Minutes of the Board of County Commissioners Special Meeting held on March 29, 2019 at 8:15 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-Chair- Present
Steve McCarroll- Vice Chair-Present
John Sandoval-Vice Chair-Present
Tressesa Martinez- County Admn. Absent

Also present were: Nick Sarmiento-County Attorney, Connie Ricci-HR, and AnnaBelle R Gomez, Deputy Clerk and 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. McCarroll/Second: Comm. Sandoval. All in favor.

3-0 Motion carried unanimously.

Commissioner John Sandoval

Comm. Sandoval stated that several years ago there were reports of wrong doings in Conejos County and it made its way to the D.A. and up to the Attorney General of claims of wrong doings and improprieties so the State Attorney General came to Conejos County and opened up an investigation that went on almost three and half years, they looked into every aspect of the operations of the county, asked them for a number of documents, files, audits, things of that nature. I am happy to say that after several years of investigation they found no wrong doing at the county, the people that have worked here in the past and work here now in their leadership have done an excellent job in providing for the citizens of Conejos County, ultimately in that investigation to where nothing was found they started looking at personal accounts and they looked back into his account; in 2011,
2012, and 2013 I had done some baling to help some folks out; had never done it for a profit and unfortunately when a person files tax returns at the very bottom it says under penalty of perjury and you are swearing what you put on there is true and unfortunately some of the checks never did hit my income tax report, I can’t say that if you are helping someone in things for expenses but ultimately when I sit up here as commissioner and make decisions that are in the best interest of this county and I judge folks and special uses; we are judges up here and I am no better than anyone else, I need to be judged if I did something wrong, whether it was wrong on purpose or a mistake, an error on omission it is still a mistake, and I can say I am not proud, didn’t do it on purpose but it happened, I would never do anything to hurt Conejos County, the best thing of this investigations was the accusations that were made of this county were false, they poured over years and years, they did subpoena people from this county, they talked to the priests about paving which they had a contract for, when the church built their parish hall there were funerals, weddings, etc. there was a muddy parking lot, it was an embarrassment, we have several acres that we have used from the church, they were planning to put their labyrinth so they made a deal with the church, they will use this for 100 years we will keep putting our culverts, our dirt and use our parking area, we would use the parish hall free of charge for 100 years, they charge around 200 a day plus security deposit, the court has used it several times, we do have a legal document it was those types of complaints that they said that we did, they said there was a million dollars of rock that came from the Ortiz Project, that never happened, the county is out of that umbrella.

Comm. Sandoval stated: Unfortunately yesterday I did take a plea, and I will pay for anything that I did wrong, I wrote a check to the State of Colorado for taxes, by order of the court; I get to go to Denver next week and take every receipt, document, every expense and claim it against what I paid yesterday, I could have taken it to court, I never wanted anything bad to happen to Conejos County, I also have the ability to stay in office if I wanted but the judge did say "there are consequences if I don't", we could impose penalties and probations and all other stuff, but I did not want that.

Comm. Sandoval talked about forgiveness, spoke about the friends he has made while serving this county, talked about the snow schedule he has been with his crew for 19 years, he has plowed snow so that some of the guys can take a day off for Christmas, has done patching side by side with the crew, has picked up trash, what he has done has been
in the best for the county, if anyone has an issue they can give him a call, thanked the folks for being here today.

With all that being said Comm. Sandoval made a motion to go into executive session as per 24-6-402 (b) conference with the attorney to decide what the legal justifications of this plea are and how the county goes forward.

Second: Comm. McCarroll. All in favor.

3-0 Motion carried

The board came out of executive session conference with the attorney at 9:01 AM and no decisions were made.

Nick Sarmineto: It is the opinion of the county attorney that the discussion held in executive session had constituted client/attorney privilege therefore no record was kept.

Comm. Sandoval stated: It is with a heavy heart that I will announce that I will make my resignation from the office of Conejos County Commissioner District # 1 at 3:00 PM April 02, 2019, there is a regular board meeting on April 04th and I don’t feel that I should sit on that meeting and make any decisions that have to be made.

Chrmn. Jarvies stated that he appreciates that and that he has the interest of the citizens of the county.

Comm. Sandoval stated that he will submit a letter to the County Administrator by Monday.

Chrmn. Jarvies stated that the letter will be accepted by the Board at their regular meeting on April 04, 2019.

Chrmn. Jarvies declared the meeting adjourned at 9:03 AM.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD

MITHCELL JARVIES  
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Regular Meeting held on April 04, 2019 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
Steve McCarroll- Vice Chair-Present
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. Jarvies led everyone in the Pledge of Allegiance.


Approval of Agenda

Motion to approve the agenda with the addition of board vacancies under County Administrator and under County Attorney the intergovernmental agreements for the Sheriff and the Ambulance: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor

2-0 Motion carried.

Approval of Minutes

Motion to approve the Minutes of the March 07, 2019 Regular Meeting and the March 29, 2019 Special Meeting: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.

Approval of Payroll and Accounts Payables

Motion to approve Payroll and Accounts Payables: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.
**Public Comment**: Sylvia Lobato stated that she feels terrible to what happened to John but feels betrayed and also the people from Conejos County; feels so sorry that this had to happen.

**County Administrator**

**LETTER OF RESIGNATION-COMMISSIONER JOHN SANDOVAL**

Chrmn. Jarvies stated that it has been tough; stated that they need to accept Mr. Sandoval’s letter of resignation, the letter read as follows:

To Board of County Commissioners: With this letter I hereby announce my resignation from the position of Conejos County Commissioner effective today April 02, 2019 at 5:00 PM. It has been a pleasure serving the citizens and staff of Conejos County; in particular I would like to thank the elected officials and county administration for all of your help during the year.
Best Regards, John Sandoval

Motion to accept Commissioner John Sandoval’s letter of resignation as presented: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor.

2-0 motion carried.

**Posting of Board Members**

Tressesa- County Admn. stated that the board appoints members to the different boards, all positions have been advertised but never get any responses, would like to see if they don’t have to publish those advertisements, would like to know if they can just post them at place of businesses, website, etc. so that they save money.

Chrmn. Jarvies stated that is okay as long as they are consistent.

Motion to approve that any open county vacancies to any board be posted in public places, businesses, Post Offices, and on the website to allow people to put in for those vacancies: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.

Tressesa will present a list of those boards at the April 16, 2019 Meeting.
Chrmn. Jarvies stated that there is a vacancy on the Manassa Cemetery, Marlo Anderson would like to serve; asked County Admn. Tressesa to contact him.

**Nick Sarmiento-County Attorney/Intergovernmental Agreement**

Mr. Sarmiento stated that he has two intergovernmental agreement for the Ambulance Service and the Conejos County Sheriff's Office, it is to approve a five year contract with the State of Colorado for dispatching; one thing he looks for in the agreement is that there is a way out, in this situation either party may terminate by giving the other party a 30 day notice.

Motion to approve the Intergovernmental Agreement with the Colorado State Patrol for dispatching for our Sheriff's Department and the Ambulance Service: Comm. McCarrall/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.

Mr. Sarmiento stated that they have to enter into another agreement with La Plata County; this is for CPDHE to return funds.

Board took a short recess.

**Mack Crowther-Public Trustee's Report**

Mack stated that everything seems to be average, have had quite a few releases, are working on balancing for the month; collections are going well.

Motion to accept the Treasurer and Public Trustee's report as presented by Mr. Crowther: Comm. McCarrall/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.

**Samantha Public Health/Board of Health Report**

Samantha stated that today she will be doing the Commissioner's Report for Public Health, presented the following report:

A. Administration and Governance- Have had some changes, did interview for public health nurse-vacancy, had 2 good applicants, were offered the position, neither one accepted, is looking for a
temporary position for IZC Nurse to get the immunizations started in the schools which will be 2-3 hours a week, would like to propose an MOU with Costilla County immunization for her to come down once a week, sent it Nick, Costilla signed it yesterday, will be paying them contracting rate and mileage which is all with immunization funds, when she gets back from leave she will look at re-advertising.

Motion to approve the MOU with Costilla County for a temporary part time nurse from April 1st through Sept 30th with the option of 30 days to end the contract which includes mileage at Costilla Counties’ rate: Comm. McCarroll/Second: Chrmn. Jarvies. All in favor.

2-0 Motion carried.

Facilities/Technology—Will be looking at blinds for the North side of the building, will be connecting the outlet to the generator, received a concern on wheelchair accessibility for conference room which is used for multiple meetings, the backdoor is not wheelchair accessible.

Chrmn. Jarvies asked Samantha to go ahead and get a bid on how much it would cost.

Financial—Completed Financial Risk Assessment audit with CDPHE and received LOW risk rating.

B. Assessment Planning and Communication—Continued work on objectives and goals.
C. Communicable Disease Prevention, Investigation and Control—Temporary MOU with Costilla IZC Nurse, VFC site visit on April 10th, additional funds for a new fridge, connection to generator, HEP A vaccine, measles response training in Springs on May 9th.
D. Emergency Preparedness and Response—Doing closed POD agreements, EMS-MOU, CCH-Pending regional coordination, LTCF-MOU, have registered for EOC training in May. (Chrmn. Jarvies asked Samantha to let them know the days of the training).

Motion to approve the MOU for EMS and LTCF: Comm. McCarrol/Second: Chrmn. Jarvies. All in favor

2-0 Motion carried.
E. Environmental Health-Temp event scheduling which includes festivals that fall into different categories, has asked for some FAQ's.

F. Prevention and Population Health- Tobacco Grant- been doing outreach at the schools, will be reviewing the county policy. Office of Behavioral Health Grant- Trusted adults training on April 15th, next meeting April 14th; serving on action team with South Conejos and North Conejos School District. CDOT-Grant-completed youth ambassador as prevention interviews, selected 3 participants, shared risk an protective factors conference in May, possibility of partnering/sponsoring member of the local Sheriff's Office to attend. Child Fatality- Supplemental funding for CDOT YAPP program to pay youth stipends- will be purchasing gift cards for year this month, Child Facility Meeting for March 14th. Baby and Me Tobacco Free- Support smoking cessation for prenatal and postpartum mothers, continued recruitment of participants.

G. Vital Records and Statics- No changes

H. Personal Care Provider (PCP) Program- 2999 field hours worked, currently hiring providers, would like to do some appreciation for staff who have worked for agency for several years.

I. Commodity Supplemental Food Program- 339 Total Participant.

J. Options for Long Term Care Program- 339 January- 193 were Conejos, new master contract negotiation, conflict free case management- regional meeting April 15th.

K. Upcoming Travel- SAPTS- Feb 19-22 (OBH requirement and funded)- completed, IZC-Epi training- May 5th, shared risk and protective factors May 29th.

Robert Taylor-Citizens Concerns

Mr. Taylor stated that he bought a mosquito sprayer from the county, he showed pictures of missing parts, cords, etc. was going to get it serviced to use around the ranch; stated that when it was posted it showed it was in good condition and ready to go, it is not in good condition.

Connie-HR stated that there are disclaimers that the equipment is used as is; they have the opportunity to look at the equipment.

Chrmn. Jarvies stated that if it is going to turn into a legal matter he should talk to Nick Sarmiento-County Attorney.

Mr. Taylor stated that Conejos County needs a mosquito program; Alamosa has one.
The board stated that they are a district and we are not; we have tried to get one and it was not voted; we cannot afford it.

Mr. Taylor wanted to know what the plan is for the sales tax.

Chrmn. Jarvies stated that part of the plan is to focus on a group and create a committee; he can attend the meeting at 2:00 PM on Wednesday.

Nick- County Attorney stated that we need citizens to come on board.

LINDA-LAND USE

John Mast-Public Hearing

Chrmn. Jarvies opened up the public hearing at 10:00 AM and turned the time over to Linda-Land Use Admin.

Linda gave her report as follows:

CASE NO. CCLU-2019-0011         APPLICANT: John Mast
REQUEST: Special Use Permit- Wood Crafts & Cabinets & Solar Components
ZONING: Rural Zone with agricultural and residential uses.
BACKGROUND: An application was filed with the Land Use Office on 1/22/2019 for a Special Use Permit for Wood Crafts & Cabinets and Solar Component Sales.
OWNERSHIP/LEGAL & SITE DESCRIPTION: The property is owned by John Mast. The real property is legally described as 118.171 acres Tract C, a Division of Tract 1 of the Hochstetler/Willis Division of Land located in the N ¼ Section 7, Twp 36 N, Range 8 East,NM.P., Conejos County Colorado. Property is physically addressed as 6689 County Rd DD.5, La Jara. He has a private well and septic system, the property is neat and clean, no Land Use 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 a notice was posted on-site by Inspector Chris, a hard copy verification is on file an available for inspection.
REFERRAL AGENCIES & COMMENTS: Division of Water Resources- Mr. Mast must contact the Division of Water Resources to determine if there will be any change to his current well permit. There should be no changes as there are no employees.
CDOT- no comments
Archaeological/Cultural/Historical Impacts-none.
Wildfire Mitigation Plan-None.
HEARINGS: Planning Commission 4-03-2019-recommendation to approve.
Motion/Second: Armando/Tom unanimous vote.

Chrmn. Jarvies asked if there was adequate public notice.
Linda said yes.

Chrmn. Jarvies asked Mr. Mast if he had anything to present.

Mr. Mast said he didn’t.

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

Linda stated that she had 12 surrounding owners, didn’t receive any comments from anyone.

Chrmn. Jarvies asked if there was anyone wishing to speak 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.

The Board recessed until 10:15 AM.

John and Mary Lou Salazar- Public Hearing

Chrmn. Jarvies opened up the public hearing for the John Salazar Minor Subdivision at 10:15 AM and turned the time over to Linda-Land Use Adminn.

Linda presented the following:

**CCLU CASE:** 2019-0017  **OWNERSHIP/SUBDIVIDER:** John T & Mary Lou Salazar

**SURVEYOR:** Reynolds Engineering Co.

**LOCATION/LEGAL DESCRIPTION:** 35.00 acres-Tract 1A of the Alvin Schrock Division of Land located in the SW ¼ of the NW ¼ of Section 29, Twp 34 N, Range 10 East NMPM, Conejos County, Colo. 11842 County Road 19

**EXISTING ZONING:** Rural  **ADJACENT ZONING:** North, South, East, & West Rural with ag use.

**REQUEST:** The applicants are requesting a Minor Subdivision to divide the northwest corner of the property which has a home that will be conveyed. The applicants were required to apply for the Minor Subdivision as the property was divided through a Division of Land less than 10 years ago.

**SITE DESCRIPTION-SEWAGE/WATER/ACCESS/ROADS:**
Lot 1 contains 1.783 acres—Well permit, approved ISDS, approved permits, existing access from County Rd 19.
Lot 2 contains 33.217 acres—Ag land, no improvements, existing access from County Road 19 is reflected on the plat.
Lot 2 would be eligible to apply for a household use permit if/when needed.

An additional access permit can be obtained through the Road and Bridge Department if/when needed. Physical addresses must be obtained from the Land Use Office if/when needed.

NOTICE REQUIREMENTS: Notice to surrounding landowners was mailed, notice was published in the Valley Courier and onsite posting was completed.

PLANNING COMMISSION REVIEW: The public hearing heard the case on 4/03/2019. They made a recommendation for approval as presented. Tom/Armando—unanimous vote.

Chrmn. Jarvies asked Linda if there was adequate public notice.

Linda said yes, most surrounding landowners are the Salazar Family, the others are Lynette Tracey, Adam Chacon and Roxanne Madril and Michael Sanchez.

Chrmn. Jarvies opened it up for public comment, asked Linda if she received anything in writing or e-mailed to her.

Linda said she didn’t receive anything.

Chrmn. Jarvies asked the Salazar’s if they had anything to add.

John Salazar said they are good if the board is okay with it.

Chrmn. Jarvies asked if there was anyone 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.

Wendy Helms—Little Treasures
Wendy stated that she is here to report on how they are doing; they are doing very well, they have been able to retain all of their staff for six years, teachers work hard, they hold 10 slots for kids with higher needs, 3 year olds are harder to qualify, have had full capacity of 70 students for three years in a row, are doing well financially, they have been able to set up a pretty good reserve which they will use for a playground, have had a concern on minimum wage, all of the people are above minimum wage, it is not fair for people that they have had for six years and then have new people come on board and receive the same wages, their board of directors have really helped them look at, they were able to implement a descent raise for everybody, those are some of their successes.

Wendy stated that they do have a few challenges, they have had 11 boys and 5 girls in every class so they have had a lot of high energy, state licensing had never enforced group size, explained how many teachers they have in the younger side, talked about maximum size outside and that has a lot to do with the weather, they used to be able to go outside as a whole group in the past but they can’t do that anymore so that brings them to the playground which is 20 years old, they will have three separate areas in the playground that way they can have the three classes out at the same time, talked about the different colored band that they will wear at the different play areas, they received a $25,000 grant from Healthy Child Colorado, $50,000 was pulled from the reserves, they will be asking for $75,000 which they won’t receive until the fall, El Pomar is sounding positive about an additional $25,000, the cost of the whole project is around $176,000, the Builds Trade Program will be building a sand box that will close and open into benches, biggest problem is keeping it covered, that is a requirement, they are doing fund raisers with former parents and students which has been a success, they would like an updated letter of support, anything that they can show in kind would be helpful they don’t necessarily need dollars but basically anything that shows the support of the community, because they are by the highway they are required to have concrete barriers between the fence and the parking lot, thought the county might have access to some, thought maybe Road and Bridge know of any that are not being used, mentioned that they might use the high bollards; would appreciate their help with installation.

Chrmn. Jarvies stated that they can check and see what they have and also talk to CDOT; the letter of support they will do.

Wendy thanked the board for their support.
Donnie Martinez - Road and Bridge

Donnie stated that the proposal he gave the board is for the Engineering Service for the Septic System, it is pricey but they have no choice, he has been working with Atencio's Engineering, they have Fiber Optic on the east, a water line on the west side on the Town of Antonito, with CDPHE regulations you can't be within 10 feet of a sewer line, they will probably completely do away with the septic tank, it would be more cost effective to buy a better pump than pumping those tanks every 3 or 6 months, needs to get it signed and sent back as soon as possible, will be held up by irrigation water, hoping that they can tear that bridge out and put in a culvert from Veteran's Boulevard; may order the right size culvert for that ditch.

Nick Sarmiento-County Attorney will review the proposal.

Donnie presented the Road and Bridge report as follows:

1. Getting a lot of issues and complaints on road issues - doing the best they can.
2. Budgets - trying to push hard to try and save, having the guys look at necessities, mentioned that they had charged $100 to overnight an oil filter, there is no need for that; would like that re-enforced.
3. Efficiency - Getting calls all the time, really pushing with the supervisors that the guys be where they should be.
4. Culverts and tire bids - will be saving a lot of money from purchasing from vendors that are stocking and balancing our tires, last year they had 9000 in tire runs they can probably eliminate 2/3 of that.
5. Equipment - getting back to the gravel pit, would like to get a grader out there because the equipment gets pretty beat up, pushing that they water the roads, Jeff has hauled and hauled, has tons of improvements that they have made, has taken measurements and sent them to HTUF, have to pay federal excise tax on all the tires that go on the semi's, will be working on getting that back because the county is exempt on that.
6. Did get a complaint on a road, got that taken care of that.
7. Stated that they are short handed in District # 1.
8. Are using the three districts for paving, probably for patching also.
9. Water - Arena - have about 11,000 invested in that water system, have to meet CDPHE regulations, has to find a way of getting money back from Little Treasures, ran out of fuel for the
Sheriff's Department, have been getting e-mails from the sheriff's staff when they are at a ¾ tank, still getting bids for fuel; thought about setting up the Sheriff's Department with their own tanks but they are looking at anywhere from $6000 to $10,000.

Comm. McCarroll asked Donnie to let them know when he is getting push back from the guys.

Nick Sarmiento-County Attorney stated that the only problem he has with paragraph 12 on page 3 which they will probably just get rid of, he sent him an email with the reasons why.

Motion to approve the retainer fee of 3134 upon the contractual agreement that our attorney has looked at: Comm. McCarroll/Second: Chrmn. Jarvies All in favor.

2-0 motion carried.

Garth-Sheriff’s Report

Sheriff Garth Crowther gave his report as follows:

- Stated that the monthly report is close to last month’s report.
- They are watching the budget very close, watching some line items and one is the food for the jail, thought the average was $1.89 per meal but it is actually about $1.45 per meal and they usually have around 50 inmates, might reach out for some prisoners, Alamosa is up and functional on their new facility.
- Reached out to State Patrol for high court security, they have a pretty good system where they just hit a button and they can give them log sheets, they get a lot of walk in’s to the Sheriff’s Office, is working on changing the image of the Sheriff’s Office- the guys have worked hard on that, have worked hard on getting an officer when someone calls; mentioned how many calls they have had in the past three months.
- Talked about the vehicles, have done some pricing, they have had 5 vehicles go down, they are putting more money into those old vehicles, there is a reason why those departments are getting rid of those vehicles, got into their commissary fund to put a motor in their transport van, have sat down to look at how they can keep their deputies going.
- Undersheriff-Chris Crown stated that he gets call from deputies on a daily basis where they are stalled along the side of the road, they are doing what they can but some of those vehicles have anywhere from 250,000 to 300,000 miles, they are not
utilizing tow trucks, they can’t afford to lose any staff, they are doing a good job, they have one opening in patrol.

- Garth-Sheriff mentioned that they have a guy assigned to investigation, he pulled a road guy and made him an investigator, he could probably use three guys for investigation especially when they are big cases, they might be forced to lay some people off if they don’t have the vehicles, had talked about spreading it out so that they don’t get hit with this big issue and each year they can work on it, they want to mark their vehicles so that they see them out.

Chrmn. Jarvies asked the sheriff to give them some time and they can go over this with their administrator or have a work session.

Nick Sarmiento-County Attorney told the sheriff that he sent him an update on fine schedules, he can let him know if they want to go higher on some of those fines; they can discuss the surcharge; mentioned that CTSI does cover Search and Rescue.

Sheriff Crowther stated that they are trying to put the Search and Rescue back together.

**Adam Moore- Forest Service**

Mr. Moore presented his report as follows:

- Mr. Moore started with the forest health report for 2018-2018 was the 2nd driest year back to record of 1895 minus the 2002 drought which usually means stressed trees but they saw a decrease in acres affected.

- Talked about the Mountain Pine Beetle activity, Douglas Fir Beetle activity, Western Balsam Beetle, Western Spruce Budworm which had a decrease in the SLV might see an increase due to the moisture, Aspen Defoliation which affected 1,400 acres, Spruce beetle which had a slight increase, throughout the state there were 59,000 acres affected.

- The theme this year was “protecting our communities” which talks about the increase in wildfires, they did an update to the Colorado Wildfire Risk Assessment which is an online mapping service, the program came out in 2012, it shows what wildfire dangers, shows where there could be a grass or brush fire, is it going to move very fast, is it intense, looks at where houses are, that looks at urban interface, in 2012-2017 there was 50% increase in the number of houses in the wild and urban interface in Colorado, Conejos County isn’t far behind in following that trend.
Mr. Moore talked about the Fire wise Communities Program, which emphasizes in Costilla County which lost 130 homes in the Spring Fire.

Bear Creek and Sheep Creek are fire wise communities, to keep that up they have to have some type of wild fire education, they have to contribute money to fire mitigation; they have to have a board.

Things they have been working on in Conejos County are: Got a grant- the communities that it is going to benefit are Horca, Bear Creek, and Sheep Creek, Horca will be removing a lot of the dead willows, they are pruning some of the dead trees, removing some dead vegetation, same type of thing at Bear Creek- they are removing some of the smaller trees, they are helping Linda at Land Use with Special Use Permits, are working with a small timber sale, had the Aspen sale at La Jara Reservoir which no one bid on, working closer with Brian Bechaver, working with Parks and Wildlife to apply for a grant to do some work at La Jara Reservoir, working with Linda on Community Planning Assistance for Wildlife, working on a specific map for Land Use Admn. so they can zoom in and tell if they are on or they are not on the urban interface, will have a parcel number on there so there is no guessing, they put the finishing touches on the Conejos County West Area Community Wild Wise Fire Protection Plan, will be reaching out to other partners and making sure they are covering their needs; stated that he had a place for Commissioner Sandoval to sign.

Chrmn. Jarvis stated to just cross it out and he will go ahead and sign; stated that he appreciates everything he does.

**Ed Boudette- Cumbres and Toltec Operating LLC- Liquor License Renewal**

AnnaBelle Gomez, Deputy Clerk presented the liquor license renewal for the Cumbres and Toltec Operating LLC, mentioned that there have not been any violations, etc. or any other issues, there was proper on site posting.

Ed Boudette was present at the meeting; stated this is for the pavilion, had a couple of pictures one that showed the on-site posting.

Motion to approve the Cumbres and Toltec Operating LLC liquor license renewal as presented: Comm. McCarroll/Second: Chrmn. Mitchell Jarvis.

All in favor. 2-0 motion carried.
Laura Montoya-Martinez Division of Land/Admn. Review

Linda—Land Use Admn. presented the following:

CASE NO: CCLU-2009-11 REQUEST: Division of Land

APPLICANT: Laura Montoya-Martinez

ZONING: Rural SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use Office on June 16, 2009 for a Division of Land/Subdivision Exemption. The real property is legally described as:

S1/2, S1/2, NW ¼ in Section 32, Twp. 34 North, Range 9 East, NMPM, Conejos County Colorado.

The proposed Division of Land (40 Acres) will create the following:

Tract# 1 containing 30 acres more or less
Tract# 2 containing 10 acres more or less

This case was a Divorce Court Order from New Mexico. The applicant, Laura Martinez, had to register the Order through Colorado. Mr. Raymond Valdez worked on this matter through the court system. It took 10 years to work out the matter between the parties. They had the survey plat signed by all parties. We all determined that the plat would be processed through the Land Use Office and recorded.

Nick Sarmiento-County Attorney stated that he is relying more on the signatures than the Court Order from New Mexico, asked if there were any easements created.

Linda said no it’s right off the road.


2-0 Motion carried.

Linda mentioned that she will present the Hobbes and Counts at a later date.

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

ATTEST: 
NATHAN RUYBAL—CLERK OF THE BD
MITCHELL JARVIES—CHRNM./BD
Minutes of the Board of County Commissioners Payroll Meeting held on April 16, 2019 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
Carlos Garcia-Vice Chair-Present
Tressesa Martinez-County Admn.-Present

Also present were: Nick Sarmiento-County Attorney, Connie-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. McCarroll/Second: Comm. Garcia- All in favor.

3-0 Motion carried.

Approval of Minutes

Motion to approve the minutes of the April 04, 2019 Regular Meeting: Comm. McCarroll/Second: Chrmn. Jarvies.

2-0 Motion carried.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables as presented: Comm. McCarroll/Second: Comm. Garcia. All in favor

3-0 Motion carried unanimously.
Public Comment: None

Administrators Correspondence

Chrmn. Jarvies welcomed Commissioner Garcia, stated that he appreciates him taking on the role as county commissioner and look forward to working with him.


Chrmn. Jarvies explained to Comm. Garcia that they have boards that the commissioners are assigned to, they will go over those and can make changes if they need to; Tressesa, County Admn. will present those later.

Transfer of Money

Tressesa, County Admn. presented a resolution for transfer of money as follows:

A RESOLUTION PROVIDING FOR THE TRANSFER OF MONEY FROM PILT TO THE GENERAL FUND

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 transfer be made:

WHEREAS, a budgeted transfer in the amount of One Million Dollars and 00/100 $1,000,000 be made from the PILT cash fund to the General Operation Cash Fund.

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

THIS RESOLUTION WAS CONSIDERED, DISCUSSED AND ADOPTED THE 16TH DAY OF APRIL, 2019, AT A REGULARLY SCHEDULED PAYROLL MEETING OF THE BOARD.


3-0 Motion carried.

Nick Sarmiento- County Attorney- Fire Ban

Nick presented the open fire ban ordinance; stated that it is designed to give the board and the sheriff authority to call stage 1 or stage 2 fire restrictions depending on the weather, the first reading you have to publish in the newspaper in full, 10 days after that we are allowed to pass it on the second reading and it goes into effect 30 days after the second reading and adoption, they will have one more final
publication, it will just be the top portion of the ordinance, proceeded to read the penalty assessments for the 1st, 2nd, 3rd and 4th offense which are offenses on the same period of the fire ban.

Comm. McCarron asked if it is automatic or does the sheriff have to declare a fire ban.

Nick stated that Section 7 of the Ordinance states that there has to be a declaration of an open fire ban; this can be done by both County Commissioners and the sheriff; it does come into effect automatically when there is a red flag.

Chrmn. Jarvies stated that sometimes those red flag warning days are within certain hours, how are you going to communicate that.

Nick proceeded to read when there is a red flag warning and what restrictions will be in effect.

Chrmn. Jarvies thought they could make sure their electronic signs are up and working and possibly move them around the county to get the word out.

Motion to approve the 1st reading of the fire ban ordinance which will be presented a little bit later at the meeting for adoption: Comm. Garcia/Second: Comm. McCarron- All in favor.

3-0 Motion carried.

**Nick Barela- DSS Report**

Nick stated that he has two months of expenditures for approval, they are as follows: Program and administration costs for January in the amount of $460,613.70, Accounts Payables for February in the amount of $6,527.81, Administration costs for February in the amount of $241,922.62, Accounts Payables in the amount for March in the amount of $26,943.43.

Nick stated that the reason for the high amount in January for Program and Admin costs was due to the government shut down, they pushed out food stamp benefits twice that month.

Motion to approve EBT expenditures and Account Payables as presented by Mr. Barela: Comm. Garcia/Second: Comm. McCarron. All in favor.

3-0 Motion carried.

Chrmn. Jarvies asked if they have gotten their LEAP numbers back yet.

Nick said no they contract with Good Will that ends now in April, he will share that when he gets those numbers.

Nick stated that he has an MOU between the Sheriff’s Dept. and DSS concerning medicaid enrollment for our incarcerated individuals that have to be hospitalized for more than 24 hours.

Nick mentioned that they had the Conejos Job Fair on April 11th, they had anywhere from 60-70 participants, about 30 vendors, thanks to Stephanie Goldbranson from the Alamosa Work Force Center, some of his staff attended, the LDS Church in La Jara let them use the church, it is a pretty good facility, employers were pretty happy, they were able to secure some interviews.

Connie-HR stated they handed out over 30 applications.

Nick stated that Conejos and the Alzheimer’s Association will be doing a presentation on May 23rd at their facility from 9:30 to 11:00 AM, they are inviting public health, law enforcement, and some of his staff, if the board is interested in attending let him know.

Nick stated that a couple of months ago he had requested Comm. Jarvies sign an Opposition letter for the CCCAP Allocation, they came up with a new formula, as a result of that new formula the bulk of the SLV Counties and the SE are going to experience a pretty drastic decrease in their allocation, for Conejos it was about 18%, others it was 50%, that would almost shut down business in some places that would require clients to be put on a waiting list, they made some changes to the allocations for this fiscal year they put some mitigating factors, they put a ceiling and a floor on there, they got an addition million dollars from JBC, will have about a 20% increase allocation which is a band aid it will not fix the long term problem of the formula, he will be going to El Paso to discuss his concerns.

Chrmn. Jarvies stated that it was a last minute thing that they signed the letter and asked that they ratify that.
Motion to ratify the letter dated Feb. 21, 2019 in opposition to the cuts that were going to be made to the Child Care Assistance Program: Comm. McCarroll/Second: Comm. Garcia. All in favor.

3-0 motion carried.

Nick mentioned that Rodney King came to the safety training last month which was hosted at the Parish Hall in Conejos and did a mock run and active shooter training; wanted to thank him for that; which is an eye opener.

Vacancies- His Child Support Supervisor went with another agency, a Child Welfare worker accepted a position with another agency, they did interviews last week, will do an internal promotion which will leave them with another vacancy.

Comm. Garcia asked if they do exit interviews to find out why they are leaving.

Nick stated that Connie-HR does exit interviews on all people that are leaving the department.

Connie-HR stated that they have good exit interviews, one got a higher paying position in Monte Vista and the other one lives in Alamosa so he probably felt he was going to save on fuel, mentioned that for a case worker you need to have a degree by state standards.

Nick stated that he will be able to offer a more competitive wage to whoever comes in.

Nick talked about the fraud conference that is coming up on May 7-10th, he was asked to represent the San Luis Valley with the Medicaid Incentive Group, that incentive gives them cash for meeting certain goals to identify each fiscal’s year, there are not a lot of changes in regard to timeliness, case management are in collaboration with OLTC, there will be a Cyber Security Run, they want the amount of time that they discontinue clients.

Nick mentioned that they did have a food stamp administration expense review performed at Conejos County, they did have zero findings on this report, they pulled our time reporting and our local county audit, that went well this year.

Nick stated that the Valley Wide Health Systems Contract was for an expert witness that they needed in Child Welfare total amount of that
was $550.00, procurement process was followed- does not require board’s signature, he signed off on it; Ben reviewed it as well.


Nick stated that with the Family Foundations Contract amendment they were heavily utilizing one of their contracts which was the mentoring contract and the intensive in home the mentoring contract was nearing the max cap amount so he shuffled some money around and increased the mentoring contract by $14,000 that way they could finish their fiscal year and decreased out intensive in home by the same amount, their gross amount is the amount that he had originally budgeted for in their CORE budget in the county; because they did the procurement process in the beginning Ben didn’t feel that they had to do a while procurement process.


2-0 Motion carried.

Nick stated that he was asked to speak at the Centauri Alternative Program Graduation; he did accept.

Nick stated that he will be out of the office on the 18th and April 25-30th, he will be out of state but will have his phone and e-mail available in case they need to get ahold of him.

Nick requested to go into executive session.

Motion to go into executive session as per §24-6-402 (3.3)(a)(III) concerning conflict of interest: Comm. McCarroll/Second: Comm. Garcia.

All in favor.

3-0 Motion carried.

The board came out of executive session at 9:37 AM where they discussed conflict of interest and privacy and no decisions were made.

Chrmn. Jarvies thanked Nick for all the work he is doing on the tax presentation.

Samantha-Public Health/Board of Health Reports
Samantha stated that she will just be doing the Board of Health report at this time.

Influenza- Began monitoring in September, March was the highest peak, affected 4 year olds and 65 and older, had 78 outbreaks in facilities such as long term care facilities, there were 3 pediatric deaths, described the graphs that show the types of influenza.

Hepatitis A- Colorado and other states are experiencing an increase in Hepatitis A among people experiencing homelessness and/or people experiencing substance use issues, could be some risk in incarcerated individuals, trying to promote Hepatitis A vaccines, collaborating agencies that serve those risk groups, she has reached out to local outreach to harm reduction center, EMS, law enforcement, has some private Hepatitis A vaccine available that is going to expire the end of next week, she would rather get it into someone than to have it expire, would like to have county employees covered.

Immunization Update- Completed VFC site visit on April 9th, will be ordering refrigerator with extra funds in order to have store all VFC stock in addition to private stock, got extra funding (will be connected to generator back up power.

Costilla County nurse has started staffing walk-in-clinics Monday afternoons until 5:30 PM.

Hantavirus- Will be doing a regional hantavirus press release so people may take precautions.

Update on the meeting for OLTC - All the single entry points in the region met with the HICPA policy representatives in the morning and discussed some issues so they had a deferred revenue discussion, as a reminder the other counties have received notice to pay back for several years, if any when we do get that notice we have to pay it back there is no negotiation.

Chrmn. Jarvies asked what amount are they looking at.

Samantha stated that it sounds like quite a bit, going forward anything we don’t spend must go back, they are encouraging them to spend their fiscal funds this year, she feels they should be responsible to make appropriate purchases, she will not buy vehicles if they don’t need them, they have new vehicle and new desks, it is tax payers money and we need to be responsible on how we spend that, they are planning on restructuring the whole program within the next
two years, we would have to track how many visits we make, they will give them a certain amount for every home visit made, we would submit it and then get reimbursed.

Samantha stated that Rio Grande County is considering no longer hosting single entry point, they are not in conflict, their DHS has already made a recommendation to their board that is due to the increased requirements, staffing concerns, etc., they are wanting to see if Alamosa wants to keep up their contract and do some regionalization with the program, Alamosa County has already divested of their service provider.

Comm. Garcia stated that he is new so he will have to be brought up to speed, asked Samantha how she feels about regionalizing.

Samantha stated that she has some points that the county has to consider, they have to de-conflict at some point and they have to figure out a strategy, she feels the contract is getting really hard to manage, she can no longer complete all the administrative tasks for that contract, that is on the financial administration office also, it is a big federal contract, if they want to continue they will consider looking at hiring additional FTE to do the administrative functions, that would be a short term fix they have to decide how they are going to de-conflict, she feels that there are some advantages to regionalization she feels that there are some protections in place, she wants to make sure that they know there are case managers presence in our county, also measures to protect the staff; that's all for consideration, feels that there would be advantages, Alamosa has a dedicated CPA for Public Health, if you are pulling together QIS is quality improvement I almost need a part time but it is hard to hire a part time QIS who is qualified, there are some advantages to it if they all pull together and they all pitch in funds, if they decided to divest the contract which at some point; none of us want to lose the service in our county, if we do divest I think we would have more control with the regional partner than an outside entity coming in.

Chrmn. Jarvies asked if they regionalize would there be a board that would oversee, or would they have satellite offices, would that be out of Alamosa.

Samantha stated that would be one of our requests, they would have to be careful with the conflict of interest if there was one representative of each county on the board.
Tressesa-County Admin. stated that if they regionalize I am not sure if it would be under the county.

Samantha stated that it would be under Alamosa Public Health, their board would oversee the program; she wants to make sure there is presence in our county.

Comm. McCarroll asked if Alamosa is willing to do this.

Samantha stated that there were mixed feelings, she thinks the director is willing to consider it but one of their commissioners had some concerns having Alamosa County employees in Conejos County and not a lot of oversight over them, they ended the meeting by agreeing that each county would come up with findings if they want to regionalize what would be some requirements for us and what be our concerns, we would come up with a list of five, she would like presence of case managers in our county, have our people from here which they are used to, they do have a case manager on a waiver so Alamosa would have to consider that, Costilla County has three, she will be getting some number to present to the Board for more administrative support, if they regionalize that will take extra work and she doesn't have the capacity to fill that, the county does need to consider with the new Uniform Federal Guidance they sub-contract with Costilla but they have new requirements now, her and Nick will look into that.

Tressesa-County Admin. stated that Gary is supposed to be going to Costilla and monitoring but she is feeling uncomfortable with the program right now.

Samantha stated that the financial audits are pretty intense, she is moving forward to put this program on a time clock, he wants to put us on a time clock system that talks directly to our payroll system that would be changing the whole structure for one program, she is meeting them in the middle and is changing that program to it but she can't go all the way, so he might write them up, more counties can't handle it.

Chrmn. Jarvies stated that he doesn't know how the other gentlemen feel but he feels if they have the funds he wouldn't be opposed to hiring a full time person to administer but they can't promise longevity either.

Samantha stated that she will get some figures together; they need to look at long term, not a short term fix.
Comm. McCarroll stated that he has not said too much because of the conflict of interest but if we went with Alamosa is there a problem with us having OLTC single entry point in that building.

Samantha stated that they would have a rental agreement, they would charge them rent, she is concerned that if they can’t keep the contract up, have to divest, and we don’t regionalize then the state is going to give it to an outside company and that company might not be willing to keep them in our office and hire our local employees, hiring an FTE is more important than buying extra cars.

Chrmn. Jarvies stated that they might need to have another worksession.

Samantha stated that they need to be prepared to have more requirements for Costilla if we sub-contract, they only have to give us 30 days to say they don’t want to do it anymore.

**Sheriff Crowther/Undersheriff Chris Crown**

Undersheriff Chris Crown stated that they ran some numbers on 4 pickups at a 60 month term the down payment would be $32,580.95, the annual lease payment would be $29,686.52, with a 36 month lease/purchase it would around $2500 a month.

Sheriff Crowther stated that they are spending about that much a month on the old vehicles.

Chrmn. Jarvies stated that he has some concern on the tax issue, but also is concerned about the officers and their safety and dependability, also mentioned that they probably don’t want to wait too long to order the vehicles because then they will be 60 days out.

Tressesa-County Admn. stated that she is starting to work on the 2020 budget, they will probably have to it make it up somewhere else; they always have unexpected expenditures.

Comm. McCarroll stated that he has a concern about the deputies being stranded out on the road; deputies should be safe and be able to answer the calls.

Motion to go into a lease/purchase for 4 pickups; the main reason being the safety of our deputies: Comm. McCarroll/Second: Comm. Garcia All in favor.
3-0 Motion carried.

Comm. McCarroll mentioned that we are trying to set an image for the Sheriff’s Department; this would go far in that direction.

Comm. Garcia asked if they opted in the Black and Gray/Marijuana, do you automatically get the money.

Sheriff Crowther stated that they put in for a grant.

Nick Sarmiento stated that they will be passing the first reading of the fire ban today; will get with the state so they approve the changes; they can’t enforce on state highways until they get the approval from the state.

Undersheriff Chris Crown stated that he needs to order some summons.

**Ernest Abeyta-Ambulance Report**

Ernest gave his report as follows:

- Stated how long he has been with the agency, mentioned that they have changed to a full time agency, things have worked out excellent; welcomed Comm. Garcia.
- Financials have significantly improved, they are starting to average approximately $30,000 a month, Debra has collected $24,000 that the billing company has not, things are running a lot better with the billing company, they are second busiest agency next to Alanosa.
- They have had a good response from the hospital and the community, they have been asked to be part of a lot of events, they are trying to raise awareness of what they do, have been asked to be part of the Health Fair, will be doing fundraisers—will be selling t-shirts with their logos, he himself invested in a cotton candy machine which they can use a Pioneer Days and grand opening at the hospital.
- Is working on 2 full time positions that are open and an administrative assistant, schedule is filled other than secondaries, they are doing an excellent job, they are trying to become their own training group, need to ensure that our crew get the certifications that we need to keep their EMT certifications active, if they get certified then they can start inviting other agencies into our agency and increase revenues for us; they do have the support of Dr. Nelson, they need a medical director over
them, it is hard to send 6 or 7 people outside of the valley for training due to the cost, that is held in Keystone.

- Handed out the brochures, stated that he was able to get 1000 for $250.00; will be handing them out at community events.
- Have had conversations on contracting with the Conejos County Hospital; they have really enjoyed them helping with patients, CTSI will not provide any insurance coverage for mal-practice or workman’s comp, they will have a meeting today.
- Tressesa-County Admn. stated that she went to a SLV meeting, her hope is to get Kelli to get into a bigger team, they do have Alamosa under the hospital, but they have a district which helps the funding; there are riders through CTSI available also.
- Nick Sarmiento-County Attorney stated that contractually they can make it work but someone has to pay for it.
- Chrmn. Jarvies stated that maybe they should pull out if there is no coverage; but let them know the reason why.
- Tressesa-County Admn. stated that they can have that discussion today but the hospital really does want them there.
- Ernest stated that they have depended on them a lot because a lot of the nurses cannot do a lot of the skills that the paramedics can do, they cannot do an EJ which is a needle in the neck, etc. Kelli had thought of putting them as a PRN employee of the hospital that way they are automatically covered by their insurance but then they have to work options.

Finnegan/Keys-Division of Land

Naomi-County Assessor presented the following:

CASE NO: CCLU-2019-0018       REQUEST: DIVISION OF LAND
APPLICANT: Naomi Keys & Valerie Finnegan
ZONING: Rural       SURVEY BY: Reynolds Engineering Company
BACKGROUND: An application was filed with the Land Office on February 19, 2019 for a Division of Land/Subdivision Exemption. The real property is legally described as:
163.213 SW1/4 of Sect. 25, Twp 35 N, Range 9 East NMPM Conejos County.

The proposed Division of Land (163.213 acres) will create the following:
Tract #1 containing 152.404 acres more or less
Tract #2 containing 6.148 acres more or less
Exception Tract containing 1.007 -was divided before they had Subdivision regulations.
County Road 17 ROW dedication containing 3.675
The purpose of dividing the land is for financing purposes - bank requirement to set up a new residence on Tract 2, they are applying for permits to bring in a manufactured home in.

Land Use Administrator Review/Approval 04/16/2019

Motion to approve Resolution C-2019-09 Finnegan/Keys Division of Land; Comm. McCarroll/Second: Comm. Garcia. All in favor

3-0 Motion carried.

**Boundary Line Adjustment - Rueben Gingerich**

Comm. McCarroll recused himself due to conflict of interest.

Linda presented the following:

**CASE:** CCLU-2019-0008  **REQUEST:** Replat/Boundary Line Adjustment

**APPLICANT:** Rueben Gingerich - Gingerich Land Holdings, LLC

**ZONING:** Rural  **SURVEY BY:** Reynolds Engineering Company

**BACKGROUND:** An application was filed with the Land Use Office on January 18, 2019 for a Boundary Line Adjustment of four properties.

The properties are all located in Section 33, Twp 34 N, Range 9 East, NMPM, Conejos County Colorado; the following will apply to each lot.

1. Sawmill area currently containing 8.85 Acres + and will increase the area 18.345 Acres + the property will continue to be used for the saw mill.

2. Cemetery area currently containing 4.0 Acres + (that was an exempted tract that had been dividing prior to subdivision regulations) changing boundaries and will increase property to 4.925 Acres + the property will continue to be used for the cemetery - there is a Special Use Permit; they are applying for a SUP for a Community Center/Meeting Facility, they have funerals and weddings and their auction, they want to have all those functions in that building, they do not have church services there, those are held in their individual homes.

3. Reuben's home place currently containing 47.555 Acres + will decrease the acreage to 35.00 Acres + and will continue to use it for the Gingerich Family personal residence.
4. Feed Mill property containing 29.069 Acres + will increase to 31.107 +. The property has a current Special Use Permit for a Feed Mill and will be sold to the Vernon Yoder Family.

Land Use Administrator review/approval: April 16, 2019

Motion to approve Resolution C-2019-10 Boundary Line Adjustment for Rueben Gingerich-Gingerich Land Holdings LLC: Comm. Garcia/Second Chrmn. Jarvies. All in favor.

2-0 Motion carried.

**Perry Sowards- Division of Land**

Linda presented the following:

**CASE:** CCLU-2019-0010  
**REQUEST:** Division of Land  
**APPLICANT:** James & Mary Sowards  
**ZONING:** Rural  
**SURVEY BY:** Reynolds Engineering Co

**BACKGROUND:** An application was filed with the Land Use Office on January 23, 2019 for a Division of Land/Subdivision Exemption. The real property is legally described as:

20.705 Acres situated in the E 1/2 of the NW 1/4 of the SW1/4 of Section 18, Twp. 34 N, Range 10 East, NMPM, Conejos County Colorado.

The proposed Division of Land (20.75 acres) will create the following:

- Tract # 1 containing 19.705 acres more or less
- Tract # 2 containing 1.000 acres more or less
- No County Road to dedicate

Purpose of Dividing Land- Dividing one acre to convey to their son Perry Sowards, he will be using the land for his fish project.

Land Use Administrator Review/Approval: 04/16/2019


3-0 Motion carried.

**John B Sharcroft Ranches Division of Land**

Linda presented the following:
CASE NO: CCLU-2019-0014
REQUEST: DIVISION OF LAND
APPLICANT: Jonathan Bush-John B Shawcroft Ranches LTD
ZONING: Rural
SURVEY BY: Reynolds Engineering Co
BACKGROUND: An application was filed with the Land Use Office on January 28, 2019 for a Division of Land/Subdivision Exemption. The real property is legally described as:

42.263 Acres situated in a Fraction of the NW1/4 of Section 19, Twp 36 N, Range 10 East, NMPM, Conejos County Colorado

The proposed Division of Land (42.263 acres) will create the following:

Tract # 1 containing 2.980 acres more or less
Tract # 2 containing 38.339 acres more or less
County Rd CC containing 0.944 acres more or less

Purpose of Dividing Land: Dividing the northwest corner of the property that has been farmed by Jonathan Bush for years; he would like to purchase it. The property to the east is divided by the canal and will remain with the Shawcroft Ranches.

Land Use Adm. Review/Approval: 04/16/2019

Motion to approve the John B Shawcroft Ranches LTD Division of Land: Comm. McCarroll/Second: Comm. Garcia. All in favor.

3-0 Motion carried.

Linda stated that the Town of Antonito is working with to create the trails, there is a small section that is county area further south from the G6 West towards the train, that is the first trail that they are going to work on: she will be working on public notice before the public hearing so they will be seeing some information; she is concerned on the narrow roads in creating narrow paths; along the veteran's boulevard is very good.

Comm. Garcia asked what the dimensions of the trails are going to be.

Linda said she thought it was 8-10 feet.

Donnie Martinez - Update

Donnie gave his report as follow:
Furnace issues at the old jail-got bids one was for $32,000 the other for $17,500, they will be coming in to have that done next week or two.

Put out to bid handicap doors for the restrooms, need to get one in the ladies restroom for sure, best bid they got was $8950.00 for two doors; asked if they could drop the price and they said possibly by 750.00.

Jail-proposal from the engineer, costs of pumps etc., sent out the signed agreement, the system that they have has completely failed, the control panel doesn’t work, engineer feels it would probably cost more to pay an electrician to upgrade, get it set up to where it’s going to run would cost more than buying a system with the control panel and just setting it, pushing Amanda-the engineer to find a way that they can eliminate the 5 septic tank that this flows into; Antonito has put money into a mechanical septic plant which sorts out everything such as plastics, sheets, whatever they are shoving down the toilets, right now they some funding but they don’t have 100% of the funding, if they can’t come up with that we will have no choice but to keep what we have to pump as we are, if they do a screen plant she can set up where they by-pass tanks directly to the lift station, every proposal that they have has to be presented to CDPHE, Road and Bridge will probably do the trenching, we will have some costs in the Town of Antonito, would like to re-visit the agreement for paving; there was a short discussion on the agreement with the Town of Antonito such as using our equipment and our employees, we are going to charge them for employees costs only, we have 65,000 which is just the pumps, 15,000 of engineering costs; they are talking about $100,000.

Nick Sarmiento asked Donnie if this was submitted to CTSI.

Donnie said yes they have, it was more of a negligence it wasn’t a power surge, it’s not on them, they said they would help with any type of flooding, mops that we use, sheets that were ruined; they are probably looking at 3000 or 4000 max, they should be in contract phase in a month, have a single phase, the system that is going to go in is a 3 phase which are more efficient and better built, engineering is planning on doing another visit if they would like to sit in.

Comm. Garcia stated to let him know the date; he would like to sit in.

Donnie mentioned that the engineer stated that water has been flowing underground for several years; they cut a trench so it’s not on the surface of the ground, it is not visible; she
feels that before CDPHE gets too involved that they do something so that it’s not on the surface of the ground; wants them to expose all the plumbing that goes from the jail to the tanks, they want to know what future pumps they will have by going with this system parts would be local.

- Tressesa-County Admin. will place a call to Christie concerning this matter.

- Road and Bridge- Running into problems with # 2, the trash service was cancelled with Silver Mountain Disposal in February by Jeff, they failed to tell Cheryl so she paid it in March, received another bill for April which they are not going to pay; got a phone call from Steve, he wants an official letter; hope to get in resolved.

- Things are getting busy, they are hauling a lot of water, has all the crews hauling they are working together.

- District # 1 is on 4-10′s, Rick- the mechanic chose to go 4-10′s and see how that goes.

- Been working with Tim from Asphalt Constructors, Iggy wants to pave a mile a road, spent the money last year in District 1 and part in District # 2, combined they spent over 130,000 than in District # 3, for district 3′s project they want to put in a better pavement, wants to pave W of La Jara on the Chavez Road and N on County Rd 8 in Capulin, wants all the shoulders built, all material hauled before time, talked about the roads that they have improved 5 years back, he wants to turn in to HUTF, talked about the federal excise tax.

- Auction- Will have an auction May 6th with Ritchie Brothers, would like to get a skidster and another truck.

- Equipment- The crew are excited about that.

- Patching found a cookie cutter attachment that goes to our backhoes, would like to get 3, they are going through diamond blades about one a day.

- Going to a training on the 2nd day of May the cookie cutter that he found is in that area, it is 1500.00 got it for 750.

Connie -HR stated that the crews have been helping one another out, they have a handful that don’t have a Class A CDL which limits their ability to help the rest of the crews, would like their feedback because they would want them to get a Class A CDL, the cost is around $100, they could start training them so that they get comfortable in those trucks.

Comm. Garcia asked if they would help them financially.
Connie said yes financially and they might use our truck and trailer to take the test.

Chrmn. Jarvies stated that they could help them get that CDL but then sometimes they don’t want to drive the truck; they have to understand that if they help them get that CDL then they will have to drive a truck.

Donnie stated that it is good for all the employees to know all of the 3 districts; they can depend on all the employees to do the job.

Chrmn. Jarvies suggested have a work session and look at the whole road and bridge to discuss the different ideas.

**Nick Sarmiento-County Attorney/Ordinance C-02-2019**

Nick Sarmiento proceeded to read the first reading of Conejos County Ordinance C-02-2019 fire ban regarding ordinances on restrictions of open fires and open burning in the unincorporated areas of Conejos County.

WHEREAS, pursuant to § CRS 3-30-11 107 and 3-15-401 the Board of County Commissioners Conejos Colorado hereafter the board has general enabling power to adopt an ordinance for the control or licensing of those matters and to make all regulations necessary of the residents of Conejos County, etc. final adoption will be in May 2019. Etc.

There were several questions such as barrel burning in Conejos County, Nick stated that if the state doesn’t allow it then it is a state deal.

Comm. Garcia had a question on outdoor charcoal grills and pellet wood smokers, do they need to go that specific.

Nick felt that fell under a wood burning stove as long as it is a private residence that should be safe; indoor burning is an exception.

Motion to adopt the first reading of Fire Ban Ordinance C-02-2019 and post in the Valley Courier: Comm. Garcia/Second: Comm. McCarroll. All in favor.

3-0 Motion carried.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned.
Minutes of the Board of County Commissioners Regular Meeting held on May 02, 2019 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
Steve McCarroll- Vice- Chair-Present
Carlos Garcia-Vice-Chair- Present
Tressesa Martinez- Admn.- Present

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

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


Approval of Agenda

Motion to approve the agenda with the deletion of Donnie Martinez at 10:45 AM: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Approval of Minutes

Motion to approve the minutes of the April 16, 2019 Payroll Meeting: Comm. Garcia/Second: Comm. McCarroll, all in favor.

3-0 Motion carried.

Approval of Payroll and Accounts Payables

Motion to approve Payroll and Accounts Payables: Comm. McCarroll/Second Comm. Garcia, all in favor.

3-0 Motion carried.

Public Comment: None
County Administrator- Correspondence

Tressesa-County Admin. stated she set up a meeting with Ernest Abeyta, Debra King, Nick Sarmiento and herself to review the 5 year contract that TJ signed with the billing company for the ambulance service, she has been checking on the revenues and last year they received about $30,000, this month it is about $45,000, that company is not doing a really good job on the billing; they are probably not going to switch right away, they are going to be looking at the option of Debra doing the billing like they used to.

Library

Tressesa stated that she spoke to Maria from the library and Kristie from DOLA; Maria wants to put in a DOLA Grant to renovate the library, there a lot of things that have to be re-done, they had thought of buying the library, don’t know if that is an option; stated Kristie mentioned that if it is okay with the Commissioners they can re-apply for the grant but we need to have an MOU between the county and the library, they will have to meet with our attorney and see about an agreement.

Chrmn. Jarvies stated that he is okay with it; he feels because they are a special district they still expect a lot from the county which is okay it’s a good thing for the county; no other district gets what the library gets, we still have the expense such as taxes on the building.

Tressesa-County Admin. stated that she is going to figure out liability insurance for the library and Little Treasures we can’t be footing the bill for everything such as the water; the library does need repairs.

Comm. McCarroll stated that he had a constituent come up and ask him if they have ever had an audit on the library.

Nick Sarmiento-County Attorney stated that they are subject to CORA.

Tressesa said it is not our place to ask for one, someone could ask as a citizen; don’t know if they are audited; she thinks if they are under 300,000 they really don’t need to be audited.

Chrmn. Jarvies talked about the snow removal; maybe they can pay a minimal fee.
Tressesa said that Maria had said they have the matching funds for the grant.

Chrmn. Jarvies stated that he doesn't mind helping them with the grant.

Tressesa stated that Kristie told her if the board ever needs that building it's theirs.

Nick Sarmiento stated: why don't we sell them the building, the land would have to be subdivided.

Chrmn. Jarvies stated that maybe they could buy the land and the building; we could also bill them for water usage, we could sell it on market value, we could give them a fair deal.

Nick Sarmiento stated that they could sell them a portion of the water rights- the well.

Tressesa stated that if they sell it to them they could run their own grants, every dollar that we bring in we pay .90 on every dollar for liability.

Comm. Garcia asked if there is a lease on it right now, is wondering on the citizen's perception if we sell it at a high price or if we give it away for a dollar because of the sales tax initiative, or they might say the commissioners don't really care about the kids in the valley.

Chrmn. Jarvies stated that when Maria approached him he told her that she needs to come to the meeting and present, we cannot encumber future elected officials.

Chrmn. Jarvies asked Tressesa and Nick Sarmiento to do some homework on that situation.

Tressesa stated that Celina Espinoza is the chair for the library board.

Nick Sarmiento County Attorney- Selection Committee for RFP

Nick stated that they published the RFP for an addition remodel on the courthouse for architectural services, just to be clear it's only for remodeling or an addition to the courthouse, or operate a separate building in the future, we would be asking architect firms or whoever
is bidding on it to come in and work with what we have, that way we can deal with increase in numbers in criminals on all cases filed; he needs a selection committee, he would like the board to be part of the committee, also 2 judicial officers- Christina Gallegos and Tom Franklin; would like a motion by the board to select a selection committee.

Chrmn. Jarvies asked how many people do you want, do you want Felix from the courts?

Nick Sarmiento stated we can have Felix also; an odd number such as 5 or 7 is good.

Comm. Garcia stated that maybe Garth our County Sheriff would like to be on the board also.

Nick stated the funds are available even if we don’t do it in five years.

Tressesa-County Admn. asked if Donnie could sit in also.

Motion to name the three commissioners as well as the sheriff, along with Christina Gallegos, Tom Franklin, and Felix Gallegos from the courts as the selection committee for the courthouse remodeling: Comm. Garcia/Second: Comm. McCarroll. All in favor.

Nick Sarmiento will email them to let them know about the meetings, mentioned that he has an issue with one of the architect who wants to propose, he can’t make it to the May 8th mandatory meeting and asked if he could re-schedule that meeting to another date; but that has been published, that is a pre-submittal meeting if they don’t come in May 8th they are not allowed to submit on May 30th. that is for question-answer for architects to be here and look at the building, question-answers will be on record, they can submit questions thereafter, there are deadlines; we want to know that they are willing to come down on that day.

Comm. Garcia asked if they change it for the applicant that can’t be here, do we have to re-publish at the county’s expense again.

Nick stated that there are four that are interested including the one that can’t make it, we can make a second meeting but then at that point they better be ready for more modifications as long as everyone is aware of it.
Chrmn. Jarvis stated that you would think they would be able to send someone.

Tressesa-County Administrator stated that she doesn't want people to think they are making special accommodations.

Comm. Garcia stated that he agrees with Chrmn. Jarvis they should be able to send somebody to take notes, even if it's their secretary.

Nick stated that as long as there is a representative from their firm it doesn't have to be an architect himself.

**Sheriff Crowther- Sheriff's Report**

Sheriff Crowther mentioned that calls are picking up as the weather gets warmer, meals are like $1.70; traffic code will help some but it's for traffic safety; Scott Frost will be helping a few months, is losing a couple of deputies due to salaries; there are two or three from the academy that they have contacted, trying to get those spots filled, lost their victim advocate; the one they met in Alamosa resigned.

Sheriff Crowther stated that they had a phone call with Water Resources; seems the only concern they have right now is flooding at the San Antonio River, they are putting a drone in the air, they think it is life threatening but he assured them that it is not, he feels it would be more property damage; the banks are up, for safety issues they can watch the bridges and if a tree gets hung up they can call Road and Bridge.

Comm. Garcia stated that he read the reports and the San Antonio and the Conejos River were both down.

Chrmn. Jarvis stated that they would like to get a lot of the elected officials to attend the meetings concerning the sales tax.

Nick Sarmiento stated that now is the time to go up on the fines, they are reviewing a 2018 model traffic code which is being reviewed by the Attorney General; if nothing else let's at least match their funds; the fine schedule will have to be adopted separate from the model traffic code, all the fines will have to be included and published.

Comm. Garcia commended the sheriff for opting in on the black and gray marijuana money investigations; he feels it is a good talking point
for the sales tax initiative when they let the people know they are helping out our own cause and taking some heat off the county budget.

Sheriff Crowther stated that there is some free money out there that they are going to try and get.

Tressesa-County Admin. stated that Garth has an investigator now.

Sheriff Crowther stated that they pulled one position which kind of hurt them covering calls but felt it was important to pull a position and make him a full time investigator, that was part of the problem in the past when he was working as a deputy.

Andrea Jonea- Forest Service

Andrea gave the following up date:

- Andrea started out with what they accomplished in the recreation area- they had about 22 acres of trail clearing, last year Jeremiah put an addition focus on getting additional money and crews, they had about 220 miles worked on, a lot of those trails will have trees on them again, they are looking at other avenues to keep those trails opened, they are looking at working with some local community workers such as "adopt a trail program", their regional office is looking at some different tools especially for the wilderness trails, she will keep them posted on how that goes.

- Through some RAC Funding the Red Bear Wilderness Foundation which is the church and the Red Bear Restaurant organization they were able to keep a visitor's center open at the restaurant last year, they worked with the forest service to give some forest service information; they also did some volunteer projects with them, they are looking in the future to do more with them, once the Conejos County Youth Corp gets started they will be able to have the young people have some presentations, that facility is available for their crews to go take showers, get snacks, or have meetings; Jeremiah some has visions for that getting bigger.

- Timber Program- They did the environmental impact statement for salvage across the whole Conejos District, they have had some of their sales go no bid, our small producers are not able to handle it at the moment, they are pulling some resources to the region, they advertised 4 sales recently and 2 sold which were La Manga and DeHerrera Lake those are being purchased from the Chama Area, they are giving their purchasers some time to catch
up, some of their trees because they were first to die are losing value, as a region they went down on their base rate they are selling their timber for a $1.00 a ccf which is really low.

- Chrmn. Jarvies asked if there is still plenty as far as for public to get.

- Andrea stated yes there is, they haven’t looked at prices because they are so low, tag sales have gone down, in the past 4 years she has sent her folks over to Chama to sell permits because they get a lot of use from those folks.

- They are looking at the Trail Gulch which is from Big Horn to Hwy 17 that goes to the Toltec Gorge, there will be a lot of things coming available such as the National Wild Turkey Federation-wants to work with them on some landscaping projects.

- This year they have been talking more about flooding than fires, her only concern is if they get some really high temperatures all of a sudden, biggest thing with them are landslides on the roads; thanked the county for always helping them.

- Have a bunch of seasonal road closures right now, on Road 250 the road crew is mobilizing over there to do some of their annual grading of the road, was able to get some regional funding to work on the Conejos side of the 250, she will be talking to Comm. Garcia about the possibility of bringing that road under Schedule A, they are looking at getting a crusher to crush all the rock. (Chrmn. Jarvies asked Andrea to include Donnie because he handles the Schedule A’s.)

- As far as range is concerned they have had their annual meetings, as far as the permittee’s we all know the snow is going to be a little slow coming off, they may have a delay on dates, thinks they have communicated that pretty well.

- Andrea mentioned that she is working with Adam Moore- they have had the annual community meetings at the Conejos Canyon to talk about wild fire and fire wise, will try to have a meeting in June, would be grateful if any of the commissioners would attend, would like to do a sand table exercise with the commissioners at some point for a wildlife scenario, have been doing some risk assessment plan on the forest; have invited Rodney King to attend.

- Comm. Garcia asked Andrea if she was aware that they are in the process of a fire ban ordinance, that is and/or the sheriff, which is in this county it has only been the sheriff; he would be open to attending the sand table.
Andrea stated that she wasn't aware of that.

Chrmn. Jarvis asked Andrea to take back how much they appreciate Jeremiah and all the good things he has done.

Comm. McCarroll thanked Andrea for what she does.

Linda - Land Use - Public Service Co - Public Hearing - Special Use Permit

Chrmn. Jarvis opened up the public hearing at 10:00 AM and turned the time over to Linda.

Linda presented the following Land Use Report:

CASE NO: CCLU 2019-0047        APPLICANT: Public Service Company of Colo
BACKGROUND: An application for a Special Use Review was filed with the Land Use Office on March 07, 2019. The property is zoned Rural and is legally described as 0.77 acres located in a fraction of the SE1/4, Sect. 29, Twp. 33 N, Range 9 East NMPM Conejos County. A common description is the 5745 County Rd 14, off State St- Antonito. It is south east of Antonito directly west of the Town of Antonito Sewer Treatment Plant and the Solar Garden.

REQUEST: The applicants are requesting a Special Use Permit to replace their 110' lattice communication tower for a 125' monopole tower.

ADJACENT ZONING: South and West in rural, East and North is rural with some town boundaries.

APPLICABLE ZONING ORDINANCE: Article 4 zoning, Division 4.2 Zone District Regulations and Article 5 Permits, Division 5.4 Special Use Review.

The standards for approval concerning setbacks were heard by the Board of Adjustments last night and they granted a variance to the wireless communication facility set back requirements that being 100 ft. from adjacent properties and an equal distance of the height of the tower to a public street, the south boundary is set at 17' and the East boundary at 60'.

Notice requirements were met by sending to surrounding land owners, to referral agencies, published in the Valley Courier, and was posted on site, last night the Planning Commission heard the case and they made a recommendation that it be approved as presented, so noticed with the Board of Adjustments recommendation to vary on the setbacks, that was a majority vote with Tom making the motion and Felipe seconding the motion.
Chrmn. Jarvies asked if the board had any questions.

Comm. Garcia stated the only question he has is that according to our zoning is it a 100' set back, we went down to 17 and 60.

Linda said from an adjacent property, yes we went down to 17 and 60, that is why they went through the variance process.

Chris from the Land Use Office presented the site on the smart board, described the location of the property, the posting of the notice, the existing tower that they want to replace, and the complex at the site, showed the power lines coming and in and going out.

Chrmn. Jarvies asked if there were any questions for Chris.

There were no questions for Chris.

Chrmn. Jarvies asked if there was proper notice.

Linda said yes.

Chrmn. Jarvies asked the applicants if they have anything to present.

Jaxon Fagan employee of Xcel Energy stated that they do business in the State of Colorado, thanked the Board for having them; stated that he is here to introduce this project the proposed field area network at the Antonito Substation, with him are Jim Gold-Planning Engineer, he can answer any technical engineering questions and Keri will give a short presentation.

Keri stated that they call this a field network project, thought it might be helpful to understand why they need to do what they are trying to do, they are proposing a wireless non-commercial communication tower at the existing Antonito Substation which was built in 1964, what this tower will do is part of an advanced grid to help with better communication on our grid, although it's called a wireless communication tower it has nothing to do with mobile or cellular service it is strictly for Public Service Company of Colorado as a utility provider to enhance the communication system within the grid, it connects to the control center, the antennas will remotely read what's going on in the system which is helpful because we can not only read but operate the system remotely, it includes intelligent devices on a distribution system which will then communicate with the fan tower which will then communicate with the control center, it also
includes the advanced metering technology which allows Public Service Company to read meters remotely and will no longer need to have a patrolman or someone doing that manually; it also provides an enhanced control grid, this is a very large roll out project, there are about 60 of these purposed in the Public Service Company territory in Colorado, they have permitted about 40, 20 more to go, 5 are in the SLV, as far as the benefits go to the Public Service Company customers, Xcel can monitor and operate looking at the current grid conditions which means faster response time, right now the power goes out Public Service Company rely on customers to call and say our power is out can you do something about it, this will be an immediate notice to Xcel where they won’t need to rely on the customers to call in outages, it will also allow Public Service Co. to isolate faults and reset switches which can prevent an outage to extend even further, it can reduce the outage durations, it allows for proactively managing the grid, it allows integration of renewable energy, it’s a two-way communication system where they can see real time, didn’t go into detail about the location, Chris did a good job describing where it is, some of surrounding land uses are the Solar, waste water facility, Antonito to the North, RR to the west, and three irrigation ditches.

Keri mentioned that the site plan is in the Land Use packet; there is an existing 115 foot lattice tower on the south side of the substation, they are proposing to put in a new structure in the general vicinity not on the exact same location on the south side of the substation; on the setbacks there is a lot of equipment at this property so if you put it in the middle you are going to affect the actual substation equipment, there is a lot of underground wires and overhead wires that really limit where we can put the tower within the substation and not have an interference issue, that is why we are 17’ from the south boundary, it is to avoid any other impacts to the equipment that is already there, we received a variance for the distance to the road, they require a 125’ set back which is the height of the tower to the road and we are only 87’, they are not here to rule on the variance but it provides an explanation why we needed a variance.

Keri stated that the next slide shows what the monopole looks like, it is 120 feet tall, has a 5’ lightening rod on top, it is designed for 115 mile per hour sustained wind and 190 mile per hour gust wind, it is self-supporting, showed a picture of one that they have constructed, it is a grayish color galvanized, the intent is to blend with the existing electric equipment substation and transmission lines surrounding the property, has 29” slender antenna at the top of the pole which is less visible, next photo was where they did a photo
simulation on County Rd 14 which is the existing substation, the 110’ lattice tower, maximum for equipment is 42’, and those transmission lines closer to County Rd 14 are 52 feet tall, next slide showed a simulated version of what it would actually look like, it’s slightly taller and is not lattice, the last slide showed how they conformed to the Land Use Code.

Comm. Garcia stated that he likes the different things it is going to do such as the duration of outages, possibly shortening them, and all the remoteness that you can do; it’s definitely a step up.

Chrmn. Jarvies thanked Keri for her presentation and working with our Land Use.

Chrmn. Jarvies opened it up for public comment; asked Linda if she received anything through e-mail or written.

Linda said yes she received a letter from Adam Moore with State Forest Service which reflects that a fire mitigation plan is not required for this project; the flammable vegetation has already been removed from the site and any vegetation out of the fence is minimal and not continuous which would reduce the potential wildfire from spreading.

Archeological Jason Mancy reflects that there is no archeological or historical resources on the subject property or on the adjacent properties, no impacts to cultural resources are anticipated for this product.

No comment from Army Corp of Engineers.

Rod Ruybalid with Colorado Parks and Wildlife stated on his letter that he has reviewed the new installment of the communications monopole he would not anticipate that the product would have any significant impact on wildlife or wildlife habitat.

Comm. McCarroll asked if she received anything from the town.

Linda said nothing from the town.

Chrmn. Jarvies opened it up for anyone that would like to speak for or against, for or against, for or against, there being no one; he closed the public comment portion of the hearing and entertained a motion either way.

3-0 Motion carried.

**William and Shirley Knox - Public Hearing - Special Use Permit**

Linda stated that this is a go to meeting, Chris will get Shirley Knox on the screen; she is in Austin Texas and will be coming in June.

Chrmn. Jarvies opened up the public hearing for William and Shirley Knox Special Use Permit and turned the time over to Linda-Land Use Admn.

Linda presented the following:

**CASE NO.** CCLU2019-0028  
**APPLICANT:** William and Shirley Knox  
**BACKGROUND:** An application for a Special Use Review was filed with the Land Use Office on March 6, 2019. The property is zoned residential and is legally described as: Rocky Mountain Estates Lots 45 & 46, Conejos County, Colorado. A common description is 108 Pine Lane, Rocky Mountain Estates, Antonito, CO. 81120

**REQUEST:** The applicant is requesting a Special Use Permit for short-term overnight lodging.

**ADJACENT ZONING:** North, South, East, and West are residential.

**APPLICABLE ZONING ORDIANCE:** Article 4 Zoning, Division 4.2 Zone District Regulations and Article 5 Permits, Division 5.4 Special Use Review.

**PUBLIC NOTICE REQUIREMENTS:** Notice requirements was met by send notice to the surrounding landowners within 500'; notices to referral agencies; notice was published in the Valley Courier; onsite posting was posted on the property.

**PUBLIC HEARINGS:** The public hearing before the Planning Commission was held on May 01, 2019, they did not make a recommendation for approval. Josh and Tom motioned and seconded to approve, it went to a vote 2 voted no, 2 voted yes and the Chairman broke the vote by voting no.
Chris presented a google earth image on the smart board to show the location of the property.

Chrmn. Jarvies asked if there were any questions for Linda at this point.

Chrmn. asked Linda what were the reasons for the opposition.

Linda stated that there were a couple of issues one was discussion on one of the letters that makes reference to deed restrictions, she did not research deeds, found declaration of covenants that were prepared by Mable Parke-the developer around 1969 where she makes reference that properties will not be used for commercial purposes, also possibly the kitchen being a separate dwelling instead of two dwellings on a residential zone district, she did verify with Naomi-Assessor that the unit that is above the garage is attached and it is not identified as a separate structure; it has a little kitchenette, a room, and a bathroom but it is absolutely no issue to the county, it is not a second dwelling.

Chrmn. Jarvies asked Ms. Knox if she has anything to comment on Linda’s presentation.

Ms. Knox stated that they live full time at the cabin when they get out there, there are about 3 couples in that 500’ radius that spend the entire time at the cabin, we are residential area but we are surrounded by thousands of acres of National Forest and Parks, she would like to address the concern that about 15% of the homeowners that were notified, there are 16 cabins with that radius even though some 40 were notified, most of those lots have been empty for 60 years, in the summer most couple are there only a week at a time and most a month at a time, other three weeks, majority of the time it is like a ghost town, our area is residential and there is no argument with the commissioners that we are not allowed according to the covenants, nowhere in the covenants does it say that you can’t rent your home, we do not have a home on this association at Rocky Mountain Estates and the Colorado Court of Appeals in 2015 ruled that for short term rentals on a residential area are not considered commercial operation unless the covenants expressly prohibit short term rentals, a home is not transformed to a business or commercial use when the owner engages in a short term rental, Colorado communities that are skeptical about vacation rentals and economic reasons to accommodate them. Colorado generates 19.1 visitors and supports over 160 workers in Colorado through tourism, they come to our area and they spend money, they go back home and we don’t have to provide schools, or
infrastructures a pure economic benefit. In the valley where we are offers some of the highest quality outdoor recreational opportunities in the state. Jerry Brummel who built Rocky Mountain Lodge in 1922 is supportive of our application and called Linda via telephone to tell her so he understands that there are very different markets, we are in an area that doesn't impact residents as far as having a long term rental which is not feasible because we are closed half of the year, as elected officials and community leaders I am sure you take responsibility seriously you would like to add tax revenue without burdening the constituents to additional taxes; short term rentals are one way to do so without additional costs to the county; if you don't have the responsibility to maintain FDR 250, we have a septic and a well that meets code and we don't require additional county services, this may be the only way left to add tax revenue to the county without increase in taxes to your constituents, other ways that other communities have used that I have researched that if you got too many applications in a particular residential region some failing a percentage, my husband and I have been paying taxes, use local contractors, and the people who would be staying at our home would be buying fishing gear, riding the train, buying supplies and gifts, it is clear that the law in Colorado allow short term rentals and they are not considered commercial property in any way the way our covenants are written, we have been responsible active homeowners, we will be managing it ourselves, we have a significant investment in the area and will be cautious who we will be renting to, we have been good neighbors and will continue to be, we respectfully seek your permission to be granted a short term rental permit. Thank you.

Chrmn. Jarvis asked the board if they had any questions for Mrs. Knox.

There were no questions for Mrs. Knox.

Chrmn. Jarvis opened it up for public comment; asked Linda if she got anything in writing or e-mail.

Linda said yes she did receive the following letters:

**Matt and Donna Adams**: Are against the Short-term overnight lodging-they do not want to have their neighborhood turned into rental properties which could bring less than ideal guests to their neighborhood along with increased traffic and parking issues, etc.

**Clyde and Gwen McBride**: Are in opposed to the short term overnight lodging- When Mrs. Parke sold the lots for Rocky Mountain Estates the
deeds stipulated residential use only, this excluded the rental of residential cabins, rental use is available at the lodge, etc.

Robert and Johnnie Ruth Barnes- We are strongly against the permit for the Knox’s rental of their cabin. What they will be bringing are 4 wheelers, etc. will be wandering around the property which is private. The deed restrictions state that these lots were for private family summer homes, etc.

Dudley & Alice Cardwell- We are against the request for an overnight lodging permit for William and Shirley Knox, even though the permit states “overnight lodging” in essence, it is still a commercial business, the deed restrictions per Mabel Parke states “no commercial use or for that purpose”, this circumstance will increase traffic and unknown people, most summer residences are occupied by retirees and want a relaxed atmosphere, etc.

James and Connie Harding- We very adamantly oppose the application for Special Use Permit for a short-term overnight lodging Lots 45 & 46 located at 108 Pine Lane, Rocky Mountain Estates, a short-term overnight lodging structure would increase not only automobile traffic in our quiet cul-de-sac but also possibly increase four wheeler traffic in our neighborhood, renters would be total strangers to William and Shirley Knox, this would increase of property damage, vandalism, theft and burglary, etc.
(Linda stated that she did call them to let them know that it is not for a new structure- she said her comments still stand.)

Annette Black- I am NOT in favor of William and Shirley Knox securing this permit, included a few of the many reasons why she is against the issuance of this permit, for the purpose of showing the detrimental effects it would have on our canyon neighborhood, etc.

Thomas Gay- I would like to formally express my opposition to the William and Shirley Knox application for Special Use Permit for short-term overnight lodging for their property located at 108 Pine Lane, Rocky Mountain Estates, it is residential not commercial zoned and should remain that way, if the Planning Commission of County Commissioners grant this request it will set a negative precedent for other homeowners to follow, etc.

Brian Simpson- Bureau of Reclamation- Thornton, CO.- I am a homeowner located adjacent the Rocky Mountain Estates Community in the Conejos Valley, I am formally expressing my opposition to the William and Shirley Knox application for Special Use Permit for short-term
overnight lodging for their property, the Rocky Mountain Estates Community is residential not commercial zoned, it will set a negative precedent for other homeowners to follow, detrimental to the community as a whole, etc.

Complete letters are on file at the Land Use Office.

Chrmn. Jarvies asked Mrs. Knox if she has copies of all the letters.

Mrs. Knox responded: Yes.

Mrs. Knox stated that her and her husband have served on the Rocky Mountain Fire Fund for 13 years, they have financially supported the building of the facility and serves as the president of the board at this time, they have contributed financially to the building, 2 of the 7 people have never contributed a penny, has done fire mitigation plans, they are the only couple that have brought in gravel and maintained the road, they are very fire cautious, two people that responded are out of their zone, we have been good neighbors, we are not a gated community, they get 100's of strangers at the lodge hunting and fishing, they drive around the area because they like it, we are talking about a couple of guests a summer, as far as security we are at the cabin all summer, we have a fire pit, we have a fire fund, we had someone donate 600.00 last summer, they have always had rules for their guests they don’t want anything to happen, the board is trying to purchase a brush truck, it’s a 5 parking space in their driveway, they have never used their neighbor’s parking, people are not to tear it up they are there to relax, we feel it should be allowed and we followed the process; and hope that you will consider our application.

Chrmn. Jarvies opened it up to the public.

Chrmn. Jarvies asked if there was anyone to speak for or against, for or against this application.

Chrmn. Jarvies asked Linda that Jerry Brummell had called and spoke to her.

Linda said yes he did call her and he said he had absolutely no objection, he is aware that they have been renting, he asked her if he could put something in writing and he stated that when he got here he could; Jerry Brummell is the owner of the Rocky Mountain Lodge.

Chrmn. Jarvies closed the public comment portion of the hearing.
Chrmn. Jarvies stated that Comm. McCarroll would like to go into executive session with our County Attorney.

Motion to go into executive session as per 24-6-402 (b) conference with the attorney: Comm. McCarroll/Second:Comm. Garcia. All in favor.

3-0 Motion carried.

The board stepped out with their legal counsel, will get back to Mrs. Knox who is on a via-telephone call.

The board came out of executive session conference with the attorney and no decisions were made.

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

Chrmn. Jarvies stated that as they go into deliberation there are a few things that they need to discuss which they will bring up to their attorney.

Nick Sarmiento stated: Ms. Knox the commissioner's job is to apply the relevant facts as presented in this hearing and through all the information that has been gathered and apply it to the Land Use Code and particular to whether you have met the requirements to be granted a Special Use Review according to our standards of approval, one of the discussions that was brought up was are the deeds, the covenants and frankly those are extraneous facts, we are not in the business of interpreting the covenants of this association nor your deed, we are here to apply the facts to the Special Use Review process and determine according to that if you are entitled to a Special Use Review Process.

Nick stated that one thing he wants to bring up is the definition of overnight lodging which is all part of their Land Use Code “Overnight Lodging a facility of structure offering lodging accommodations on a daily basis to the general public this definition includes uses as a hotel or motel resort lodge, conference center, guest ranch, bed and breakfast or a commercial boarding house, the overnight lodging facility may also include incidental uses commonly associated with the main lodging use, Section 4.2 requires a Special Use Review for any time there is an application for an overnight lodging, the only time no Special Use Review is required if it’s in a commercial zoned district and that goes to administrative review, just for
clarification it's a technical matter overnight lodging Special Use Reviews are allowed on all zones and the only exception is not permitting an industrial, looked at the Special Use Review definition which will guide the commissioners in their decision, this is Section 5.220 Subsection (b) -certain land use changes because of their nature or location has the potential to Cause impacts or warrant review by the Planning Comm. and Board of County Commissioners, the application review procedure for uses require a Special Use Review is in Div. 5.4, Div. 5.4 -starts off with what's required on your application, for you to submit an application and then go to standards of approval, that's what discussed in the planning commission, is that right Ms. DeHerrera.

Linda said yes they did discuss that.

Nick: What this body has to determine is whether your application, the facts that you submitted, the facts have been determined here at this hearing, whether those meet the standards of approval, that is going to take some time for the commissioners to come to their decision, they will have to review each standard of approval, the board will have to consider everything that was presented here and methodically go through each standard of approval; if they find that this Special Use Permit should be granted then they will do so based on their review of the standards of approval; Mr. Chairman that is my recommendation.

Chrmn. Jarvies stated that they feel they have to give this more time, they can sit down and go through each standard of approval, make sure things are being met and that they are doing things the correct way, they do not try to interpret covenants or deeds, our decision will be based solely on our Land Use Code and the standards of approval.

Nick Sarmiento-County Attorney stated that they have 30 days maximum to make their decision.

Chrmn. Jarvies stated that they will extend the hearing to be no longer than 30 days.

Mrs. Knox if she has to be at that meeting; she has a trip out of the country but she can make arrangements to be here.

Chrmn. Jarvies stated that they can do it by phone again, they have heard all the opposition and in favor of; so it is basically them just reviewing; then asked Ms. Knox that she stated that her and her husband are present when they rent.
Mrs. Knox said yes they are present.

Nick Sarmiento asked Ms. Knox if there are any restrictions that you would be willing to put forth on the Special Use Review Permit to address some of the concerns of those opposing in this case, you can give those to Linda, such as the use of the ATV’s, etc.; mentioned that those are voluntary.

Mrs. Knox stated that they themselves don’t have ATV’s and have told them to exit 5 miles per hour to the FDR 250, if they are in violation they would be asked to leave immediately; there is no noise after dark.


3-0 motion carried.

Chrmn. Jarvies told Ms. Knox that they will study it and try to come to the best decision they can as a Board of County Commissioners based on the information they have been given, they appreciate her time and working with our Land Use Administrator and everything she has done to comply with what they have asked.

Ms. Knox stated that if they need additional information she can respond by e-mail.

Linda stated that she can send them the standards of approval and go from there.

Tressesa- Citizen Concern

Tressesa-County Admn. asked if she can get on the agenda as a citizen.

Chrmn. Jarvies said that is fine.

Linda- Land Use Admn./ Recruitment for Planning Commission and Board of Adjustment Member

Linda stated that she has started the advertisement process for Planning Commission and Board of Adjustment Member recruitment, she will need the board’s help so if they know anyone that is interested; would like Sylvia Lobato from the newspaper to see if she can put some article to say they are looking for a board member.
Naomi Keys - County Assessor - Abatements

Naomi presented an abatement for approval.

Motion to approve the abatement for Public Service Company of Colorado in the amount of $462.40 for the year 2018: Comm. Garcia/Second: Comm. McCarroll, all in favor.

3-0 Motion carried.

Naomi stated that they had issues with the computer this year and it took three weeks to get something straightened out on something that should have taken about an hour, has another issue with them, feels she shouldn't have to pay for four months of the bill that they are working on; they got their notice of valuations out on Wednesday, mentioned that Manassa, Sanford, and Platoro’s valuations went up, the sales they are getting in Platoro are still under values, agricultural land went down, the new sub-district is hitting hard to a lot of the farmers; they are passing all the questions on the sub-district to the Water Conservancy.

Comm. Garcia asked to be excused at 11:20 AM due to another appointment.

Tressesa Martinez/Citizen Concern

Tressesa stated that Los Sauces sits at the end of the river, when they have a lot of water they get into trouble because they don’t have the equipment, they had three guys trying to pull those trees that are lodged at the dams, they called road and bridge because when the flooding, the water was coming down to the Los Sauces area; her question is if they get in a bad situation can the county go and help them pull those trees out.

Comm. McCarroll stated that they have always done it for safety reasons; he doesn’t see a problem.

Tressesa stated that it is on a diversion; it stops the water flow on the river; wants to know if it is just when it’s in the flooding state or can they get help now, it’s the Los Sauces Ditch.

Nick Sarmiento stated that it is problematic because we are in the business of fixing diversions, but at the same time those diversions are for economic activity unless it is threatening the safety and
health of the community; some farmers have the economic means to clean their ditches; we should protect the safety of our citizens.

Chrmn. Jarvies told Tressesa to keep an eye on it and if it looks like it is going to start washing the roads they can try to put something in place they would probably need a track hoe; a back hoe would not do the work.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned at 11:30 AM.

ATTEST:

NATHAN RUYBAL
CLERK OF THE BOARD

MITCHELL JARVIES
CHRMN. BD OF COUNTY COMM.