Minutes of the Board of County Commissioners Regular Meeting held on November 01, 2018 in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO 81129

Call the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chair- Present  
Steve McCarroll-Vice Chair-Present  
John Sandoval-Vice Chair-Present  
Tressesa-County Admn.- Present  

Also present were Nick Sarmiento-County Attorney; Connie Ricci, HR and AnnaBelle Gomez-Deputy Clerk & Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the pledge of allegiance.

Prayer: Chrmn. Jarvies gave the opening prayer.

Approval of Agenda

Motion to approve the agenda as presented: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the October 15, 2018 Payroll Meeting and the October 25, 2018 Special Meeting: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

Public Comment: None

County Administrator- Correspondence
Tressesa, County Admin. stated that they need to appoint someone to the Conejos County Housing Authority, she had advertised; Laura Schell did send a letter but they still have a couple of vacancies.

Motion to appoint Laura Schell to the Conejos County Housing Authority: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

Tressesa stated that she would like to discuss the DA when they discuss budgets.

**Executive Session**

Motion to go into executive session per 24-6-402 (f) conference with the attorney: Comm. McCarroll/Second: Comm. Sandoval

3-0 motion carried unanimously.

The board came out of executive session at 9:38 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion had an attorney/client privilege therefore no record was kept.

**Andrea Jones—Forest Service Report**

Andrea gave the following update:

- Busy summer—had the big environmental statement for all the timber salvage, of about 170,000 acres of dead spruce they were able to treat about 14,000 acres depending on sales, unfortunately they have already offered some sales out of it, doesn’t know if the market is getting saturated; they are trying to use different tools to get some of that timber off.
- Grazing season—some permittees came out early because they were out of feed.
- Fire season—they had more small fires than normal, a couple of them they could have let them burn; had some severity resources help with the fires.
- Got some parcels of property that they acquired from the Garcia’s up at La Manga Pass—trying to work with trout unlimited to get those fenced so they can start managing the grazing.
• Had the Round Up Riders of the Rockies Group, about 150 horse riders, had huge camps and worked with Rainbow Trout Lodge to find places for them to camp.
• Packed the snow light conservancy group which will help calibrate the new radar that they are getting in Alamosa and hope they can get accurate predictions on weather.
• Got a huge amount of trails maintained this year; Jeremiah acquired about $288,000.00 from different resources in funding including RAC Funds, Motorized and Continental Divide Funds so they had crews working all summer long.
• Some groups like Southwest Conservation have given some free services.
• Had the Red Bear visitors, they got over 150,000 worth of volunteer time.
• RAC- waiting for the Secretary of Ag to sign the charter, hopefully it will be available again. (Tressesa- County Admn. asked if there are still RAC monies available). Andrea stated that right now all the funds available have been distributed, there are backup projects.
• Rd 250 is really bad- looking to try and make that better.
• Thanked the county for their help on the land slides, Rio Grande helped with the burned Creek, will get Stunner replaced also, will have to work around timber haul.
• Jeremiah has been working with the SW Conservation, will be working with the Ccnejos County Youth Group- will get high school kids to work on trails, also getting ready to start an adopt a trail program.
• Andrea will draft a letter to the OGC.
• Would like to see if her and Joe Pacheco could meet with the board to discuss the 250 Rd; submitted a big request for money.
• Chrmn. Jarvies asked if a letter of support from the board would help her request. (Andrea said probably).
• Looks like they will open the Mogote site again.

**Jay Darryl Knight-DOW Issue**

Darryl Knight 13244 County Rd 21- Sanford, CO. 81151

Mr. Knight stated that he addressed the issue a year ago about people coming and going so he wanted to know if they could close the road way itself, it came down to that the Department of Wildlife would put a gate, on December 4th they came in and removed the gate and completely land locked them, he sent letters to the property owners involved and built a road to the back way, about two months he starts to get phone
calls from Mr. Bechaver again, since they have had issues in the past he does not want to talk to him, he has been in contact with Nick Basigo the supervisor, they want him to take the signs down and he has done all of that and he is vacating his property completely so there are no issues what so ever, as he is leaving he runs into 3 highway patrol officers and all of the DOW trucks and 5 supervisors and Brian Bechaver stops him to harass him as he is leaving, Mr. Basigo gets it cleared up so he can leave, now his dogs have become an issue he cannot have dogs because supposedly they have attacked someone in the wildlife refuge, he has spent a lot of money, he cannot contain his dogs so they take his dogs to the humane society; two weeks after his dog is gone both of the neighbors tell him that the only thing that happened was that Brian Bechaver went to Pat Sheridan’s property out in the field and Pat complained about his dogs so that is why his dogs are no longer around, he has an issue because he can’t get mail, he can’t get Fed Ex, he can’t get UPS to deliver because he doesn’t have a valid address, and no one can determine where the road is supposed to go to and Brian Bechaver is still patrolling the private property; he has questions about what is going to happen to him, he is landlocked and now he can’t even have his support animals around, they ran over his support animals that’s why he has the problem to begin with, the Division of Wildlife has still not returned the barrel that they took off the property, he has asked for that plastic food storage barrel back, they admitted that they took it back in 2012, the other side of the Wildlife Refuge- those people can through that gate, that 550 feet that he needs has been closed up and landlocked, wants access roadway into his property, he has been told that Mr. John Sheridan has the right to come up through his property and out so he doesn’t want to help with maintaining the road, something needs to change, why do I have to let the Sheridan’s go through his property but I can’t go through his property.

Chrmn. Jarvies stated that all they can address is the road issue; the rest is up to the Division of Wildlife; mentioned that they have discussed the easement before, but that is not through the Sego property; he might have to go through a lawyer to validate that easement.

Mr. Knight stated that he feels he has been discriminated.

Comm. Sandoval asked to be reminded of what they had asked Steve Atencio to do for Mr. Knight.

Darryl stated why he couldn’t close the cattle guard in the center of his property, the DOW had asked them to determine where the easements were; when they left the meeting he was going to continue going right
down County Rd 21 and jump on to the 500 ft of the Sego Springs and into the 120 acres because the gentleman had died and that's the way he continued until December.

Comm. Sandoval stated that it is not a county road, it is for emergency purposes only; they will visit with Nick Sarmiento the county attorney.

Chrmn. Jarvies stated that they will get Nick Sarmiento to look into it.

Darryl Knight stated that he needs a valid address so that Fed Ex and UPS can determine how to get to his property and he doesn't have to go to Manassa to get his packages.

**Sheriff Gurule - Sheriff's Report**

Undersheriff Chris Crown gave the report as follows:

- Still having vehicle issues.
- Control Board—they ran into an issue now the installation is going to be the 26th, intercoms are going out.
- The graph shows traffic enforcement was way down in 2015 it is going back up.
- Burglaries and domestics are down; drug cases are down.
- Sue Baldwin the jail sergeant, the detention officer and himself went to Ft. Collins and had a meeting with TAC-transport across Colorado, they were a partnership with them a few years ago and why they didn’t continue he doesn’t know but they are trying to get aboard with them, it’s a bunch of agencies throughout Colorado, they assist each other in transports and moving them throughout; that will save them a lot of money.
- They have made an arrest on the suspect that has committed several burglaries, he has been sentenced and will serve time at the Department of Corrections; they have solved 17 burglaries just from that individual; they will probably be able to solve another six burglaries.
- They are fully staffed; that has helped to put time into the investigations; would be nice to have a full time investigator.

Chrmn. Jarvies asked undersheriff Crown if they could run a car by Robert Taylor’s property; they get a lot of complaints concerning speeding.

**Linda Land Use - Cropper Division of Land**

Linda presented the following:
CASE NO: CCLU-2018-0158  REQUEST: Division of Land
APPLICANT: Kyle & Jenese Cropper
ZONING: Rural       SURVEY BY: Russell Surveyors & Associates Inc-Tony Martin
BACKGROUND: An application was filed with the Land Use Office on July 17, 2018 for a Division of Land/Subdivision Exemption: The real property is legally described as:

3 acres located in a fraction of Tract 39 of the Independent Resurvey of Township 34, N Range 5 East, NMPM Conejos County, Colorado.

The proposed Division of Land (3 acres) will create the following:

Tract # 1 containing 1.00 acres more or less (Has a cabin)
Tract # 2 containing 2.00 acres more or less (will sell)
No road dedication. Public road is FDR 250 approximately 800’ east Of the property.

Purpose of Dividing the Land—Dividing the property to sell the 2 acre parcel.

Motion to approve Resolution C-2018-042 Cropper Division of Land:

2-0 Motion carried. (Comm. Sandoval was not present to vote)

Muniz-Replat Minor Subdivision

Linda presented the following:

CASE NO: CCLU-2018-0246  REQUEST: Replat of Minor Subdivision
APPLICANT: Marvene Muniz representing the Muniz Family.
ZONING: Rural       SURVEY BY: Ed Evanson
BACKGROUND: An application was filed with the Land Use Office on October 16, 2108 for a Replat/Boundary Line Adjustment. The real property is legally described as:

3.62 acres replat of Tracts 2 and 3 Muniz Minor Subdivision, located in the SW1/4 of Section 9, Twp 35 N, Range 8 East, NMPM Conejos County.

The property is zoned rural and is used primarily for rural/residential uses.

The proposed replat of the property will create the following:
Tract 2R-1.00 acres +
Tract 3R-2.62 acres +
No county road dedication, as it was dedicated in the Minor Subdivision.

Notes: Marvene Muniz requested that the two parcels be re-platted to make Tract 2 one acre and Tract 3 to be 2.62 acres. She represents her family, Cleo Muniz Caballero, Joe V Muniz and Joe Raymond Muniz (deceased) represented by Personal Representative Janice Muniz. The family originally agreed to sell only one acre to their aunt Eloisa Atencio/Betty Romero. Marvene submitted to replat the property as per the original agreement. Betty Romero agrees.

Motion to approve Resolution C-2018-043 the replat of the Muniz Minor Subdivision: Comm. McC Carroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

South Conejos School District RE-10 Annexation into the Town of Antonito

Linda stated that she has the Annexation plat for South Conejos School, Dr. Martinez is present, they are requesting that the board review it, one of the regulations that they do have in an annexation is that an impact report will be prepared, the town will waive that if the county will waive it, a few of the questions that the maps reflects is where the roads are and what will be the impacts to the county.

Linda stated that she checked with Naomi-County Assessor to see what they saw on the annexation plat, would there be any impact to the county, the road is 8th Ave which is already annexed, it will be the baseball field on the south side, they are just trying to get all of the services from Antonito and she will let Dr. Martinez say more on that; another thing that they found was it’s part of Garden Park Addition so it is platted and will remain platted; if they choose to vacate it but will remain a platted development, that will become an issue with the town.

Dr. Martinez-611 River St. Antonito-Superintendent of South Conejos School stated that in November they had a board meeting to discuss the building of the new baseball field, at that time the mayor approached them and suggested that they consider annexation in order to receive the water rate; as a county we are paying 1.5 for our water and it
would be quite a savings to us if we can become annexed to get the 1.0, both fields take a lot of water.

Linda stated that she wants to clarify that she has something in formal writing in the minutes that it was reviewed.

Comm. Sandoval asked what they need to do in order to waive the study.

Dr. Martinez stated that the town is requesting that we either create an impact or a survey or the county commissioners waive that impact, and if you waive that impact then she just needs documentation to present to the town that you have waived the impact study and then they will move forward with their steps.

Comm. Sandoval stated that to further facilitate the South Conejos School into the Town of Antonito he makes a motion to waive the impact study, seconded by Comm. McCarroll.

3-0 Motion carried unanimously.

Linda will send the Town of Antonito a copy of the minutes once they are approved.

Fred and Berlinda Cordova

Linda stated that they have the Cordova family here, they too are requesting annexation into the Town of Antonito, this property is located South and West of Antonito South of what was known as the Salazar Trading Post, the Cordova is planning a business venture through there, described the legal description on the plat that Mr. Reynolds placed it does reflect the whole 15 acres but that plat does reflect two different tracts of land A & B; she wants to make sure that everyone is aware that the land has not been divided that those legal descriptions don’t exist right now but they put it on the plat with the intention that the town will hopefully adopt their annexation with the two tracts of land then they would create the new legal descriptions and convey, record, and that becomes final with them.

Comm. Sandoval asked if it would be simple with a division of land.

Linda said through them yes it would be but they have chosen to go through the town instead then they will request the commercial zoning for those two lots, they will request that those two lots be split as it reflects on the formal approval of annexation; the way that it’s written an impact report is required, however if the county
commissioners waive that they wouldn’t need to provide an impact report to them, they are willing to waive it if the county is willing to waive it; they will be paying the town’s assessments.

Comm. Sandoval stated that he did meet with Mr. Cordova; it is excellent acreage for what they want to do.

Motion to waive the impact report for furthering along the annexation: Comm. Sandoval/Second: Comm. McCarrol with saying good luck.

Chrnn. Jarvies thanked the Cordova’s for being here.

Linda will send the documentation to the Town of Antonito saying that they reviewed it and the impact report is waived.

**Speed Limits-concerning dirt roads, etc.**

Chrmr. Jarvies mentioned that Nick Sarmiento sent him a copy of the Colorado Revised Statutes on speed limits, which includes dirt roads, blind curves, etc.

There being no further business to come before the board; Chrnn. Jarvies declared the meeting adjourned at 10:10 AM.
Minutes of the Board of County Commissioners Payroll Meeting held on
November 15, 2018 in the Commissioners Board Room, 6683 County Rd 13,
Conejos, CO. 81129

Call the Meeting to order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies-Chair- Present
Steve McCarroll-Vice-Chair-Present
John Sandoval-Vice Chair- Present
Tressesa-County Admn. - Present

Also present were: Nick Sarmiento-County Attorney, Connie Ricci-Hr,
and AnnaBelle Gomez-Deputy Clerk & Recorder.

Pledge of Allegiance: Comm. McCarroll led everyone in the Pledge of Allegiance:


Approval of Minutes

Motion to approve the Minutes of the November 1st Regular Meeting:

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Approval of Payroll and Accounts Payables as presented: Comm.
McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

Public Comment: None

Administrator’s Correspondence

Tressesa presented the Holidays for 2019.

Comm. McCarroll made a motion to approve the holidays for 2019 as presented: Second: Comm. Sandoval
3-0 Motion carried unanimously.

Tressesa stated that they will meet tomorrow at 9:00 AM to review budgets, will have to meet with Garth one more time.

**Executive Session**

Motion to go into executive session as per 24-6-402 (f) conference with the attorney: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

The board came out of executive session at 9:30 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the County Attorney that the discussion held had an attorney/client privilege therefore no record was kept.

**Nick Barela - DSS Report**

Nick presented the expenditure report as follows: Program and Administrative costs in the amount of $265,324.01 and Accounts Payables in the amount of $8,926.30.

Motion to approve EBT expenditures and accounts payables as presented: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Case Load: Adult Financial-140    Colo Works- 53  Food Assistance 769
Medical Assistance- 1,636

Nick stated that Conejos County did receive incentive money from meeting their SNAP objectives for the fiscal years 2016 and 2017 two of them were in regards to timeliness, they received a total of $5,353.76, that money can only be used for business process and or outreach but has to be matched proportionally with any other program that they decide to use it on, for example if they were to put a kiosk in La Jara, that would have to be matched by Colo Works, they have to submit a written plan by December 15th on how they intend to use that money, he will share that with the board, would like to utilize that money for outreach for the elderly and educating them more on the medical deduction they can receive as part of being a recipient of the Food Stamp Program, hopefully that will increase their allotment.
Nick gave an update on the Employment First Program, the state has been unsuccessful in trying to find a vendor down for this area, they will continue to be exempt until they find a vendor, they did reach out to them and asked if they could help them get one; doesn’t know if he wants to do that at this point, the reasoning behind this is, this is how it is to try and find qualified candidates to do the job which supports his reasoning of not wanting to pick up this program in Conejos County; it would be a difficult position to fill.

Chrmn. Jarvies asked if it is going to be funded again.

Nick stated that they have already divided the allocations with the counties that are participating, we still get a portion of that but our allocation is just absorbed by the state that way they can contract out every fiscal year because food stamps is federal, they would find out in October.

Nick stated that LEAP is on a fiscal federal year, Conejos County received 4,413.00 for outreach costs and because they contract with Goodwill, what they do in Conejos is they help clients fill those applications out, they will fax and e-mail applications, sometimes they will do site visits to some of the elderly to help them fill out their applications, that’s what they are doing with that money, last year they had a total of 672 applications.

Next on the agenda was a contract to be renewed with Prowers County for administration of the hot line, those are from child welfare they send the referrals to Conejos County for us to screen to determine if there is any kind of child abuse and neglect, total amount of that contract is $1,569.00, he went ahead and signed off on it.

Personnel Update-Kate Mora is now the eligibility supervisor, she started November 1ST, he is confident that she will do a good job.

**Linda- Land Use**

Linda presented the following:

**CASE NO:** CCLU-2018-0245  
**REQUEST:** DIVISION OF LAND  
**APPLICANT:** Donovar Andrew Marquez  
**ZONING:** Rural  
**SURVEY BY:** Reynolds Engineering Co  
**BACKGROUND:** An application was filed with the Land Use Office on October 24, 2018 for a Division of Land/Subdivision Exemption. The real property is owned by Donovan Marquez, Danielle Lopez, and Daniel R Marquez, (children of Danny & Debbie Marquez) legally described as:
5.904 Acres situated in a Fraction of the South Half of the Northeast Quarter of Section 14, and a fraction of the South Half of the Northwest Quarter of Section 13, Township 35 North, Range 9 East NMPM, being a division of Tract 5 of the Boundary Line Adjustment Plat recorded October 14, 2015 at Reception # 15001339 in the Conejos County Records, Conejos County, Colorado.

The proposed Division of Land (5.904 acres) will create the following:

- Tract #5A containing 1.128 acres +
- Tract #5B containing 4.776 acres +

Purpose of dividing land—Dividing the property for financing purposes—bank requirements and he shares an interest in the property with his sister, Danielle Lopez and brother Daniel R Marquez.

Linda stated that she does not have any issues with it; one thing she did note was that there was no right-of-way road dedication on Rd W.4, Marty has not responded, she just wanted to have a reason why, they have applied for an access permit and an address, they understand their well permit would be household use only.

Motion to approve Resolution C-2018-045 Donovan Andrew Marquez
Division of Land: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Linda stated that she wants to let the board know that the survey was correct on the Valdez Division of Land but there was a typographical error on the plat which also carried over to the resolution, it has the wrong acreage; wants to know how to proceed with that, Martin Reynolds the surveyor provided an affidavit showing the corrections.

Nick Sarmiento, County Attorney stated that they create a resolution amending the old resolution that way there is a continuity for anyone searching with a new resolution number and attach the affidavit.

Linda talked about the other issue which is: she was supposed to adopt OWTS regulations from the state back in May, she has it done it has been reviewed by the state and is ready to proceed, she needs a public hearing to adopt the ordinance for the OWTS regulations, asked if it was okay to do that on December 14th, also with their permission she would like to post the notice, not publish the entire ordinance in the newspaper because of the cost and just make reference that the
ordinance would be available on the county website for review and give them instructions on how to comment to them.

Southway Garrett Gravel Pit- Decision Resolution C-2018-044

Chrmn. Jarvies stated that this is a re-opening of the public hearing, they will be having a final decision, public comment section is over, there was a public comment period and people did comment, there were things that they wanted to work out for final approval, they appreciate them working with Nick.

Chrmn. Jarvies turned the time over to Linda-Land Use Admn and Nick Sarmiento County Attorney.

Nick Sarmiento-County Attorney stated that they have had extensive negotiation, the special use permit that was presented has been subject to negotiation; the board may vote without having to impose any of these regulations or any of the terms and conditions, they can vote for or against or with new terms and conditions; which are just suggestions on his behalf, the sticking point to this special use permit is on paragraph 15B and the other is the amount of trucks on paragraph 12, he will have the applicants address paragraph 12 and paragraph 15 and present arguments as to what they want.

Ben Miller and Katie Todt with Lewicki & Associates LLLC representing the applicant and the applicant Rocky Southway/Southway Constructions Company Inc. were present.

Ben stated that what was left as a couple of x’s in their document with the number of trucks that would trigger the grading of the road, they thought if they took the 10 trucks a day for the days that you are allowed to operate then they should grade once a year and use that number of 1320 which is 52x6x10 that means you would grade the road once a year, Rocky would like to add that the operator at his discretion can grade more frequently because it is his equipment that is going to get the wear and tear, the maximum of trucks is 1320 but if he wants to he can grade it more frequently than that is what he would like to add in there and whenever he grades he will reset the counter at 3120 and that would be reasonable and have a basis when they set those numbers.

Rocky Southway stated they can and will notify the county of having graded the road just for due process.
Katie-Lewiski and Assoc. stated that they moved to replace that xx to 3120.

Ben Miller stated that they will add: to grade the road as needed with the coordination of the county, the bigger sticking point is 15B, the basis of their sort of issue is not that we don’t want the opportunity any board of commissioners to come in and adjust terms and conditions, what they propose is that most of that stays in there but what they would want to propose is that the language to reflect that a problem has been identified and a solution is proposed, they feel that the way it is written is that A. (A solution can be put in whether or not there is a defined problem so the language that we were trying to put in was essentially that the Board of Commissioners can change, modify, or reduce or increase the conditions of approval in response to response to complaints to issues of compliance of the federal or state permits, county regulations that essentially says we are going to define that we have a problem and we are going to find a solution rather than just say we have read about some new technology.)

Katie stated that is in relation to the 40 acre review process.

Nick Sarmiento stated that as it reads now it is pretty broad; at the 40 acre review the board has the ability to impose or amend conditions based of changed circumstances, the main objection is that it allows future county commissioners to come in and if they are anti-mining they can impose new amendments that can prevent them from mining, at that point what is the purpose of obtaining a special use permit for the full six 40.

Ben Miller stated potentially it could go in either direction you could also envision a scenario where all the commissioners were anti-regulation, they could just say we are stripping all the regulations and you can do whatever you want; there is not a defined problem solution; we want to show there is a definition we are having an issue with roads, we said you need to water every 10 trucks, we have a string of complaints every 3 months we have to go through this complaint, we have to put a new condition that you have to mag chloride that road twice a year and we know that you have addressed them and you are not out of compliance, if we have a dust issue and the condition wasn’t stringent enough we are going to change those conditions, that feels completely appropriate, they feel that is a good piece to have in there, they feel that the way it is written right now there doesn’t have to be a defined problem; just what feels dangerous.
Nick Sarmiento stated that they came up with an in between, replace the 3rd sentence in paragraph 15 B, the first portion of the 3rd sentence remains the same "the board may determine the terms and conditions of approval are sufficient require amendments or conditions of approvals may be imposed or conditions modified reduced or waived past or current formal complaints and compliance issues with respect to the Special Use Permit.

Comm. McCarroll asked if that would work for them.

Rocky, Katie and Ben all replied yes.

Chrmn. Jarvies stated that it covers all.

Comm. Sandoval stated that they don’t want to hinder them in any way, if they are able to address the concerns without have to go back.

Nick Sarmiento stated that on paragraph 17- “in the event that the formal complaint is made concerning the operation of the Garrett Pit the applicants shall initially handle the complaint if the formal complaint is filed with Conejos County, the County shall within 7 days, transmit the complaint to the applicants. The applicants & Land Use made meet with the complainant to resolve the complaint. The applicant shall provide a written response to the complaint within 21 days of receiving the complaint. If the complaint cannot be resolved, the complaint will be referred to the County Commissioners. The Board of County Commissioners shall then hold a hearing to determine the merits of the complaint. The applicants and the county should strive to handle the complaint in a fair, transparent, and timely manner; at the 40 acre review then they go through the checklist on paragraph 15 requires the board to address how many complaints there have been, then they go back to the ability to change the special use permit based off these complaints.

Comm. Sandoval asked at what point would allow the administrator to determine what a valid complaint would be.

Nick stated that he is talking about a valid complaint, that is not addressed here, who gets to decide if it’s a valid complaint, there has got to be a way to decide if it is valid, this is the process that they would have to go through if there was no process spelled out, maybe we wouldn’t refer it immediately to the applicant, but we would be informally asking the applicant to deal with the complaints and then thereafter we would tell the complainer it is your right as a citizen to bring this before the board, if that is what you wish to
do, at that time he would give them legal advice to what is or not valid and what can or cannot be addressed, those are going to be locked and at the 40 acre review you will say they have had those string of complaints, they may not be valid complaints, at that point you would have the ability to change some of those terms and conditions based off the complaints.

Linda-Land Use stated that right now if someone complains we go over those complaints and the next step would be contacting the operator; we try to work that out.

Chrmn. Jarvies asked if they have a form that can be filled out because they always have people calling.

Linda said yes they do have one; a lot of times they get anonymous letters.

Nick stated that he can include formal written complaint.

Comm. McCarroll state that he feels Southway is willing to work with them.

Nick stated that he is re-writing the resolution to tie your ability to change the Special Use Permit to the formal written complaint so he added the requirement that you may change, add new conditions to address past or current formal written complaints pursuant to paragraph 17, that will be reviewed then they can have the board approve it prior to the end of the meeting.

Ben Miller stated that is perfect, as long as they understand that a problem is defined and that they define a solution.

Linda asked about the temporary concrete and asphalt activities she feels that she should have something because it is a new application.

Nick stated that paragraph 18 deals with outside storage, storage of fuel, oil and grease as well as machinery etc.; he can include those as one of the uses, which is on paragraph 8 as long as they comply with the Land Use Code.

Ben Miller stated how the state defines a portable batch plant/concrete.

Nick stated that this defines accessory uses as long as they comply with the Land Use Code.
Comm. Sandoval asked if the Land Use Code addresses temporary because if it stays there a year and a half then it is not temporary, that could be a violation.

Ben Miller stated that the state-permit changes, for the portable units it is different than for permanent batches.

Nick stated that he will put that in paragraph A paragraph 15 B, paragraph 17 and paragraph 12.

Linda-Land Use Admn. stated that on temporary activities like concrete or asphalt plants they could just notify her.

Ben Miller stated that it could be in the annual review.

**Samantha-Public Health/Board of Health Reports**

**Conflict Free Case Management- Decision**

Samantha presented the following:

A. Administration and Governance:  
Personnel- current- A case manager put in her notice for resignation.

B. Assessment Planning and Communications- Completed Community Engagement meeting 10-03-2018 and Regional Assessment Book.

C. Communicable Disease Prevention, Investigation and Control-1  
Salmonella, cat bite, regional Epidemiologist resigned, immunizations- gave 81 influenza immunizations-4 off-site clinics- 1 pending, refrigerator and alarm system- were able to save all vaccines, had private vaccines only so they didn’t have to call the state, Alamosa took them over the weekend.

D. Emergency Preparedness and Response- State Meeting in November, HG will represent at national health care coalition conference in New Orleans.

E. Environmental Health- RFE- Inspections- 2, Retalled Field Visits-1.

F. Prevention and Population Health- Tobacco Grant-No Vape November, Senior Citizens Health Fair, SOW requires community tobacco, Red Ribbon Week.
Behavioral Health Grant - Prevention coalition - they are working with the schools, Youth Mental Health Training, Trusted Adults training and possible CRAFT Training.

CDOT Grant - Completed youth advisor readiness assessment, youth Summit participation, will begin recruiting youth.

Child fatality - Reviewed one Conejos County case.

G. Vital Records and Statistics - No changes.

H. Personal Care Providers - 118 clients, open to new referrals, 3401.25 field hours worked in October.

I. Commodity Supplemental Food Program - 326 total participation in October and 64 Deliveries.

J. Options for Long Term Care - 353 October, 198 Conejos, Fiscal Audit completed Nov. 6th, Conflict Free Case Management - Need final decision by the board to proceed in planning, once the decision is made a plan and timeline for transition should be established.

Conflict Free Case Management - Comm. McCarrall stepped out due to conflict of interest.

Samantha stated that they have talked out this at length and will be going over some of those high lights, they will have to either divest PCP or the OLTC Program, if they divest of PCP they have to work with a private agency to see if they will take our clients and our staff, if the private entity leaves then they are just going to serve our county, if we divest of OLTC then we have to work with regional counties to try and transfer our clients and staff, it is her understanding that if they divest of single entry point the state holds a contract with the federal government, PCP financially supports them, OLTC are federal funds; PCP does help support her department at this time, OLTC has 198 clients and 3.5 staff, PCP has 118 and 50-60, Costilla subcontracts with them but has not gotten word from their director on what she wants to do or recommend, she feels Costilla will be okay either way, if they don’t agree with them then there are options for them to go on their own.

Samantha stated that she has concerns that a private industry will stay in Conejos County, don’t know if they will serve the rural parts of the county, Alamosa is divesting the PCP services so that means if we divest from PCP’s it doesn’t really mean anything for us, if we divest from OLTC then we could work with Alamosa County to see if they
would take our OLTC clients, she has talked to the director there she is willing to present to their board, if we divest our PCP’s to take it on as a region; but she doesn’t know what her board will decide; if Alamosa decides then they will be looking for case managers and 2 out of our 3 case managers meet their minimum qualifications, can’t guarantee that Alamosa hirer our case managers.

Samantha stated that she highly recommends that whatever their decision that they make that we make a feasible timeline transition.

Chrmn. Jarvies asked her if they gave her a timeline.

Samantha stated that they are not required to transition until 2020, once the announcement is made she doesn’t think it is good business practice to hold off for a year, she will have a hard time staffing once they know that the program is going out they will go out and look for other jobs, do you want to prolong it for a year and a half and have the quality of work that is there.

Connie-HR stated that right now replacing the vacancies that she has on the 30th, I think we have to have some kind of obligations to let them know that potentially this may or may not, hiring for a short time or the ones that you do have will probably leave us, we will be left with all these cases and not be able to manage them.

Samantha stated that is her recommendation, whatever the board decides they just need to make a good transition knowing that people are going to leave.

Comm. Sandoval asked Samantha to state the amount of employees that it is going to affect either way.

Samantha stated 31/2 for OLTC(3 case managers and one part time person) and PCP’s are 50-60 and two supervisors.

Connie-HR stated that she will add because of the nature of business of personal care it is the most challenging personal that we have in the county.

Samantha stated that it is a hard case to administer but she does have concerns if they trust private industry to do it and they leave then they don’t have that service in our county, our PCP’s are minimum wage if they can’t work with the private agency that comes in then they would have to drive to Alamosa; they have 118 clients in PCP.
Samantha stated that it is not an easy choice; they are both valid programs all she knows is that for Public Health one of her responsibilities is assurance, she feels more assurance if they divest in OLTC she is working with regional partners and the state, she has less confidence if they divest with PCP that a private agency will serve the people; because of that and because of the amount of people that it employs she recommends that they divest with OLTC, it is the board’s decision but she also wants to say that she does make that recommendation acknowledging the fact that I can’t guarantee that Alamosa will take our OLTC clients or our staff or the financial help of the program, OLTC is going through a whole transformation, and PCP minimum wage is going up, she can’t predict the financial for either one.

Connie-HR stated that the biggest picture is on PCP we are making out community more vulnerable by divesting in that, there are so many elderly that are counting on us it will affect the community.

Samantha mentioned that she doesn’t make money on the clients.

Motion to divest of OLTC whenever the appropriate time will be: Comm. Sandoval/Second: Chrmn. Jarvies

2-0 Motion carried.

Samantha stated that she will work with their regional partners and see what the transitional plan will look like, she will let the staff know and Costilla County; will have to sign a contract extension for July 1st 2019.

Comm. McCarrick returned to the meeting.

Southway Gravel Pit- Decision

Nick Sarmiento- County Attorney stated that the parties have agreed to the resolution after they amended those particular Paragraphs A, 12, Paragraph 15 and Paragraph 17, asked if the parties would step up and state that they have agreed to the amended paragraphs as stated by Mr. Sarmiento.

Mr. Southway stated that they have discussed it and they are in agreement as was presented by Mr. Sarmiento.

Nick Sarmiento asked for a motion.
Motion to approve RESOLUTION C-2018-044 A RESOLUTION FOR A SPECIAL USE PERMIT-112 PERMIT-MINING-EXTRACTION GARRET PIT ASPHALT GRAVEL PRODUCTS INC SOUTHWAY CONSTRUCTION COMPANY INC as presented which includes the 640 acres: Comm. Sandoval/Second: Comm. McCarroll
3-0 Motion carried unanimously.

(Resolution is on file in the Clerk & Recorder’s Office filed on Nov. 16, 2018 by Reception # 18001838.)

Mr. Southway thanked the board, mentioned that he was glad to see the concerns which were all addressed.

Ramona Cisneros who was also present thanked the board.

**Rodney King- EMS Report**

Rodney stated that he had sent them an e-mail on Nov 8th and asked them to look at one section, several sections have already been approved, they don’t have to worry about the mitigation plan which has to be re-done by 2023, he did try to get his part of the county plan on the website but not everything on the comprehensive plan is on there yet, left all the phone numbers out.

Chrmn. Jarvies asked if they have the MOU’s in place with outside help.

Rodney stated that he will work with Don on that, will work with law enforcement and EMS serving the valley, the two biggest companies are Robins and Southway, those are not in place yet.

Connie HR stated that they had an issue with the Sheriff’s Office assisting Costilla County with the Springfire, there were hours of work and pay; wondering if it is Rodney that oversees that MOU process or does it have to be the sheriff.

Rodney stated that if he wants to assist with that he will; mentioned that they do have a meeting just to discuss what is going on in the counties.

Motion to approve the Emergency Management Plan as presented: Comm. McCarroll/Second: Comm. Sandoval
3-0 Motion carried unanimously.

**Ernest Abeyta- Conejos County Ambulance Report**
Ernest stated that the first thing on their agenda is to review the ambulance operation; presented a certification for signature; presented financials for October, in October they had 87 calls, brought in $31,875.00, from what they billed out they had around 28% collection, 2017 they had 38% collection rate but because our county is a heavily Medicaid area after they pay the 200 or 400.00 the rest is written off, the money that is still able to be collected is 272,326.00, $129,000 is self-pay and $150,000 is from insurances that have not paid; spoke to A&B Mars and they have assured that they will try to come back and collect for us, they are starting to work with collection agencies, A&B Mars don’t have anything in place for hardship or charity, when someone calls in and ask if they can pay only so much they are telling them no, they need to get that in writing for a payment plan, A&B wants something in writing.

Motion to prepare and present a letter to A&B Mars to accept partial payment and hardship waiver requests to be dealt with on an individual case with a 30% discount for self pays: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Ernest stated that this year they have had 51 non primary ambulance runs and 51 secondary, brought those numbers because they are having difficulties staffing their secondary, will be requesting a special meeting to discuss budget and also operations due to the fact that they did not get approved for the 1-A.

Tressesa-County Admn. stated that they will be meeting again to discuss budgets; they will meet with him and the new sheriff.

Ernest talked about all the events that they had such as health fairs, 911, bone marrow drive; are hosting a coat drive.

There was a short discussion on the sales tax question; Nick Sarmiento County Attorney stated that if they decide to form a committee now is the time to start the committee.

Motion to approve the license for the Conejos County Ambulance Dept. to operate in the year 2019: Comm. McCarroll/Second: Comm. Sandoval

3-0 motion carried unanimously.

Undersheriff Chris Crown- Sheriff’s Report
Chris Crown and Garth Crowther were present.

Chris did an update on the new trucks, stated that the new trucks didn’t come with consoles, they couldn’t install the wiring until the consoles were in, this week they had 4 vehicles break down, they have approximately 15 vehicles that are used on a daily basis, they are looking at used vehicles, wondering if they can set a dollar amount, they are looking at some in Jefferson County but need to go look at them; are here today asking for funds for vehicles, they are asking anywhere from 4000 to 8000 a vehicle.

Garth stated that some of those vehicles have 300,000 miles.

Comm. McCarroll stated that when they have bought trucks they have taken Mike and Ricky to look at the vehicles.

Tressesa, County Admn. suggested allowing them up to $25,000.00 for vehicles.

Motion to allow the Sheriff’s Dept. to purchase up to $25,000.00 in vehicles for the year 2018: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Chrmn. Jarvies suggested that they put the cars that they are getting rid of on the website.

Chris Crown stated that La Jara Police Department is interested in one of the broken down Crown Victoria’s; they are looking for a transmission for one of their vehicles.

Motion to donate the Crown Victoria to the La Jara Police Department: Comm. Sandoval/Second: Comm. McCarroll

3-0 motion carried unanimously.

Connie-HR mentioned that there should be an ad in the newspaper today for jail, fill in cooks, etc. which is also on the Colorado Work Force job sites.

Tressesa-County Admn. stated that her and Nick Sarmiento will be presenting the Court Security Grant at the Denver Courts, if one of the commissioners would like to attend.
Nick stated that the purpose of the grant is to obtain planning funds to figure out what they need to do for the judicial facilities in the county building which includes architect designs; after that then they can go after DOLA funds, they will also provide matching funds for construction.

Comm. Sandoval stated that he can go if no one else goes.

There being no further business to come before the board, Chrmn. Jarvies adjourned the meeting at 11:10 AM.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD

MITCHELL JARVIES  
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Special Budget Hearing
held on December 03, 2108 at 6:30 PM in the Commissioners Board Room,
6683 County Rd 13, Conejos, CO. 81129

Call the Meeting to order

Comm. Sandoval called the meeting to order at 6:30 PM.

Roll Call: Mitchell Jarvies- Chairman- Absent
John Sandoval- Vice Chair- Present
Steve McCarroll-Vice-Chair- Present
Tressesa Martinez- County Admn-Present

Also present were: Nick Barela-DSS, Samantha Escobedo-Nursing Service;
Gary Gurule- Account, and Annabelle Gomez, Deputy Clerk & Recorder.

Pledge of Allegiance: Comm. Sandoval led everyone in the Pledge of Allegiance.


Approval of Agenda

Motion to approve the agenda as presented: Comm. McCarroll/Second:
Comm. Sandoval

2-0 Motion carried.

Comm. Sandoval called the 2019 Budget Hearing to order and turned the
time over to Tressesa-County Administrator.

Tressesa, County Admn. stated: Notice of the proposed budget has been submitted to the Board of County Commissioners for the 2019 fiscal year, a copy of the 2019 proposed budget has been filed in the office of the county budget officer in the Conejos County Courthouse which is open to public inspection, any elector within Conejos County may inspect, file or register any objection any time prior to the final adoption of the budget; notice is also given that the Board of Conejos County Commissioners will hold a public hearing to discuss the adoption of the final Conejos County Budget for the 2019 fiscal year, a meeting will be held in the Conejos County Board Room on December 03, 2018 at 6:30 PM which was posted on October 30th and published in the Valley Courier on November 1,2 and 3rd 2018.
Tressesa stated that no one came to look at the budget, didn't receive anything in writing against it; mentioned that there was adequate notice; continued with the following:

- **General Fund**—presented the general operational budget, which includes the Clerk, Assessor, Treasurer, Sheriff, Jail, Land Use and Commissioners, she reviewed the 2016, 2017, and 08-31st 2018 revenues, also includes estimates for the proposed 2019 fiscal budget; there will be a few changes.
- **Intergovernmental Revenues**—includes Forest Service, Veteran’s Offices, Cigarette Tax, DUI Fees, Colorado Wildlife, Federal Grants, Sheriff’s Grants, Search and Rescue, etc.; included the actual, estimated proposed and final revenues, revenues have always been conservative, Conejos County is facing some real challenges, is concerned about the future.
- **General Fund**—Talked about revenues from property taxes, delinquent taxes, SOS taxes, mentioned transfer of other funds, PILT funds they had 1,300,000 will need about 2,400,000 to make it work.
- **Commissioners Budget**: Presented 2016, 2017, 2018 and proposed final budget.
- **PILT**—12,000 CCI Dues and meetings, SLV Projects—will have a few cuts from 85,000 to 65,000; those are non-profits that ask for money.
- **Miscellaneous Expenses**—Computer Services—$15,000.00
- **Other Admin**—which includes their salaries, this includes health insurance for everyone that has health insurance right now.
- **Operating Budgets**—Includes supplies, postage, telephone, equipment, GOCO Grant for North Conejos for a new track which they administrate, dispatch services comes out of administration.
- **Capital Outlay**—Land Use
- **County Attorney**—$85,000 for 2019.
- **Land Use**—Has 3 and ½ persons right now— is requesting for another 1/2 person—went over the operating budget.
- **Clerk & Recorder**—Went over that budget employees 3 and the Clerk—Elections—Clerk had to upgrade equipment for elections; there might be a special election for the sales tax in 2019; budgeted for that.
- **Treasurer**—2 persons in that office, the Treasurer and the deputy; biggest expense is the computer services.
• Assessor- 3 ½ persons in that office, Assessor is requesting another ½ person, her budget is also lean and biggest item are the computer services.
• Maintenance and Building- Have one full time person and one part time- utilities for the courthouse is the highest expenditure on that budget.
• DA- Conejos County has underfunded the District Attorney’s office for so many years, they have budgeted 169,000 for 2019.
• Auditor- Comes out of the General Fund.
• Sheriff- Big increase couldn’t find deputies, etc. because of the pay, they had to increase their pay, had to get vehicles this year, have a lease purchase agreement on three vehicles, budgeted $25,000 to buy used vehicles for 2018.
• Jail- Employees and benefits was the biggest part of their budget, liability and Workman’s Comp has gone up.
• There will be no salary increase except for the elected officials by legislative law.
• Coroner- Steady.
• Public Trustee- Budget for foreclosures, etc.
• Arena- Budgeted for things that cannot be paid out of lottery dollars.
• Veteran’s Service- One part time salary and operating supplies.
• Ambulance- Will have to re-visit, they have 7 full times employees and 8 part time.
• Emergency Management- Rodney King- he brings in half of his budget, his budget includes salary and operational expenses.
• Tressesa mentioned that there is a concern with the General Fund in 2016 they had a fund balance of 1,199,275 last year it went down to 549,222 estimates will be in the deficit of around 127,071, increased it from 240,000 which will have a fund balance of 285,111 which is not healthy.
• PILT- Every year they get about 1,110,000, hope to get 45,00 from the class action lawsuit, transferred 100,000 from PILT, fund balance for next year will be around 978,631.
• Contingency Fund- Every county has to have for emergency by statute, fund balance is 17,000.
• Conservation Trust- comes from lottery dollars, is used to maintain the arena and the shooting range, conservation salary for a lady that works at the arena, proposed for the GOCO Grant for landscaping the Veterans Boulevard- amount is $1170.00.
• Road and Bridge- Revenues are pretty much the same; Forest Services gives all the schools money except 5%, Amendment 110
failed at the state, approximately 84,000 from property taxes go into Road and Bridge, biggest expense is Workman’s Comp, health insurance, liability, operating supplies, repairs, fuel, bridges, asphalt, they have two years to pay the graders, R&B Fund looks healthy, need to increase for asphalt and equipment; will transfer 100,000 into PILT.

• Public Works- This is used to do repairs on county buildings; have done major repairs at the jail- around $300,000 was used for the jail; has proposed for transfers.

• Nursing Service- Samantha stated that this consists of PCP Programs and OLTC which are Case Managers for the PCP Program.

• PCP itself brings in $700,000 those dollars can be used for the Nursing Fund, the OLTC can be used for OLTC only.

• Nursing Service-provides public health, education, runs a lot of grants through that program.

• PCP-500,000 used for salaries to provide care for the elderly, minimum wage will go up to $11.20 that affects all our budgets.

• OLTC- Single Entry Point Federal Program- no major changes.

• Nursing Program-has different revenues, CDOT, immunization grants expenditures have to match, nursing budget depends on PCP, commodities-used to deliver and manage commodities for the elderly that qualify- that budget looks healthy.

• Lodging Tax Fund- Comes out of any lodging which includes bed and breakfast; that goes back to the Tourism Board; is used for advertising.

• General Contingency Fund- dollars that they have been saving throughout the year, PCP was making profit, those are dwindling, it is up to the discretion of the Board of County Commissioners on how those will be used.

• Department of Social Services-Nick Barela-DSS stated that Dept. of SS has different allocations such as Child Welfare, Cclo. Works, they have some that they get reimbursed, their budget consists of administration costs, don’t have anything major other than the purchase of a vehicle.

• Total proposed budget for 2019 is 10,861,313.00

Comm. Sandoval and Comm. McCarroll thanked Tresessa for all the work and everything she did into getting this set up.

Motion to approve the 2019 proposed budget as presented: Comm. McCarroll/Second: Comm. Sandoval

2-0 motion carried.
Comm. Sandoval closed the Public Hearing and went back into regular session.

Tressesa-County Admn. stated that the budget will be presented on the December 14<sup>th</sup> 2018 for final approval.

There being no further business to come before the board, Comm. Sandoval adjourned the meeting.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD

JOHN SANDOVAL  
VICE-CHAIR
Minutes of the Board of County Commissioners Regular Meeting held on December 06, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the Meeting to order

Chrmn. Jarvis called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvis- Chairman
John Sandoval- Vice Chair
Steve McCarroll- Vice Chair- Absent
Tressesa Martinez- County Admn- Present

Also present were: Nick Sarmiento-County Attorney, Connie Ricci- HR, and AnnaBelle Gomez, Deputy Clerk & Recorder.

Pledge of Allegiance: Chrmn. Jarvis led everyone in the Pledge of Allegiance.

Prayer: Comm. Sandoval gave the opening prayer.

Approval of Agenda

Motion to approve the agenda as presented: Comm. Sandoval/Second: Chrmn. Jarvis

2-0 Motion carried

Approval of Payroll and Accounts Payables

Motion to approve Payroll and Accounts Payables: Comm. Sandoval/Second: Chrmn. Jarvis

2-0 Motion carried

Approval of Minutes

Motion to approve the minutes of the November 15, 2018 Payroll Meeting: Comm. Sandoval/Second: Chrmn. Jarvis

2-0 Motion carried

Public Comment: None
Tressesa- County Admin- Correspondence

Tressesa presented the Nation Wide Gap Contract for approval.

Motion to approve the Nation Wide Gap Contract: Comm. Sandoval/Second: Chrmn. Jarvies

2-0 Motion carried.

Nick Sarmiento-County Attorney

Mr. Sarmiento stated that he spoke with Ed Ellis from the Railroad yesterday; they previously sent him a spreadsheet that was created the Naomi-Assessor and Mack-Treasurer that sets out the monthly payments to pay the taxes which include the current taxes, part of the deal is all the money he would pay, once he is done paying the county would forgive our portion of the interest, the interest is due to other districts, those entities still receive their interest but we would create a fund on our end and put it in an escrow account, as long as he fulfills his part of the bargain to bring his part which is around $300,000 then we would forgive our portion of the interest which is $30,000, that is the incentive to get him to pay us; he has agreed to it.

Robert Taylor asked: so you forgive him the interest that opens up the door to: “you forgave him why can’t you forgive me”.

Mr. Sarmiento stated that is a good argument but the railroad has way more protections than any other entity, we have the ability to foreclose on properties and any other entities except railroads, we don’t have that power; there is a state assessment we don’t assess the railroad, the state calculates on how to assess them; Mack Crowther the Treasurer has been involved in discussions with the Treasurer’s Association to change the statute to allow them to foreclose on their property, that way we can get their money back, there are so many rules that protect the railroad.

Robert Taylor said he will be coming here in the near future to talk about some taxes.

Chrmn. Jarvies stated that they have always looked at them case by case.

Mr. Sarmiento stated that we have no power to get our money and we are letting go of our interest so the special districts can get their
money; Nick will get the agreement for signature on the December 14th, 2018 meeting.

Nick stated that he was contacted by Mike the attorney for Antonito entering into a IGA to pave or provide asphalt to the Town of Antonito, this is an in kind donation.

Tresso__-County Admn. stated that she briefly talked to their attorney; in the past it has been use of the equipment or the help of the guys they did not understand that it was asphalt.

Comm. Sandoval stated that if they use their part of the ground to hire somebody to come and pay Davis Bacon are in effect, if they go through the county and we re-bill them then they don’t pay Davis Bacon wages, they can pave more road because they are paying less money, it is his understanding that they were going to pay us and we may in-kind some sort of equipment but we are not going to do it for free.

Mr. Sarmiento stated that he will get the numbers that the town is talking about and he can attend the next town board meeting, the agreement would be simple they just have to agree on the numbers.

Comm. Sandoval stated they should figure out the man hours and fuel, we will donate our equipment and the town pay the man power, fuel and they buy the asphalt.

Mr. Sarmiento stated that the county will not charge the town for the use of the equipment but will charge for the operation of the equipment, we are not providing asphalt or fuel.

**Master Plan-Courthouse/Add on/Remodel**

Tresso__, County Admn. stated that Chrmn. Jarvies, Nick Sarmiento and herself presented the master plan to add on to the courthouse or remodel; they requested $45,000.00 and they were given $60,000.00.

Mr. Sarmiento stated that Judge Swift was part of the panel; in 2014 we had around 68 felony clients and in 2018 Conejos County had 198.

Mr. Sarmiento mentioned that the litigation with CDPHE is over, we entered stipulations and the case was dismissed.

**Robert Taylor-Road Hazard**
Mr. Taylor stated that he is here concerning the same thing he has been talking about for the last 2 years, pointed out on the smart board where he lives, where the irrigation ditch sits—which he has to clean, pointed out where people drive too fast, asked Donnie to look at it, put a slow sign but slow doesn’t mean anything, the sign should say slow down, pointed out where people come blasting down on 4 wheelers and vehicles, would appreciate if they put a sign that says slow down, talked about the adopt a road program, he would like to adopt two roads 19 and County RD M, people are dumping trash out there, he needs signs for those roads, he wants to clean up those roads.

Chrmn. Jarvies stated that the adopt a road is ready to go, asked him to check with Donnie for the signs; also asked if he has seen any one from the Sheriff’s Office patrolling out there.

Mr. Taylor stated that he purchased a 2012 Duramax in New Mexico and he had a fee called CHSCRD and the people up at the front didn’t know what is was, asked if they would check into it for him.

Chrmn. Jarvies looked it up and stated that it has to do with the emission and permitting fees which is set by the state, that fee must go to the state; the vehicle is diesel.

Mr. Taylor thanked the board for their time.

Chrmn. Jarvies asked Donnie if he had the signs for adopt a road.

Donnie said yes those are ready.

**Sheriff Gurule- Sheriff’s Report**

Sheriff Gurule gave a brief report- stated everything is running smooth, control board should be done by this coming Monday or Tuesday, bought two vehicles in Denver they are installing the radios today, two of the new trucks are done, end of November revenues are 471,929 last year at this time they had 141,000, they still owe around 35,000 from Alamosa for outside housing, 40-50 summons that people have to pay up, they should go over $500,000.00.

**Hobbes/Counts- Public Hearing- Vacation of Public Way**

Chrmn. Jarvies welcomed everyone for being here; opened up the public hearing for the vacation way Hobbes/Counts and turned the time over to the Land Use Administrator.
Linda-Land Use stated that she electronically submitted the application, proposed plat, and a few other documents, a letter from Mr. Schwisow, a letter from Mr. Reynolds, and wasn’t sure if Mr. Jackson is going to be here; gave her reports as follows:


BACKGROUND: An application for a Public Way Vacation was filed with the Land Use Office on August 28, 2107. The property is zoned COMMUNITY TOWN SITE and is legally described as Second Street West Between Block 4 (Lot11) & 6 (Lots 1-6) and 3 & 24 (GF Seal Division of Land) and First Ave. North between Blocks 24 (Lots 17-21) and 6 (Lot 1) Platoro, Conejos County, Colo.

REQUEST: The applicant is requesting a Public Way Vacation. The public way is portions between Second St. West belonging to Mary Janeen Counts, Trustee, (who is present) Michael Wade Douglas and Mary Janeen Counts Revocable Trust Agreement dated May 13, 2000. The portions of Second Street West belongs to Robert Hobbes on the east and west sides. The north side of First Avenue North is owned by Hobbes and the south side is owned by Counts. The Hobbs structures were built in the public way back in 1930.

ADJACENT ZONING: North, South, East and West is all the Community Town Site of Platoro.


PUBLIC NOTICE REQUIREMENTS: The First notice was mailed, posted, published on Feb. 16, 2108. LUA determined notice was inadequate as two landowners with an interest in the public way were not noticed. Mr. Hobbes requested that a new hearing be scheduled to allow the adjacent landowner’s time to review the application and view the site. It would also allow time to work with the two owners of the adjacent mining claims. Mr. Hobbes requested that the hearing be scheduled on July 11, 2018.

Notice requirements were met by providing notice to surrounding landowners within 500’, notice was published in the Valley Courier, and Onsite posting.

PUBLIC HEARINGS: PLANNING COMMISSION: Hearing was held on 7/11/2018. It was continued to a later date to allow attorneys time to discuss the matter. The 2nd hearing date was held on 11/07/2018. The Planning Commissioner did not make a recommendation to the Board of County Commissioners. They voted 2 yes, 2 no, and 1 abstained.
Chrmn. Jarvies asked if the one that abstained had given a reason.

Nick Sarmiento-County Attorney stated that he believes it was a conflict but did not state in the public record.

Chris from Land Use presented the site on the smart board, Linda then described that the proposal which is for part of 1st Ave N that goes east and west and a portion runs north and south, pointed where there was a question about the fence, pointed out where Mr. Hobbes cabin is located, this information was on the Street Vacation Portions of 1st Avenue and 2nd St W, Town of Platoro located on 22-36- N Range East NMPM.

Linda presented the recording of the site visit, mentioned that they had permission from all parties to do that.

Nick Sarmiento-County Attorney asked Linda who was present at the site visit.

Linda stated that Chrmn. Jarvies, Comm.McCarroll, Comm. Sandoval, Mr. Sarmiento, Connie-HR, Thomas from the Assessor’s Office and herself, none of the applicants or opponents were present in the community of Platoro.

Chris-Land Use presented Mr. Schwiesow’s photos, which consisted of Mr. Hoppee’s cabin facing east.

Nick Sarmiento-County Attorney asked Linda if she was submitting this for the board’s consideration.

Linda said yes this is a final hearing for a final decision.

Chrmn. Jarvies asked Comm. Sandoval if he had any questions for Linda up to this point.

Comm. Sandoval said no.

Chrmn. Jarvies asked Linda if there was adequate notice and on site as well.

Linda said yes.

Chrmn. Jarvies turned the time over to the applicant.
Eric Schwiesow from Alamosa: I am representing Robert Hobbes, is not representing Janeen Counts who is involved in the application, because of the operation in state statute concerning road vacations would result in what was previously platted as the road accruing to both Mr. Hobbes and Ms. Counts, I think Linda Land Use Admin. covered the issues pretty well, I think just wanted to add a couple of things to that, they were pointed out in his letter to you really the Conejos County Land Use Code and the state statutes governing the vacation don’t have a lot going in terms of what standards you look at whether or not a vacation should be granted, the only standard that is applicable is: “does a vacation leave any previously platted lot with that without access, the vacation proposes to establish a 20 foot wide easement that’s a continuation of the 20 foot easement on the southern end that was established in 1992 on the GS Seale Division of Land which established the southern easement to 2nd Street, the Seale Division of Land the 20 feet easement intersecting 2nd Street and then the 20ft wide easement continued up in order to access the tract of land created by that GS Seale Division of Land, the proposal is to make a continuous 20 feet wide access easement through there by establishing a 20 feet wide access easement as shown on the plat, that access easement is on the road that you drove, that easement is just describing what’s been established on the ground, that will ensure that no existing tract of land is left without access in order to meet the standards, as Mr. Reynolds pointed out in his letter to you his clients mining property (pointed it out on the plat) the applications only seeks to vacate that portion of 2nd street that lies North of the 20 ft wide access nothing is being disturbed, Mr. Reynolds letter indicates nothing about the application interferes with that existing access.

Mr. Schwiesow: That one thing he pointed out on his letter was that even though there aren’t any standards there is a II Tier system set up in statute with respect to road vacations and in terms of how much public notice required if the road has not been constructed on a platted road easement then no notice is required by state statute to adjoining landowners, if it has been constructed then it requires notice, the state statute kind of recognizes two separate scenarios of importance for notice to surround landowners, and as you know there is no road being established on these plat road easements, one of the arguments that he makes in his letter is more of an academic argument is what they are asking is just an acknowledgement of what exists on the ground there is no road there, there is no possibility of there being a reasonable road there, the 1st Avenue extension couldn’t possibly put a road in there, there’s been a house in that roadway since the 1930’s and the 2nd St West extension they noticed where the
existing 2 tract road is and where the road easement on the plat is
the more logical place for that access road to be, so essentially we
are asking for an acknowledgement of what has become the facts of the
ground, at this point unless you have any questions for me the only
thing I would add is ask you to pay attention to the comments of the
Land Use Administrator that were submitted on her written comments
particularly 4 that the proposed vacation is compatible with the
existing and proposed development in the surrounding area, the fact
that landowners are consolidating and making lots conforming is an
overall benefit to all of Platoro and Conejos County, that is what we
are trying to do with this application to make the lots conformed to
what is on the ground, one other thing that I need to make clear
because Ms. DeHererra did not address was that at the Planning
Commission Hearing the applicant on the record amended the application
to change the end point of the vacation of 1st Avenue N rather than
along the boundary of Lots 21 & 22, it would be along Lots 20 & 21,
the reason for that is to address some of Mr. Hoppe’s concerns about
the fact that he owns Lots 22 & 23, Mr. Hobbes owns 21 so if the
vacation extends out to the boundary between 21 & 22, the point is
that the boundary that would become Mr. Hobbes property is very close
to where the house is just because the way it was developed over time,
that house is not set back far from the property boundary line so the
amended application is to end the vacation at the border of lots 20
and 21 given him 25 feet of buffer between the house and the property.

Comm. Sandoval asked Linda if it was agreed to or if it was part of
the discussion or part of the Planning Commission moving from the
existing line between 21 & 22 to the west does that mean that portion
would go to Hoppe.

Linda said no it’s still part of the right-of-way; and mentioned that
she completely forgot about the amended application.

Chrmn. Jarvies then opened it up for public comment either for or
against, they will start with those against, asked for a show of hands
that will be speaking against; will allow each one 2 to 3 minutes.

Linda stated that she has 4 written comments- Mr. Jackson represents
Mr. Hoppe, Mr. Reynolds represents Colo. Sweet Lucy and the four.

Linda presented the following letters:

Mack Kerr: I am a property owner in Platoro and am sending this
message to inform you that I would like the easements to remain as
they stand, I apologize that I do not have the court documents at the time referencing the issue.

John Getchell: I am in favor of public way vacation of road portions 1st Ave N and 2nd St West as owner of nearby parcel # 428 Conejos Ave. I support the vacation of road on town plat not currently existing or in continuous use, I feel there is no need for additional access to private holdings now or in the future, this area is not in need of public thorough fare as I see no credible public safety concerns, I know that many of my issues and boundary location and determination and disputes that should be handled prior to identifying any additional legal boundaries for unneeded public roadways the vacation of roads will alleviate the need and expense of future disputes to maintain the existing value of property and resources.

Arlene Heger: We fully support the request by Robert Hobbes and Mary Janeen Counts. Michael Wayne Douglas Trust – is this statement sufficient or do you want me to be more detailed.

Eleanor B Ortiz: I am submitting this letter in support of Mr. Hobbes and Ms. Counts, I am not only a property owner within this prescribed distance but also the president of Platoro and Fire Safety, I commend your leadership property issues up to date in Platoro which is what I understand is what you are trying to do as well, as long time property owner in Platoro I have worked very hard to help get a fire department. I have served as honorary mayor for 10 years, been on the fire and safety board for over 10 years helping to secure our 501-3C non-profit status. I have known Mr. Hobbes and Ms. Counts as well as the late Wade Douglas well for over 20 years, they are always willing to work and cooperate with folks in Platoro for the common good. Mr. Hobbes has served on the Fire and Safety Board for many years and is resident of the community throughout the summer and serves on the Fire Department as a volunteer, both Mr. Hobbes and Ms. Counts are well like by everybody in Platoro. I have the greatest respect for these two people and what they are trying to accomplish, I hope you do too.

Linda stated that they did have the letter from Mr. Reynolds, Mr. Schwiesow, and Mr. Jackson has a letter dated July 5th - Mr. Jackson is present.

Chrmn. Jarvies opened it up for public comment, anyone that wishes to speak against it come up and state your name.

Douglas Reynolds: I am with Reynolds Law Group in Durango Colorado, I represent Colorado Sweet Lucy LLC, their principal Bill McMurrey
apologizes for not being able to be here he lives in Dallas and had some work that prevented him from coming here, he did feel very strongly about this, he has attended all the meeting and wishes to express their opposition, you have got my letter so I won’t labor a while lot of details to that, just emphasize the strongest details of how Mr. Murray feels, he will point out that Mr. Schweisow is correct that this would not cut off all access to Mr. McMurrey’s property but what it would do is cut off an important section that could impact an important secondary access if someday he would want to add if he decides to subdivide that property and to that I would say Mr. Schweisow made a comment that there was no possibility of putting a road on this right of way which is correct, but where I think he is incorrect is that 2nd St West crosses or goes in between Ms. Counts’ property, it is an area where next to that driveway you could put in a wider road, a road for a two way traffic opposed to a simple traffic driveway that would provide his client with access to the easement that runs along the southern part of Mr. Hobbe’s property and provide him with what would be a secondary access to his property if he would decide to subdivide his lot which is a 15 acre parcel, if he would want to divide into 5 acre parcels, there is an impact it does diminish those rights, Mr. Schwiesow said earlier there is not really a whole lot of guidelines in the statutes what commissioners are supposed to take into account when it comes to street vacations, he did point out some of the requirements that you are prohibited from doing a street vacation if it would cut somebody of or cut off their access but that’s more like a prohibition I would say than a standard, I think what’s more important is having a street vacation is not a right if that is something that someone has entitled to, if their property borders a right of way they can come to the commissioners and ask to have that right of way vacated, but it is something that they are not entitled to, I think they would have to show as a benefit for the county and that is why my client keeps coming around with the question of why would the county simply do this, why would the county give away property that has access rights without any kind of compensation, what does the county receive, we understand the situation that Mr. Hobbes is in but we think the solution to that if he wants the county right of way vacated he needs to compensate the county as opposed to simply asking the county to give him something; he should purchase those rights, I would say that the trust’s interest is less important, it’s hard for me to see what the need is to see this vacated other than a desire to not have a road at one point and time, even more important is the county should ask “why do we benefit”, the county give us this valuable asset, something you could receive revenue for as opposing to asking someone to buy it, it’s like a taking issue in reverse, it’s like if the state wants to take your
property they have to pay for it, same thing should be the other way around, if a citizen wants to have some county property then the citizen should be prepared to pay the value of that property, the other thing that we want the commissioners to understand is that property owners do come and buy property not with just current access rights but with future access rights and that’s what his client did when he bought his property he looked at the original plat and he saw those roads, he looked at those future access rights, what’s interesting is that when we got to this process that we found out that one section of 1st Avenue going North had already been vacated to the Seale Division of Land without any kind of process like this; Ms. DeHerrera and I went back and looked at this, this plat was filed in 1992 as a re-plat and was approved by the commission, we are not saying it’s not legal but they did not go through any of this process, but in the meantime they vacated a big chunk of 1st Ave North, they created a 20 foot easement which we recognize but we think there is a substance of difference between having a 20 foot private property access easement as opposed to a county base right of way, those are the reasons that we oppose the granting of this application, it’s nothing personal against Mr. Hobbes and Ms. Counts, they are nice to work with this process, we feel like it’s an issue the county shouldn’t vike over- thank you.

My Name is Mark Jackson I represent Mr. and Mrs. Hoppe, I mirrored some of the comments Mr. Reynolds made, the main issue here and what Mr. Schwiesow is saying it doesn’t cut off access to Mr. Hoppe’s property but it does post some serious situations, primarily health and safety, that is the biggest objection to it, the way the plat is set up now there is a road that the 1st Ave North continues on West and connects on to the adjacent roads, where it is platted on the map there is a bridge that is not in construction yet, we have seen these situations happen in California with wildfires it’s not a matter of when we are going to have a serious problem out there, by not allowing this road be continued on by vacating you are setting up a secondary critical access or escape route for not only Mr. Hoppe but also for Ms. Counts and for Mr. Hobbes, what we are looking at is that by vacating it we are creating a health and safety issue, don’t know if the current sheriff who is the safety director of the county or the sheriff elect has weighed in on this or how much safety concern this would create, I can tell you I have spoken with the county health director and it’s a serious health concern from his perspective, by vacating you are eliminating access not only for emergency personnel to ride in there to provide services but to also provide a secondary exit point for the current landowners should the need arise, from the county’s perspective I researched the comprehensive land use plan
which was done approximately in 2003, what it talks about is in the best benefit of the county, by vacating property is that the best benefit at this point, by vacating it you are eliminating out access to other properties, foot paths, hiking trails, etc. because now it is private property you are just giving it to the Hobbes and Ms. Counts, is that in the best benefit, my research of the comprehensive plan it’s not the best benefit of the county, for those reason Mr. Hoppe oppose this vacation of the right of way and as Mr. Reynolds is saying there is nothing being gained by this to the county yes it clears up some boundary issues but the overwhelming negative part of it is there are the pros and the cons, not only would it cause to Mr. Hoppe but to all the adjacent landowners really outweighs the benefit of the having land put together perhaps boundary issues squared away, on behalf of Mr. Hoppe he is willing to create the road himself, the road can be created west, it can be made through, the way it is now Mr. Hobbes cabin is right in the middle of the road, they are willing to adjust the road around, but simply to allow access through that property as it is plotted is something that is a greater benefit to the county and the community rather than just vacating and moving it to Mr. Hobbes and Ms. Counts. That’s all I have.

Comm. Sandoval: I would like to disclose to the record that I was called by the Health Director Vaughn Jackson, they talked about it briefly and he discussed some concerns, he expressed to him that he should come to the meeting today and express those concerns in public, whether or not it was in his private capacity or his public capacity as Health Director, he did tell me that he had not received the agenda at that point, I mentioned that I would call him back, I did call him back yesterday and told him the hearing was on the agenda, he asked him if he thought he needed to be here, he did inform him that his son would be representing Hoppe’s.

Mr. Schwiesow: It is highly improper that Mark Jackson would be delegated to represent the concerns of his father, the health official without any opportunity to find out whether that is indeed his concerns, how strongly he holds them or whether he holds them in the face of looking at the fact that there is no possible way you are going to get from avenue through Mr. Hobbes’ house and across the river where no bridge exists.

Nick Sarmiento: Mr. Chair I ask that you only consider comments presented today and anything else that was made outside of this hearing should not be considered.
Chrmn. Jarvies: I did have the same phone call and I did advice Mr. Jackson that if he wanted it to be considered part of the decision that was going to be made it would have to be brought up here, he was fine with that.

Chrmn. Jarvies: Anyone else against, anyone else against, anyone else against.

Chrmn. Jarvies: Asked anyone that would like to speak for this vacation state your name for the record.

John Gilles: Mr. Chair my name is John Gilles my wife and I live in Santa Fe, NM we own the property which is bordered by 1st Ave to the East, we are within the 500ft and I did get notification. I am here today to support the vacation, to me it’s an issue of common sense of equity and benefit to the county, I will explain the area where the road would be completed or pushed further is sloped down to the river, I don’t know where the bridge that someone mentioned earlier talks about but there is only a foot bridge available at that point just slightly below (pointed where it is) that was built by private funding and in my recollection there has never been in some 40 years of ownership in Platoro of a proposal for another bridge; when I came to the Planning Commission Meeting about a month ago there was a picture presented which shows that white pickup in the lower left hand corner, the way the picture was taken it looked as though it was blocking the road, but on the overhead view of it I presume from a drone, it shows that there is more than adequate passage to get past that truck, there are two cabins there and to the issue of safety or the ability to escape in an event of a fire there is more than adequate room to vacate those two cabins down of that hill, Platoro was plotted 100 and some years ago, human nature being what it is always didn’t follow the straight lines from that flat piece of paper, Mr. Hobbes buildings were built back in the 30’s probably without a building permit or without notification to the county and he bought the property without and culpability for those actions, the benefits to the county of the application in my mind are two-fold, No. 1- it enables the county to continue to consolidate the property in Platoro; I have one lot that was transferred as a result of a poker game so I hired local council here 25 years again to quiet title, it’s a common sense activity, No. 2-the land that has not to this date not taxed goes on the tax role so Ms. Counts and Mr. Hobbes are going to be paying the county and their heirs, assigns, forthcoming so I would urge you to look at this and realize that it’s a very common sense solution to one situation in Platoro, now if you drive Conejos Ave and look at the survey marks, not the actual stubs driven into the ground or the pile of rocks you
will discover a number of cabins down that road, if you sit on the porch you are sitting on the road so this is not going to be the end of it but I think this resolves this situation for sure. Thank you for your time.

Jeanine Counts: The thing that I want to point out is the 20 foot easement going to a 66 feet platted road to Colorado Sweet Lucy’s property — pointed out 1st and secondary access, what has been said before it is a common sense solution to make what’s on paper match to what’s on the ground.

Chrmn. Jarvies: Mr. Schwiesow on behalf of Mr. Hobbes would you like to respond to any of the comments that were made.

Eric Schiewsow: Thank you Mr. Chair, I will be very brief I just want to point out in response to the comments that were made by Mr. Reynolds, I don’t want to get into a legal battle, you can refer questions to your county attorney but the county doesn’t own any of these platted roads in order to be able to do whatever they want with them, to sell them or turn them into a park, a platted road is for a platted road and if you can’t have a road there you vacate it and the statutes about vacation say what happens so to try to draft a standard unto the county, a code says anybody that wants to vacate a road they have to recompense the county for the value of the property, a road being vacated I think (A) is not in your code and (B) runs counter to the statutory to the scheme of how county’s deal with roads, that’s all I have.

Chrmn. Jarvies: At this time I call for any other public comment, anyone else for or against, for or against, for or against, there being none I will close the public comment portion of the hearing.

Comm. Sandoval: I have two questions, this follows what Mr. Reynolds said to Mr. Schwiesow on this particular plat, I know on other plats the lot is plotted and then they put the easement or the road, it may or may not fall on other people’s property; is this similar to where underneath the road belongs to the respective landowner or was that easement or road carved out and their property line goes up to the part that is going to be the road.

Nick Sarmiento: I agree with Mr. Schwiesow’s analysis, the county does not own the underline land there is only a right of way, we have the easement to create the right of way, it does fall under the statute that if we were to vacate this road from the mid center of the highway
or road one portion would go to one owner and the other portion to the other owner, I think that is what you are asking.

Comm. Sandoval: That is exactly what I am asking, it's not necessarily county property or county owned.

Nick Sarmiento: We own the right of way, we own the easement to create a road; we do not own the land underneath.

Comm. Sandoval: The second question is with respect to Mr. Jackson's questions about a bridge, we have bridges one at Ruybalid Lake Trail, Old Elk Creek, we have three no one wants to take ownership, if they were going to build a bridge who owns the bridge is it the Town of Platoro, acting mayor, or landowner, if someone says we want to build a road who is the "we" that would have the ability to file for it and get a permit for all those necessary.

Nick Sarmiento: We have the right of way and we could build a bridge.

Comm. Sandoval: Let's say the county doesn't want any part of the bridge.

Nick Sarmiento: Then they would have to get permission from us, unless they create their own easement.

There was a short discussion as to whether it was vacated across the river, it was determined that it was already vacated across the river.

Nick Sarmiento: They are just vacating to the river, I do not have knowledge of that; I don't think you should take that into consideration.

Linda-Land Use: It was vacated through a court process in the late 1960's or early 70's if I'm not mistaken.

Chrmn. Jarvies: Linda is there anything else.

Linda-Land Use: That's it.

Chrmn. Jarvies: Mr. Sandoval I don't know if you are ready to make a decision or wait for Mr. McCarroll, unfortunately he fell ill; we might want to continue this until he has a chance to look at all that was presented.
Comm. Sandoval: Mr. Chair I would make the motion to close the hearing, we have 30 days to make the decision, table it, give us the opportunity to meet with Mr. McCarrol because he was in the loop of the other, he was on the actual site visit and would be in our best interest to have him put his thoughts into this, we will make a decision when he is well enough to attend a meeting.

Nick Sarmiento: Which meeting will we make the decision, the next meeting or will we go into January?

Comm. Sandoval: Move it to the meeting of the 15th depending on Mr. McCarrol’s health.

Nick Sarmiento: At that point the deliberations will be in the public, there will be no taking of evidence.

Chrmn. Jarvies: This is the first time that this is being presented; Mr. McCarroll is to be aware of what was presented and what was said.

Comm. Sandoval: In the event that Mr. McCarroll is unavailable to attend by the first meeting of January we would both make the decision ourselves.

Chrmn. Jarvies: We can let them know by phone, you don’t have to be here; I know that some of you have traveled distances; we have done that in the past.

Nick Sarmiento: If they have questions we could call executive session if we have to, the deliberation will occur on the record.

Chrmn. Jarvies: Right now we have a motion to close the hearing and to extend deliberation until Mr. McCarroll has a chance to review what has been presented; we hope that we can make that decision by December 14th, 2018/ Second the Motion: Chrmn. Jarvies

2-0 Motion carried.

Gabriel and Clorinda Salazar - Public Hearing SUP

Chrmn. Jarvies opened up the Public Hearing at 10:15 AM and turned the time over the Linda - Land Use Admin.

Linda presented the following:

CASE NO: CCLU-2018-0258 Applicant: Gabriel & Clorinda Salazar
REQUEST: Special Use Permit-Short-term Overnight Lodging.
ZONING: Rural-The use of Overnight Lodging requires a SUP. Surrounding zoning is also rural with agricultural and rural residential uses.
BACKGROUND: An application was filed with the Land Use Office on September 25, 2018 for a Special Use Permit for Short-Term Overnight Lodging. The applicants have been renting the property listed on AirBnB and VRBO. The applicants have fully cooperated since receiving the violation notice.
OWNERSHIP/LEGAL & SITE DESCRIPTION: The property is owned by Gabriel and Clorinda Salazar. The real property is legally described as 1 acre tract 1 b Joan I Lujan Division of Land located in the NW1.4 of 23-34 N R 9 East, NMPM Conejos County, Property is physically addressed as 16249 Hwy 142- located between Romeo and Manassa on the north side of the road east of County Rd 16. The home has a private well and relatively new septic system that was inspected and approved. The access is from HWY 142. The property is neat and clean with no LU Code concerns or violations.
PUBLIC NOTICE REQUIREMENTS: Notices were mailed to the surrounding landowners 500’ from all boundaries. Notice was published in the Valley Courier and notice was posted on-site by Inspector Chris. Hard copy verification is on file and available for inspection.
REFERRAL AGENCIES & COMMENTS: Division of Water Resources, applicant is working with DWR concerning paperwork. DWR have no concerns, home must be rented as a residence and no employees can be hired to this use.
CDOT- no comment, as the use is no different than regular household use.
Archaeological/Cultural/Historical Impacts-none.
Wildfire Mitigation Plan-not required. The grounds are well maintained/with weeds and grass mowed.
Department of Revenue- The applicants will provide, on an annual basis, verification of compliance with Lodging Tax Requirements.

Chris-Inspector- showed the site on the smart board, stated notice was posted on site.
Chrmn. Jarvies opened it up for public comment.

There were no public comments, closed the public portion of the hearing; opened it up for deliberation.

Mr. Salazar did not have any comments.
2-0 Motion carried.

Joseph and Kassandra Montoya/Herman Gallegos

Chrmn. Jarvies opened up the public hearing and turned the time over to Linda-Land Use Admn.

CASE NO: CCLU-2018-0244    APPLICANT: Joseph & Kassandra Montoya/
Herman Gallegos-representing the Montoya’s
REQUEST: Special Use Permit-Short Term Overnight Lodging
ZONING: Rural- the use of Overnight Lodging requires a SUP. Surrounding zoning is also rural with agricultural and rural residential uses.
BACKGROUND: An application was filed with the Land Use Office on Sept. 28, 2018 for a Special Use Permit for Short-term Overnight Lodging. The applicants have been renting the property listed on AirBNB and VRBO. The applicants have fully cooperated since receiving the violation notice.

OWNERSHIP/LEGAL & SITE DESCRIPTION: Property is owned by Joseph Montoya III and Kassandra Montoya. The real property is described as 6.19 acres Tract 1 Mogote Island Minor Sub. Located in the E1/2 of Sect. 33, Twp 33 N Range 8 East, NMPM Conejos County. Property is physically addressed as 807 Mogote Island Drive located in the village are of Mogote N side of County Rd D.5 approximately 4/10 of a mile west of Hwy 17 intersection. The home was built in 2011 all permits were obtained. They have a private well and septic system, the property is neat and clean, we received one complaint several years past concerning problems accessing the ditch/head gate easement. I believe it was resolved, no other LU concerns or violations.

PUBLIC NOTICE REQUIREMENTS: Notices were mailed out to the surrounding landowners 500’ from all boundaries. Notice was published in the Valley Courier, and a notice was posted on-site by inspector Chris. Hard copy verification is on file and available for inspection.

REFERRAL AGENCIES & COMMENTS: Division of Water Resources-No concerns if it is rented as a residence and there are no employee uses.
CDOT- no comments, primary access is from County Rd D.5 and no change from regular household use.
Archaeological/Cultural/Historical Impacts-none.
Wildfire Mitigation Plan- Attached
Dept of Revenue- Current proof of compliance is in the file, they will annually provide verification of compliance with Lodging Tax requirements.
HEARINGS: December 05, 2108- Motion: Tom Stewart/Felipe Blea-Second.

Linda mentioned that the Montoya’s have provided proof that they have been paying and meeting the Lodging Tax requirements.

Chris-Inspector presented photos and site information.

Chrmn. Jarvies asked Herman Gallegos if he had anything to comment.

Herman Gallegos stated that the Montoya’s are very conscientious of what they do, they take very good care of their place and he helps them out with what he can.

Chrmn. Jarvies opened it up for public comment and asked Linda if she had received anything in writing.

Linda stated that she has the wildfire mitigation proposal from Adam Moore; that information was presented directly to Joe Montoya.

Chrmn. Jarvies opened it for or against, for or against, for or against, closed the public comment portion and asked for deliberation.

Motion to approve Resolution C-2018-0-47 Short Term Lodging for Joseph and Cassandra Montoya with the conditions that there be notice to renters about ditch easements and use by ditch users: Comm. Sandoval

Herman Gallegos asked if that applied to all others in that area, they have their place in Mogote.

Chrmn. Jarvies stated that they ran into this before, when they have people coming in from Denver and those areas they don’t understand that farmers are coming in at three in the morning to change the water; those are the things that they want them to be aware of.

Linda - Land Use stated that what stemmed it was that Mr. Montoya and Gary Sandoval had a confrontation regarding the ditch easements and Mr. Sandoval came to address the Planning Commission about that, we needed to make sure we notified people that they have a right and they cannot be prohibited from accessing the ditches, so I would say this does apply to everybody in general that has a ditch.

Comm. Sandoval asked if Mr. and Mrs. Montoya are aware of this.

Linda said yes, the issue was resolved I don’t believe there were any other problems Mr. Sandoval never came back, it was brought up last
night, as far as the short-term renters we have required in the past that they have the informational packet, "I am talking about Valdez", that describes some of the issues with the rural area and what they are going to experience, how they should honor the farming and ranching activities that are taking place; we have made that a condition on others as well.

Chrmn. Jarvies stated that they want to make that clear it doesn’t change any of the use; a lot of people do not understand Rural Colorado.

Comm. Sandoval asked Herman Gallegos what his thoughts are.

Mr. Gallegos stated that sometimes we tend to over regulate stuff and make things bigger than what they really are.

Linda stated that common courtesy seem to be a thing of the past, letting the landowner know that they are going in there would be a common courtesy; but the landowners should let the renters know, it goes both ways.

Chrmn. Jarvies stated that he does not want to inhibit Joe and Kassandra in any way, there are people bailing hay at three o’clock in the morning and people don’t understand that, I don’t see any problem with it myself.

Motion was left as presented: Second motion: Chrmn. Jarvies

2-0 motion carried.

**Lorraine Ashida-Public Hearing- Vacation of Public Way-County Rd. 16.9**

Chrmn. Jarvies opened up the public hearing and turned the time over to Linda.

Linda-Land Use-Admn. presented the following:

**CCLU-2018-0250**  
**APPLICANT:** Lorraine Ashida  
**REQUEST:** Public Way Vacation- East portion of County Road 16.9  
**ZONING:** Rural- the surrounding areas of the proposed vacation are all rural and zone district with rural/and agricultural uses.  
**BACKGROUND:** An application was filed with the Land Use Office on November 01, 2018 for a Vacation of Public Way being a strip of land approximately 224’ feet from north to south and wide from 30’ on the north to 18’ on the south to equal 0.213 acre (see attached survey).
Ms. Ashida and Mr. Gary Hostetter have been in legal negotiations concerning the property. They propose to address the issues by requesting a vacation of a portion of County Rd. 16.9.

**OWNERSHIP/LEGAL & SITE DESCRIPTION:** The property is owned by Lorraine C Takahashi Ashida. The property to the East of the proposed is legally described as 3.26 acres of Tract 1 Ashida Division of Land located in the NE1/4 of Section 14, and NW1/4 of Section 13, TWP 35, N Range 9 East, NMPM Conejos County. The property is physically addressed as 17012 County Rd 16.9- located in the village area of Richfield, South side of County Rd W.5 approximately a half miles east of La Jara.

**PUBLIC NOTICE REQUIREMENTS:** Notices were mailed to the surround landowners 500’ from all boundaries. Notice was published in the Valley Courier, and a notice was posted on-site by Inspector Chris. Hard copy verification is in the file and available for inspection.

**REFERRAL AGENCIES AND COMMENTS:** Road and Bridge reviewed the application. The current road exists and is county maintained. We paid HUTF funds (.14 mile) however there is no specification as to the width of the road. Road & Bridge made a recommendation for approval of a 28’ wide road easement across from west to east. It should be consistent the entire road and should also be that length for the property south to County Road W.4 if Mr. Hostetter decides to apply for a Public Way Vacation.

**HEARINGS: PLANNING COMMISSION:** December 05, 2018 / Motion/Tom Stewart/Second: Felipe Blea- unanimous vote.
Approval with conditions: Establish west boundary-Road Right of Way must be 28’ - Vacate all to the east for Ms. Ashida.

Linda gave a history was is going on, stated that the Ashida Division of Land was created in the late 1990’s, that created a road of way approximately 60 feet, pointed out Tract 1 and Tract 2, showed the right of way, showed what’s currently on the ground and what’s on paper are two different things, showed the survey presented by Martin Reynolds, when Chris went out he could not find the west boundary, Mr. Reynolds didn’t reflect how wide the road is, she called and he said it was 30 feet and 18 feet (pointed it out), they don’t know where the west boundary is, this is how this right of way was established-through the Ashida Division of Land.

Chris showed the pictures on the smart board, showed where the pins are; also pointed out where he could find the pins.

Linda presented a drawing that shows what’s on the ground, what’s in paper, what Ms. Ashida has used as far as agricultural land, it was part of the application; this shows what she would like vacated.
Chrmn. Jarvies asked Ms. Ashida is she had anything to say.

Barry Shioshita: Would like to speak for her, he stated that he thinks the fence line makes the dimensions a little off, the fence line was established in the right of way, what Lorraine is proposing is a 30 foot on the South side that is the width of the proposed vacation, 45 feet on the south side and 30 feet on the North side, when you are looking at 28 feet that’s when calculations get a little fuzzy, part of it is that she doesn’t currently use it for anything right now, there is a pipeline that’s been established within that intersection and what she is wanting to do is make sure that is protected, I think Mr. McCarroll did provide a load of gravel to help cover that for any potential damage, she potentially mitigates any potential risks down the road, as we mentioned to the Planning Commission last night whatever works for the county to mitigate the width on the right of way that’s okay, when the application was proposed it was based on that fence line, if that changes then it’s okay, that’s all at this point.

Chrmn. Jarvies opened it up for public comment and asked Linda if she has anything.

Linda stated she does and it is practice that they get everything in writing for official comment, Mr. Adelmo Chacon called and he wanted to be here pretty badly but he had to go to the doctor so he couldn’t be here, he asked that we please address this issue to establish where the county road is, allow people to establish where their property lines are because it’s created problems within the community and he feels if we can finally determine where roads are and property lines are the community would get along and there would be peace, he is in favor of whatever process to establish things, Mr. Daniel Marquez was present last night and he also said whatever you can come up with, she asked him where his west boundary was and he said he doesn’t know, it could be the fence line would be, he seemed to be willing to work with us in whatever we needed to do, he did mention that he sent it to the commissioners and not to her.

Chrmn. Jarvies read what Daniel Marquez sent, it is as follows: Dear Commissioners I am all for Lorraine’s vacation on E ½ of County Rd 16.9 and would also like to open up County Rd 17 so she can enter her property through the East property, he is in favor of this.

Donnie stated that he didn’t know if there was enough room to get the equipment on that road; that was resolved.
Chrmn. Jarvies opened it up for or against, for or against, for or against; there being none he closed the public comment portion of the hearing.


2-0 Motion carried.

Barry Shioshita asked if the public easement or private easement will be part of the resolution, there is a pipeline that runs through that particular section; that might be an issue between Mr. Hostetter and Lorraine.

Comm. Sandoval stated not unless someone made it part of the proposal Chrmn. Jarvies asked if it’s in the roadway.

Barry Shioshita said it was but once it’s vacated then it won’t be.

Nick Sarmiento stated that is water; there are statutes that cover that location that will be shown on the plat, by operational law it has to be reasonable access.

Barry Shioshita stated that it was Lorraine’s intention down the road to fence it off.

Nick Sarmiento stated that we are vacating our portion to build a road, our resolution will state that we will exclude any easements, private, and water easements that have been established; they are not being vacated by us.

Linda stated that she will go back to Mr. Reynolds, they will establish a west boundary and 28 feet over, he will need to do a new survey plat, she will take it to the Planning Commission they will have to sign off on it and she will be bringing it back.

**Nick Barela- DSS Report- Vanessa Child Care Policy**

Vanessa stated that they got a new system that has an automatic tracking system that will show a detail of the times and dates that the children are in childcare, they have to enter a pin number; they had to update with the state.
Motion to approve the update Childcare Care Policy as presented by Vanessa: Comm. Sandoval/Second:Chrmn. Jarvis

2-0 motion carried.

**Donnie-Road and Bridge**

Donnie presented the following:

- HAS been meeting with the supervisors- typical stuff-short a couple of guys in District 1, can change boundaries or pull some guys from the other districts if they need help, he has a Class B if he needs to run a plow he would be glad to.
- Gomez Road- He had Joe Gomez come in and he was upset because they hadn’t paid, would like to see if they can get Robins paid, he doesn’t want Robins Construction to think that it is him not wanting them to get paid, his son worked for them and he doesn’t want them to think it’s some kind of grudge, it’s business as always, the amount is around $835.00.
- Nick Sarmiento-County Attorney stated that he can tell Joe Gomez that the reason that they have not gotten paid is that there is no contractual obligation on the county, we never ordered them to do anything, we never got the full agreements in place, we have to go to the Colorado State Board, you can give them my cell phone number if they have any questions including Robins Construction, this is more complicated than anyone of them think, he can kickstand the process with the Colorado State Board; even then that doesn’t mean they are going to let us out of the easement.
- Sent them an e-mail concerning the miner training, the guys would like to have their own instead of going to Alamosa, if we have to join them we will, talked to Connie about it.
- Chrmn. Jarvis stated that whatever his supervisors feel is fine with him.
- Connie-HR stated that it a brand new person.
- Tressesa-County Admn. felt they should come to us; we pay them.
- Alamosa submitted a bill of their PUB Works for $5,800.00, he called them and explained that it should only be around $3500, she send another bill which included equipment, he told her that the agreement was at the Commissioner’s Meeting that we would pay labor and fuel, she send a bill for $3526.00, the bill for the fuel spill was $1,074.00.
• Attended a meeting for transportation, Comm. Yohn wants to work together; fixed Alamosa’s machine which cost $3500.00 delivered it back to them.

• it back to them, in the future they might want to borrow our lay down machine; would like our guys to run the equipment and bill them for our time.

• Still trying to buy a truck for Iggy will visit with Comm. McCarrroll on a 2006 Freightliner that he found, did some bidding at Richie Bros. on some trailers one was $12,000 the other $10,500, the bid closed at a lower rate than what he offered, he was told to call and protest, he called but hasn’t heard back from them, talked about the belly dumps and the amounts that they are going for.

• Tressesa-County Admn. stated that she talked to Donnie and told him not to pass up the deals, they can always appropriate and then cut the next year.

• Donnie mentioned that they had about $100,000, they have around $47,000 left, has been talking about transitioning to belly dumps, he just wants some guidance.

• Chrmn. Jarvies mentioned that his concern is buying someone else’s problems, if we spend a little more and it’s going to last twice as long it’s okay.

• Comm. Sandoval stated that he wouldn’t rush the process, he and Donnie looked on the internet and they drove to Arizona and those vehicles were junk, they looked good on paper; they were trying to cut the price on them when they got there.

• Donnie stated that the trailers are ready to bring home, it is better to buy than have to add work to them.

• Talked about the process of who goes, when he started this nobody wanted to go, Waldo stated that anything he buys for their district he wants to look at, but he needs to be ready to go, they have 17 hour days we spend the night, doesn’t think they need to spend the night when they go to Richie Bros., he doesn’t want any mechanics to feel they are being left out, Mike the diesel mechanic has a process that he goes through, he really doesn’t care who goes to drive.

• Comm. Sandoval stated that he has lost 5 people from his district, you train them and then they leave, are we not paying them enough; thought of the possibility of maybe having 7 guys instead of 8 and increase their wages.

• Connie stated that she tries to entice them by telling them we are county government, we don’t work weekends, we have holidays, we don’t work nights, you are not away from your family, we have
vacation, we have sick, retirement, etc. also talked about getting CDL’s and maintaining them, CDL’s are in demand and they are finding qualified people; that is when wages go up.

- Donnie said they can make it work till they find someone that is qualified.

Executive Session

Motion to go into executive session as per 24-6-402 (f) conference with the attorney: Comm. Sandoval/Second: Chrmn. Jarvies

3-0 Motion carried.

The board came out of executive session at 12:19 PM and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion had an executive attorney/client privilege therefore no record was kept.

There being no further business to come before the board, Chrmn. Jarvies adjourned the meeting.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD  

MITCHELL JARVIES  
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Payroll Meeting held on December 14, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chrmn.- Present
Steve McCarroll-Vice Chair- Present
John Sandoval-Vice Chair-Present
Tressesa-County Admn.- Present

Also present were: Nick Sarmiento-County Attorney, Connie-HR, and AnnaBelle Gomez-Deputy Clerk.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.

Prayer: Chrmn. Jarvies gave the opening prayer.

Approval of Agenda

Motion to approve the agenda as presented: Comm. McCarroll/Second:
Comm. Sandoval

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the December 03, 2018 Special Meeting (Budget Hearing) and the December 06, 2018 Regular Meeting: Comm.
Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables: Comm.
McCarroll/Second: Comm. Sandoval- All in favor

3-0 Motion carried unanimously.

Public Comment: None
Tressesa- Administrator's Correspondence

Tressesa presented the award for $60,000 for the under budget courthouse grant.

Chairman Jarvies proceeded to sign the grant presented by Tressesa.

Tressesa stated that she e-mailed them the financials yesterday, the financials are from 11/30, send them a copy of the bank reconciliation, is concerned about the General Fund, they will be transferring monies; taxes don't start until February after going through all revenues they did have an over expenditure of $350,000, she will do an appropriation on that; it is on the Centauri Complex.

Tressesa presented the following:

<table>
<thead>
<tr>
<th>Assessor- Within Budget</th>
<th>Clerk-$25,000 over budget-overtime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election- $15,000 Under budget</td>
<td>Coroner-Within budget</td>
</tr>
<tr>
<td>County Attorney- Over budget-4000</td>
<td>Veteran's Officer- Within budget</td>
</tr>
<tr>
<td>Extension-Arena-Within budget</td>
<td>Bldg &amp; Maintenance- Under 5,000</td>
</tr>
<tr>
<td>Sheriff-might be under $25,000</td>
<td>Jail-Over budget 30-40,000</td>
</tr>
<tr>
<td>Treasurer-Within budget</td>
<td>Public Trustee- Within budget</td>
</tr>
<tr>
<td>Land Use-Within budget</td>
<td>VAWA-Grant- Over budget</td>
</tr>
<tr>
<td>Court Security-Over budget</td>
<td>DA-Within budget</td>
</tr>
<tr>
<td>OEM-Within budget</td>
<td>Ambulance- Within budget-Need to re-look at that budget- Connie/Ernest will go over that- Chrmn.</td>
</tr>
</tbody>
</table>

Jarvies would like to sit in on that.

Road and Bridge-will be over budget by a little bit but she will appropriate-they spent about $100,000 in equipment that wasn't budgeted, 1 district spends a lot more than the other two on one line item; will be looking into that.

PCP- A little bit over Nursing-Over budget

OLTC- Within budget Conservation- Within budget

PILT- Transferred more than anticipated

Public Works- Within budget

Motion to approve the financials as presented: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Approval of 2019 Conejos County Budget

Tressesa presented the 2019 Conejos County Budget in the amount of 17,854,406 and went over the expenditures as follows:
Department of Social Services-6,911,443
General Fund- 4,491,893 (2020 they might be looking at furloughing positions, cutting retirement, etc. they are going to try to see if the sales tax passes in 2019, will be taking 45,000 from DSS, when she hands out the budget she will be telling all department heads to try and save 10% if they can.)
Contingency Fund- All they have are Treasurer’s fees.
Conservation Fund- 67,341
PILT-2,500,000
Public Works-30,475
Road and Bridge-2,162,598
Lodging Tax-30,266
Nursing Fund-231,415
OLTC-507,106
PCP-788,816
CSFP-42,580 a total of 1,569,917
General Contingency Fund- 90,000
Total: 17,854,406

The board had a 5 minute recess.

Motion to approve Resolution C-49-2018 RESOLUTION ADOPTING THE BUDGET SUMMARIZING EXPENDITURES AND APPROPRIATING MONEY TO VARIOUS DEPARTMENTS OF CONEJOS COUNTY GOVERNMENT FOR THE 2019 BUDGET YEAR: Comm.
McCarroll/Second: Comm. Sandoval- All in favor

3-0 Motion carried unanimously.

Tressesa-County Admn. stated that they will have a Special Meeting to approve Mill Levys, it was decided to hold the meeting on Dec. 19th, 2018 at 9:00 AM.

Linda-Land Use-Hobbes/Counts, Decision on Vacation of Public Way-Plateto

Doug Reynolds, Mark Jackson, and Robert Hobbes were on a telephone conference with the Board of County Commissioners.

Chrmn. Jarvies stated that they are gathered back in session, mentioned that Linda-Land Use Admn., County Administrator, County Attorney, HR and Clerk are present.

Chrmn. Jarvies re-opened the hearing and turned the time over to Linda- Land Use Admn.
Linda presented the following:

Case 2017-224, application for a Public Way Vacation filed in the Land Use Office on Aug. 28, 2017, the property is zoned community townsite, it is legally described as 2nd Street West between Block 4 Lot 11 and Lots 1-6 and 3 and 24 of the GF Seale Division of Land and 1st Ave North Blocks 24 Lot 17 thru 20 and Block 6 Lot 1 Platoro, they met with the Planning Commission where no recommendation was made on November 07th Board of County Commissioners met on December 06th. the public hearing was closed and agreed to make a decision today December 14th, 2018.

Chrmn. Jarvies asked if everyone was agreeable to where they are at.

Mr. Reynolds said yes.

Chrmn. Jarvies stated that Comm. McCarroll was out at the last meeting, asked Comm. McCarroll to state what he has done.

Comm. McCarroll stated that he appreciates AnnaBelle getting the minutes early, he was able to review all the testimony that was given the day of the hearing both for and against, he also participated in the site visit so he is aware of those things that have gone on but he would like the record to reflect that he went over the minutes and testimonies given.

Chrmn. Jarvies asked Nick Sarmiento-County Attorney if he had anything.

Mr. Sarmiento asked if they would want to consult with him now is the time regarding any legal issues, standards, or any other arguments that were presented either by the attorneys, if not he would ask to deliberate.

Chrmn. Jarvies asked the board if they had any questions for Mr. Sarmiento.

Chrmn. Jarvies stated that they are in the deliberation phase of the hearing, everyone has had the chance to review, we don't have any questions, like we have said the public comment period has ended so at this time he asked for a motion either way, if they have any other things that they want to discuss now is the time.

Roll Call:  
Chrnm. Jarvies- YES  
Comm. McCarroll- YES  
Comm. Sandoval-YES  

All in favor, 3-0 motion carried unanimously.

Linda stated that she will prepare the resolution for review and approval and have it available for recording along with the mylar map.

**Nick Barela-DSS**

Nick presented the accounts payables and program administration costs.

Motion to approve Accounts Payables in the amount of $12,139.25 and EBT expenditures in the amount of $266,612.56: Comm. Sandoval/Second: Comm. McCarroll, all were in favor.

3-0 Motion carried unanimously.

Nick presented the case load report as follows:

<table>
<thead>
<tr>
<th>Adult Financial</th>
<th>Colorado Works</th>
<th>Food Assistance</th>
<th>Medical Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>142</td>
<td>58</td>
<td>798</td>
<td>1,630</td>
</tr>
</tbody>
</table>

Nick stated that most of those cases are creeping up with the exception of the Medicaid, especially with the Colo Works case, that has jumped up at about 16, will continue to monitor them, some of it is due to the STEP Program, Colo Works has what they call a limited reporting program which is basically means that clients stay on for a short period, they are not turning people off, the STEP Program exempts the income that is coming in to their household so basically that doesn't impact their TANF.

Nick stated that their 2019 County Personnel and Merit Certification is due, he is requesting approval on that, it's just the annual thing stating that the recruitment selection and advancement of employees shall be on the basis of abilities, knowledge and skills, the system shall provide equitable and adequate compensation and employees shall be trained on high quality of performance, this year they need approval from the Commissioner's Chair person.

Motion to approve the merit system for the Department of Social Services: Comm. McCarroll/Second: Comm. Sandoval - All in favor
3-0 Motion carried unanimously.

Nick presented the provider counter report which is Medicaid expenditures for April 1, 2018 through June 30, 2018, that is broken down by the provider type and dollars paid, the total amount for Medicaid is 1,348,576.

Nick stated that he has the sub recipient performance report, he wants to point out the conclusion of the federal part that was connected in Conejos County Dept of SS and wanted to be able to entertain any questions that they might have in regards to that.

Chrmn. Jarvies asked if there was anything that stuck out on the audit.

Nick said no, if they remember they pulled around 80 cases, the first report came back stating they didn't have any findings of internal fraud which was the primary thing that came up, they did give them a list of findings he re-buttoed those, they reversed two of those findings they were left with one on the restorations and supplements, overall it well very well.

Nick stated that they entered into a contract with Mary Susan Eldrige for a family engagement meeting in the amount of $2750.00- no approval required from the board.

Nick mentioned that they got approved $5000.00 for the SNAP Incentive Program, they have to submit their SNAP plan on how they want to do that, one of the things that he requested from them to see if it was allowed was are some renovation costs, he would like to combine those SNAP funds, some TANF allocations, and some Medicaid incentive with possible renovation of the old county jail and make it into a computer training lab for their clients and employees and possibly an additional conference room; we are outgrowing our facility at Social Services, that part because it is Federal it has to be approved.

Samantha-Public Health- Board of Health Report- OLTC

Samantha started her report with Board of Health- stated that there is an outbreak of Hepatitis A in Colorado, El Paso had around 7 or 8, it spreads fast, talked about the outbreaks in California and Utah, don't have too many cases but are meeting weekly to be sure that they are prepared, stated that it is a virus that attacks the liver, they are having state wide calls, El Paso is in a lot of outreach, they are making sure providers know, prioritizing vaccine, Conejios does not
have the vaccine yet, will give to high risk individuals, will be contacting the jail this week, that is the only high risk place she can think of right now that might want to be aware that this is going on, need to have access to Hepatitis A vaccine if it is needed, for those that have private insurance she does have 10 doses right now, she does not have state vaccine, talked about extra cleaning at the jail.

Commissioners report- Samantha talked about OLTC, brought Stephanie her program supervisor with her, she has been on calls and been talking about how much they can handle.

Stephanie stated that where they are with Single Entry Point is that they did have a call with the state last Friday, they just need to come up with a time line, on that call there was an option that came out would Costilla be willing to take the contract then they would offer them the rural exception for Costilla, that is up to Costilla, they are concerned that they may not be able to find another contractor if we divest in 2019, they will sign the 1 year exemption, our contract is two years and we sign our extension in June 30th, 2019, the state would like us to sign the one year extension until 2020, her concern with signing the extension it’s a pretty extensive contract and staff is aware that transitions are going on so they will be looking for other positions, if she loses a certain level of staff she may be not be able to fill the obligations of the contract.

Nick Sarmiento- County Attorney stated that he was on that conference call and in reviewing the contract there’s a clause in there that allows them to uni-latterly extend it for one year, depending on what happens here we will give written notice and that will give them enough time to try and figure out what’s going on but there is a damages provision in there, they will charge us for any costs associated with trying to bring in anyone else during the time of this contract, there is a gray area because they haven’t exercised their right to extend the contract and we are doing pre-emptive notice that we are going to hold to the terms and we don’t want to extend the contract till 2020; under the contract we are being breached; if we would try and terminate the program before June 2020.

Samantha stated that she thinks it’s a balance of trying to staff it appropriately because staff is going to be transitioning out and also make sure that there is not a lapse in services for our clients, thinking about all those options, she came up with the idea of a proposal is that our neighboring counties get right of first refusal at this point assuming the contract, that would be Costilla or
Alamosa, if our neighboring county wants to assume the contract it can happen without assigning the extension, if the neighboring counties don’t want their right of first refusal and decide they don’t want the contract then they would have to do an emergency procurement and bring in a private industry to do case management. She is thinking of going in between and make sure our clients are covered, we let them know that if our neighboring counties refuse their right of first refusal then we extend the terms of the contract to give extra time to bring in private industry with negotiation possible if we drop a certain percent of staff we can do an emergency close out without a breach of the contract.

Comm. Sandoval stated that if they decide to end everything on June 30th folks with have services till then, what would be the significance if Costilla wants to take it on for us.

Samantha stated that if Costilla wants to take it on for us; that would be the smoothest, they would just assume the contract, I have confidence that they assume our case managers, our clients and keep the same case managers, they would still be in our building, Costilla has to decide that risk, there is risk with the rural exception.

Nick stated they need to discuss that with Costilla County and let them know there is a lesser risk, you have been contacted with a private entity that is willing to come in and take PCP, they can take the easier PCP clients or take as many clients as they think and eventually drain us away from PCP, if we hold on to Case Management exercise our rural exception they can drain us slowly or a little bit of both, I don’t believe a private entity would go into Costilla County especially in the Southern end of Costilla County and take on all those clients, if they would have to make that calculation, they will have no choice to continue working under conflict of interest.

Samantha stated that there were about 10 people on the call, there was a mis-representation on their communications with us, they were wondering why she just couldn’t turn in her business continuity plan without the board making their decision, they wanted her to guess what the board was going to do and she was told they would never hold it to it, she explained how county government works and she was not going to guess what the board is going to do.

Nick stated that they said the business continuity plan can change and 2020 not be a hard deadline.
Samantha stated they danced around it they told her that maybe she misinterpreted, she has never been on a call alone, Stephanie has always been on a call with her; they still have to de-conflict and figure out the best way for clients to make sure there is not a lapse in their service.

Stephanie stated that the state was shocked that the county went this way, no other case management that is in conflict is going with case management they are divesting in PCP.

Chrmn. Jarvies felt that they are going that way and then they will say "what have we done", I don’t know.

Samantha stated that this is an emotional thing for Stephanie.

Stephanie stated she felt they should involve staff as well, we are not discussing with case managers what their feelings are; we need to hear from them.

Samantha stated that some have come to her and said they are looking for other positions.

Comm. Sandoval stated that Costilla will have two new incoming Commissioners, how are two new folks going to make that decision when they have zero background in none of that and we need to try to show them that it’s less of a risk for them; we not only do we need to have staff involved we also need to have Costilla County involved, if they decide they don’t want it we have our general direction that we are going we would have to make a better plan.

Connie- HR stated that the state made it very clear that you have to do it; there was conflict at the state.

Samantha we need to figure out what’s best for the staff and clients, she is open to 2020.

Stephanie stated that maybe they could lose one person, they have over 300 clients between Conejos and Costilla County that require their yearly assessment plan every 6 months, those occur every month so they can’t do it without a whole less staff, the case manager staff told her to count on them until June 2020 that would give them time to look for another job.

Samantha stated that she wants people to work as long as they can, if one leaves how are they going to fill in that capacity, also is
thinking about the staff that is left they have to assume that burden of filling in that gap.

Nick asked the board if they allowed him to attend a Board of County Commissioner’s Meeting in Costilla to start negotiations, if they don’t want to take that risk then they understand.

Samantha stated that the sooner they can do a timeline; the state is going to push them quickly for a timeline.

Comm. Sandoval stated that he would recommend that they meet with the staff and give them that timeline because people have to know they have bills to pay.

Samantha stated that she understands that they will extend to 2020 unless Costilla County was to resume the contract before then with the terms and the emergency closeout.

Nick stated that they need to re-negotiate and 2019 and 2020 portion in case we fall below a level of employees we have to get out we can’t provide the services.

Samantha wanted to know what can she tell the staff, she does not want to give them a false timeline.

The board and Nick suggested that she just have a discussion with the staff.

Nick stated that they need to get them into contracts with staff, the funds at the end of 2020, you have to give those funds back if they are not used.

Samantha stated that at the same time a letter was sent to all Single Entry Point, we didn’t get the letter, they are collecting all their deferred revenue in the reserves.

Tressesa-County Admn. stated that they are going back to do research on revenues received because one of the figures that they saw from the auditors was way off in case they get the letter.

Samantha stated that they talked about doing a contract at a higher rate with staff so they stay.

Nick stated that they would pay higher and in return we get their commitment to stay on.
Stephanie stated that she likes John's idea of meeting with the staff. Samantha will talk to the staff, she would like to get people settled the anxiety is there.

Rodney King-EMS Report

Rodney stated that he sent the Operation Comprehensive Plan for approval, talked to Garth and as soon as he gets sworn in they will go over those; he can sign that also.

Motion to approve the Emergency Operations Plan as presented: Comm. Sandoval/Second: Comm. McCarroll- all in favor

3-0 Motion carried unanimously.

Rodney mentioned that Tressesa and he discussed the need for some agreements with other entities; he sent those out so he will just add the clause that Nick Sarmiento mentioned which is the termination clause with behavioral health, he will pursue those, will get signatures from fire departments, schools, sheriff department, mental health, etc.

Emergency Manager- Work retreat at Wyndham in Pagosa Springs Dec. 9-12, the priorities to work on next year are:

1. Continue to increase local capability and capacity in our ongoing quest to manage expanding incidents for no less than 72 hours.
2. Continue to plan, train, exercise, respond and mitigate all-hazards within the SLV region. (Recoveries positions one will be in Huerfano County and the other in Costilla County, they will be full time positions for two years in the 70-80,000 range per year.
3. 2018 Spring Fire Incident (Costilla County) Flash Flooding and Debris Removal. (Huerfano will have floods is what is being predicted.)
4. State of Colorado SLV Regional Access and Functional needs Rural Pilot Program- Samantha is working on that with them, someone that is 6-9 months pregnant can't get in or out very easily, people with addition, the elderly, people on oxygen, problem they have is they don't have lists of those people, half a million dollars has been funded to work on this, they will get someone hired here to work on regional functional needs for our region.
Tressesa- County Admin. stated that they need to get reimbursed from Costilla County, they paid 5 6 guys overtime and they had to up front that money, her and Connie are putting that together, they will be sending Costilla County a bill, Chris Crown has e-mailed them and has had no response.

Rodney talked about Homeland Security and Emergency Operations, they are making some good changes, they got a $4000 raise for this year, will get reimbursed $30,000 if we do the match with them, Alamosa and Rio Grande do not want to be part of the MPG Funding.

Rodney stated that he is working with the schools; talked to Kurt Wilson will be doing a tabletop evacuation; will have a training with South Conejos next August.

Comm. Sandoval stated that he was in North Conejos and that traffic is a disaster is that part of the plan that they will work on if they need to get people out.

Rodney stated that he has told them that when they did the full scale they did not want to do evacuation, he told them that they should practice it because it will be a disaster, they need to have a plan of how to get out and where to go, South Conejos would put them on buses and take them to the Parish Hall, those evacuation plans are just as important as the active shooter plan, they are responsible for every single student, they just can't release them, they need to make sure they give them to the right parent, South Conejos has committed to do a functional and a full scale.

Executive Session

Motion to go into executive session as per 24-6-402(f): Comm. Sandoval/Second: Comm. McCarroll- all in favor

3-0 Motion carried unanimously.

The board came out of executive session at 11:19 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the County Attorney that the discussion held had an attorney/client privilege therefore no record was kept.
There being no further business to come before the board; Chrmn. Jarvies declared the meeting adjourned at 11:20 AM.

ATTEST:

NATHAN RUYBAL
CLERK OF THE BOARD

MITCHELL JARVIES
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Special Meeting held on December 19, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13; Conejos, CO. 81129

Call the meeting to order

Comm. McCarroll called the meeting to order at 9:00 AM.

Roll Call: Steve McCarrol-Vice Chair-Present
           John Sandoval- Vice Chair- Present
           Mitchell Jarvies- Chrmn.- Absent
           Tressesa Martinez- County Admin. Present

Also present were Nick Sarmiento-County Attorney, Connie Ricci-HR, and AnnaBelle Gomez, Deputy Clerk & Recorder.


Prayer: Comm. Sandoval gave the opening prayer.

Approval of Agenda

Motion to approve the agenda with the addition of the Intergovernmental Agreement with the Town of Antonito: Comm. Sandoval/Second: Comm. McCarroll

2-0 Motion carried unanimously.

Nick Sarmiento stated that they have been working on the agreement, he met with the Mayor of Antonito, they discussed some of the conditions, they are at the point that everyone agrees with the agreements, there were a few typos, he has made those changes, the board has reviewed the IGA; the IGA commits them to paving and nothing else.

Motion to approve the Inter-Governmental Agreement with the Town of Antonito which is scheduled to start in 2020, approval to include any typos or any re-wording that may appear: Comm. Sandoval/Second: Comm. McCarroll.

2-0 Motion carried unanimously.

Comm. McCarroll proceeded to sign the agreement.
Mayor Abeyta thanked the board for their time.

Tressesa Martinez- County Admin- Transfer of Money

Tressesa presented the following:

A RESOLUTION PROVIDING FOR THE TRANSFER OF MONEY TO VARIOUS COUNTY FUNDS

WHEREAS, The Conejos County Finance Officer has asserted to the Members of the Board of Commissioners that certain transfer of money should be made. Specifically, the Conejos County Finance Officer has requested that the following transfers be made:

WHEREAS, a budgeted transfer in the amount of Thirty Thousand Dollars ($30,000) from the Special Contingency Fund to the Nursing Cash Fund; and

WHEREAS, a budgeted transfer in the amount of Twenty Thousand Dollars ($20,000) from the FCP Cash Fund to the Nursing Cash Fund; and

WHEREAS, a budgeted transfer in the amount of One Hundred Thousand Dollars ($100,000) from the Road and Bridge Cash Fund to the PILT Cash Fund for a partial payment for graders and scraper purchased in 2015; and

WHEREAS, a budgeted transfer in the amount of One Hundred Thousand Dollars ($100,000) from the PILT Fund to the Public Works Fund; and

WHEREAS, a transfer in the amount of Three Hundred Thousand ($300,000) PILT Cash Fund to the General Operating Fund. Such transfer is not a budgeted amount; however, necessary to keep the General Fund Account from going into the negative; (All others were budgeted for) and

NOW THEREFORE, in consideration of the foregoing recitations, BE IT RESOLVED that Mack Crowther, the duly elected Conejos County Treasurer, be and he is hereby directed and authorized to forthwith transfer the amounts as requested in this resolution.

Motion to approve Resolution C-2018-51 Transfer of Money to Various Funds as presented: Comm. Sandoval/Second: Comm. McCarroll

2-0 Motion carried unanimously.
Approval of Mill Levy’s

Tressessa stated that all the 2018 Mill Levy’s to be collected in 2019 are in, they have been double checked; Sandra from the Assessor’s Office has them in their system.

Motion to approve the Mill Levy’s as presented: Comm. Sandoval/Second: Comm. McCarroll

2-0 Motion carried unanimously.

First Reading- Repeal of Ordinance Adopting On Site Waste Management

Nick Sarmiento stated that the reason they are discussing this is the on-site waste water management statutes will be amended every two years, the problem with having an ordinance with this is the issue that we have to publish the ordinance in full and that costs the county a lot of money, the statute allows for us to adopt the on-site water management statutes by resolution; there is no need to undergo that difficult of a process in publishing the entire ordinance, they will pursue revoking the ordinance and adopting a resolution which adopts the new amendments.

Linda stated that she has the proposed ordinance revoking which is the first page that she gave them and proceeded to read the following:

Ordinance No. Conejos County 2019__ of the Board of Conejos County Commissioners of Conejos County, Colorado

An Ordinance Revoking Ordinance 2014-01 an Ordinance Adopting the On-Site Wastewater Treatment Systems pursuant to the Colorado Department of Public Health and Environment, Water Quality Control Commission Regulations # 43

WHEREAS, The Board of Conejos County Commissioners on July 25, 2014 passed an ordinance adopting On-Site Waste Water Treatment Systems Regulation 43;

WHEREAS, the Colorado Revised Statutes 25-10-104 Regulation On-Site Wastewater Treatment Systems-state and local rules allow for adoption of the rules by resolution; and

WHEREAS, the Board of Conejos County Commissioners adopted a Resolution # 2019-0___to adopt the On-site Wastewater Treatment System rules on January 15, 2019 and duly published said resolution;
THEREFORE BE IT ORDAINED: That the Ordinance of July 15, 2014 is hereby revoked, and the Resolution 2019-0 is reconfirmed, and all acts done, performed or authorized under said Resolution are hereby approved, confirmed, ratified and adopted.

Linda stated that she has also presented a copy of the proposed Conejos County On-Site Water Treatment Regulations, the regulations will be posted on the County Website; public notice reflects that folks should review the regulations on the website by coming to the Land Use Office, she hasn’t talked to Samantha at Public Health to see if they could deposit one there, if people want to see it there for convenience.

Comm. Sandoval asked: what are the changes that people need to know?

Linda stated that it’s a good change for us, separation distances, water mark- on the 150 gallons they don’t measure the calculations at 200 a day, everything else are minor words that the division changed.

Comm. Sandoval asked if the tests were the same and if there is a little bit less burden.

Linda said yes, and the burden is a little less but the hard parts are still there, the resolution does reflect for vaulted systems that is a change in the state, if you want a vaulted system you would have to go through a variance; she had actually proposed that they take the variance process out because there is a lot to a variance but we do have a lot of places where a vault could be appropriate, the other part that did change is that Rocky Mountain Estates in Platoro there are two areas that are seasonal and those lots are less than an acre, that would be appropriate for a vaulted system, a sealed system that would not require a variance process.

Chrmn. Sandoval asked if on that system there is no leach and no drainage, they have to be pumped out.

Linda stated that is correct, in the Townsite of Platoro they have no choice, properties that have more than one acre can apply for a variance and it would definitely be appropriate; mentioned that in other counties the cost on a variance is very complicated, she understands why it is set up that way, they don’t want to encourage variances it has to be difficult and costly.

Linda will publish the resolution.
Nick Sarmiento stated that they will have the Public Hearing on January 15, 2019; they will do the adoption by resolution and then the ordinance.

Linda stated that she hopes that they will be able to revoke and adopt on the 15th of January.

Motion to adopt the First Reading-Repeal of Ordinance adopting On Site Waste Management as presented: Comm. Sandoval/Second: Comm. McCarroll

2-0 Motion carried unanimously.

There being no further business to come before the Board; Comm. McCarroll declared the meeting adjourned at 9:35 AM.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD

STEVE MCCARROLL  
VICE-CHAIR BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Special Meeting held on December 27, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the Meeting to Order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chairman- Present
John Sandoval- Vice Chair- Present
Steve McCarroll- Vice Chair- Present
Tressesa Martinez- County Admn. Present

Also present was AnnaBelle Gomez, Deputy Clerk and Recorder.

Pledge of Allegiance

Chrmn. Jarvies led everyone in the Pledge of Allegiance.


Approval of Agenda

Motion to approve the agenda as presented: Comm. Sandoval/Second: Comm. McCarroll- All in favor

3-0 Motion carried unanimously.

County Administrator-Tressesa Martinez

Tressesa, County Admn. presented the End of Year Appropriations as follows:


WHEREAS, it has come to the attention of the Board of Commissioners that the CSFP Commodity Program is over approximately $4,4000.00 and will be appropriated form the PCP Cash Fund Balance; and
WHEREAS, it has come to the attention of the Board of Commissioners that the following departments have over spent their budgets by the approximate amounts in the General Fund as stated:
Admn. Budget by $295,520.00, Clerk & Recorder by $16,500.00, OEM-$1,000.00; VAWA Budget $3700.00 FOR A TOTAL OF $316,720.00 and

WHEREAS, it has come to the attention of the Board of Commissioners that a GOCO Grant in the amount of $350,000.00 was received for the North Conejos School Recreational Complex and was administered out of the Admin. Budget; and

WHEREAS, it has come to the attention of the Board of Commissioners that an EMS Provider Grant will be received into the General Fund to subsidize the ambulance budget to provide equipment for the Ambulance Service; and

WHEREAS, the amount of $40,218.44 has been received from CTSI liability insurance for the Control System that was destroyed by lighting in the Conejos County Jail, such expenditure was made out of the Jail Budget; and

WHEREAS, it is the intention of the Board of Commissioners that any over expenditure in the General Fund be appropriated from other departments within the General Fund that are under budget such as the Land Use Department, County Assessors, Elections, Treasurer, Maintenance and Building, Sheriff, Coroner, and ambulance; and if any remaining over expenditures exist that are not covered by those departments, such appropriations will be made from available fund balance; and

WHEREAS, it is the intention of the Board of Commissioners that any appropriation of any fund Budget of Conejos County be appropriated from additional revenue received within the specific and/or available fund balance; such occurrence that was unforeseen at the time of the adoption of the 2018 budget.

Motion to approve Resolution C-52-18 APPROPRIATION OF MONIES as presented: Comm. Sandoval/ Second: Comm. McCarroll, all in favor.

3-0 Motion carried unanimously.

SLV Business Loan Fund Application
Tressesa, County Admn. presented the SLV Block Community Block Grant, mentioned that Conejos County has around $60,000 that have applied for small business loans.

Motion to approve the SLV Business Loan fund Application as presented: Comm. McCarroll/Second: Comm. Sandoval, all in favor.

3-0 Motion carried unanimously.

ATTEST:  
NATHAN RUYBAL  MITCHELL JARVIES  
CLERK OF THE BOARD  CHRMN. BD OF COUNTY COMM.