulatory and employment cases."

Perdue's resume outlines that she obtained a double degree in comparative literature and rhetoric from the University of Illinois at Urbana-Champaign, a master's in social sciences from The University of Chicago in 2003, and a law degree from the University of Colorado Law School in 2009.

Buchner's resume indicates that he obtained a bachelor's degree in engineering from Southern Illinois University in 2003 and a law degree from Northern Illinois University in 2006.

He also currently serves as a U.S. Army judge advocate general.

Courthouse

Continued from front

which could set a public hearing on the project as soon as April 14.

• Major design review will be submitted to the town on April 7, which could set a public hearing for April 28.

• Construction drawings will be completed in June.

• Construction is anticipated to begin in August, though Ash noted that is a best-case scenario.

"So, we'd still have another winter of transports?" asked Commissioner Ron Maez, referencing that the Archuleta County Sheriff's Office will still have to transport inmates from the county's new jail, slated to open this summer, to court in La Plata County.

Ash indicated yes.

"Better than two winters," Commissioner Steve Wadley said.

Wadley's term as county commissioner ends at the end of the year. He explained in a phone call Wednesday that he hopes to get the courthouse "started, with a plan to finish it" by the time his term ends.

Court staff have previously expressed that a three-courtroom design, with a community room, is ideal for court operations, which will cost about \$4.9 million.

Discussions at the meeting revealed that, as the county is still piecing together grants and assessing how much money from its Strategic Reserve Fund it is willing to spend

on the courthouse, the commissioners may approve a two-courtroom design initially, without a community room, and ask the Colorado Underfunded Courthouse Facility Commission for another grant to help pay for the third courtroom and community room.

Ash floated the idea of designing the courthouse with two courtrooms, but "shelling in" the third courtroom and community room until money can be found to complete building those rooms.

Wadley explained the three-courtroom design with a community room is the ultimate goal.

"We've got to do all three and do a community room. All we have to do is look around at these half-assed buildings that we've started and stopped, like the 1980 addition (to the old courthouse) and everything else," Wadley said. "We're committed to doing it right."

Currently, the county has the following funding available for the project:

• \$1.9 million from an Underfunded Courthouse Facilities Commission grant.

• About \$650,000 in the county's Justice System Capital Fund.

Hogue reported that the county still has about \$100,000 from a previous underfunded commission grant that can be used for the project. Maez noted in a phone call Wednesday this has not been confirmed.

• The county will apply for about \$1.5 million in Colorado Department of Local Affairs (DOLA) grants, according to County Administrator Scott Wall.

• About \$4 million sits in the county's Strategic Reserves Fund, though it is unclear how much of that the commissioners would be willing to use to build a new courthouse.

Hogue said that the state will pay for "every piece of furniture in there and all the technology" after he submits a capital request.

He also explained that next year he'll apply for a court security grant that could fund all the cameras, security monitors, X-ray machines, and a magnetometer, which is used for measuring magnetic forces, among other items.

"It's kinda like orchestrating a concert that we're just gonna have to get everything to fall right in place," Maez said. "The construction timeline and securing additional funding sources."

"We can't lose any time," Wadley said.

"We've lost enough time already in the past," said Maez.

The commissioners are set to discuss the courthouse project with court staff at their work session on March 10.

Ash estimated that the courthouse could be in use by May 2021. john@pagosassun.com

Dispatch

Continued from front

room in the shopping center that houses dispatch caused about two-thirds of the facility to flood.

Cook explained that, around midnight, dispatch was relocated to the Emergency Operations Center (EOC) and that emergency communications stayed in continuous operation during the entire event.

Emergency Communications Director Kati Harr confirmed Wednesday afternoon that the dispatch center was still operating out of the EOC.

Cook explained that she and Harr, in addition to other emergency personnel, were responding to the flood event until about 2 a.m. Wednesday morning.

She further reported no equipment was damaged.

Relocation talks

On Feb. 12, the Dispatch Executive Management Board held a special work session to discuss relocating dispatch.

The focus of the work session was to discuss terms of what it could cost to move the dispatch center to the former home of Norma and Fred Harman III.

Archuleta County acquired the house in the fall and offered for the dispatch center to share the space with the sheriff's office.

The proposed plans shows the dispatch center occupying about 1,200 square feet of the 4,195-square-foot home, with the sheriff's office occupying the rest.

The residential home would have to be remodeled to accommodate dispatch and the sheriff's office.

Many different numbers have been thrown around over the past year on what it would cost the dispatch board to pay for the remodel and relocate to the Harman house from its current facility.

Some board members have expressed frustration over the past few months at the lack of specificity coming from the county's Finance Department.

At the Feb. 12 work session, Archuleta County Undersheriff Derek Woodman, vice chair of the board, reported that he met with

the county and a new option is on the table: The county has offered to lease the Harman house space to dispatch for \$2,500 a month, with most utilities included.

"I really am kind of thrilled with where we're at right now with this new option," said Pagosa Springs Town Manager Andrea Phillips. "It feels a lot less confusing... It seems cleaner to me. Even though it's obviously more than we're paying now, we're getting a better space and I think more security in terms of being co-located with (the sheriff's department)... It feels cleaner that we're not contributing to a building that we're not sure if we're gonna own."

A previous option floated by the county was for the dispatch board to pay \$213,000 to contribute to the remodel costs.

The dispatch board has not yet voted to move dispatch to the Harman house and is expected to consider the terms of the lease in the upcoming months.

A final version of the lease is being drafted by Archuleta County.

Fire board discusses Harman move

Feb. 11, the evening prior to the dispatch board work session, dispatch board member Don Peterson explained his understanding of dispatch relocation options to the PFPD Board of Directors, of which he is also a member.

Peterson reported that the most the county could spend on the remodel is \$287,000 and there was a rough estimate the work would take about six months to complete.

Board chair John Thompson stated, "\$287,000 isn't gonna scratch the surface on that."

Thompson also noted he thinks the remodel work will take more than six months.

Peterson also reported that, at a previous dispatch meeting, he suggested that the county lease the Harman house to dispatch, though he was unsure if that was an option being considered by the county.

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Fluoride

Continued from front

"That's a interesting topic," he said.

"It's an interesting and scary topic. I have no wish to go down that path," Ramsey said, adding, "If we started running fluoride, when you're gonna put that in there, the guys have to be in full body suits and respirators. It's nasty."

Asked for comment on the fluoride issue, San Juan Basin Public

Health's (SJBPH) Brian Devine, Water and Air Quality Program manager, sent the following statement via email: "SJBPH supports the evidence-based practice of public water providers distributing water with the optimal levels of fluoride for public health. For some water providers, that means adding fluoride to drinking water, for others in naturally highly-fluoridated areas, it means removing it. Optimal levels of

fluoride strengthen growing teeth in children and protect tooth enamel from plaque in adults, leading to less tooth decay. This means lower lifetime health costs and improves the opportunity for everyone to live a healthier life. These benefits led community water fluoridation to be named one of the top ten public health achievements of the twentieth century by the Centers for Disease Control and Prevention."

Curly

Continued from front

the mystery of the origin of curly-haired horses.

"Of this particular type of horse, there's only about 800 worldwide... They're known as an American curly horse or Bashkir," he said.

Wilkinson is close to proving that the genetic mutation that causes the curly hair is unique to North America.

"We have not found this gene anywhere else in the world and it came from the American wild horse herds," Wilkinson explained.

Wilkinson noted there's one more place he needs to look for this unique gene: Tajikistan.

"I'm trying to get samples out of Tajikistan of the Lokai horses there that possibly could have this," Wilkinson said. "If those come up negative, then there is every reason to believe then these horses are unique to North America and were brought to America by a chance mutation in the wild horse herds."

Wilkinson explained how a curly horse gets its curly hair.

"They have a mutation on a keratin gene on the 11th chromosome and, to put this in perspective, KRT stands for keratin... and there are several hundred keratin genes, and the change is just one nucleotide, one DNA base in this critical place causes this horse to go from being a straight horse to a curly horse. Just a single one out of millions," Wilkinson said.

Wilkinson owns two curly horses, Lucky and Blacky, who stay in a barn and a fenced pasture at his home in Pagosa Springs.

"There is a better-than-even possibility that the horses that you see out in the barn are unique because of this gene to North America and it is a mutation that happened by chance and wasn't imported,"

Wilkinson said during an interview at his home.

Wilkinson explained that curly horses are popular because they're hypoallergenic and people that are allergic to other horses are not allergic to the curly horses.

He noted the curls have affable personalities and do extremely well in cold weather.

"They routinely survive 60 below zero," Wilkinson said.

The Spanish Horse Project

Wilkinson also explained his involvement with The Spanish Horse Project, which uses late medieval horse DNA to establish genetic links to modern horses in the southwest United States, Mexico and Argentina.

Wilkinson likened the project to a horse version of 23AndMe, a popular genetic ancestry service.

"The purpose of this project is to find the genetics of the original Spanish horses that were brought to the New World," Wilkinson said. "To do this, we need to find the archaeological remains of these horses and find their DNA, and then compare that with modern Spanish horses and the mustangs that we find here."

Wilkinson explained he's trying to get a sample of a horse skeleton that was buried by nuns in Mexico in 1670 to get DNA samples to compare it with modern horse DNA.

"We just need to get the Mexican government to cooperate and get somebody to go in this big warehouse and find the dang box," said Wilkinson.

Wilkinson said that "mustang" is a bit of a term for "wild horse."

"The mustang advocacy groups and the government agencies in charge of managing the mustangs — both parties treat mustangs as if they're all the same and they're not," Wilkinson explained. "Some

are very unique, some may be only found here and there's no others on the planet and they're down to some critically low numbers and that's a problem."

Wilkinson likened the area around Pagosa Springs and Santa Fe as "ground zero" for the spread of the original Spanish horses to the area.

Wilkinson explained that in 1680, indigenous Pueblo people rebelled against Spanish colonizers. More than 400 Spaniards were killed, and 2,000 colonizers fled, and many horses became property of the Native Americans.

Tribs traced their excess horses to other tribes throughout the years and cemented the spread of the Spanish horses in the southwest and spearheaded the rise of "horse culture," according to Wilkinson.

"We need to find the DNA of the original Spanish horses so we have something to compare with the ones that we think are descended from the Spanish horses," Wilkinson said, adding, "We've got genetic samples on those. Now. And again, there may be only 15 or 20 of those left. We're talking about verge of extinction on most of these animals."

Wilkinson stressed his efforts are about conservation. "We need to identify the genetics so that people that are trying to conserve them know how to breed them successfully," he said.

He added, "Horses have been around 30 million years and their genetics have to be flexible and adapt to different situations very easily or they wouldn't have been here this long, they would have died out long time ago. Horses are extremely adaptable genetically."

To learn more about these projects, go to the International Curly Horse Organization website at IChOCurlyhorses.com or send an email to office@curlyhorses.org.