
Minutes of the Board of County Commissioners Regular Meeting held on July 03, 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- County Admn.-Present

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

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

Prayer: Comm. McCarroll gave the opening prayer.

Approval of Agenda

Comm. Garcia stated that he would like to add a 5 minute discussion on ATV's on County Roads.

Comm. McCarroll would like an executive session so they may counsel with Nick Sarmiento our County Attorney over a road issue.

Motion to approve the agenda as amended: Comm. McCarroll/Second: Comm. Garcia, 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.

Administrator's Correspondence

Tressesa, County Admn. didn't have anything under correspondence. Mentioned that the audit is almost complete and they should be presenting on July 16, 2019.

Approval of Minutes

Motion to approve the June 14, Payroll Meeting: Comm. McCarroll/Second: Comm. Garcia, all in favor

3-0 Motion carried.

Motion to approve the June 19th, 2019 Special Meeting with the amendment to show SEH instead of SCH on the RFP courthouse master plan: Comm. Garcia/Second: Comm. McCarroll; all in favor.

3-0 Motion carried.

Comm. Garcia stated that on the June 24, 2019 on the last page it states "Mr. Knox owns the property then the owners will have to come in and apply, he would like to add "the new owners" would like to add new in front of owners.

Nick Sarmiento asked if that is part of the conditions or part of the resolution, is it somewhere else that says "new"?

Chrmn. Jarvies stated that it says: "Comm. McCarroll stated that he would like to suggest that once they sell the new owners will have to go through the process that would be an advantage to us to make sure that they are doing the same things that the Knox's are doing".

Nick stated that as long as it is a clear reflection of the record; Comm. McCarroll is the one that said it but it was discussed then.

Comm. Garcia stated then he doesn't have any additions or corrections.

Motion to approve the June 24, 2019 Special Meeting as presented: Comm. McCarroll/Second: Garcia, all in favor.

3-0 Motion carried.

Public Comment: None

Resolution Discussion on ATV's on County Roads

Comm. Garcia stated that Donald Valdez called him a long time ago asking him about passing something that would put ATV's on county roads so he did ask him at the time where this is coming from because it had not been discussed at any commissioner's meetings, he asked him if this is something the state is doing. He asked him to send him an e-mail to see where this was coming from but he never did, then one of his fellow commissioners brought it up at a meeting. They are having their attorney look at a code on it. He was thinking about the concerns of the citizens of Conejos County. He feels it would only be fair to put in a newspaper announcement or at their next meeting they start to get some public comment on this for and against. There are different ways of doing this possibly on their own web page but based on Special Use Permits for the Airbnb's everybody that opposes is talking about 4 wheelers because of dust and kids up and down those roads such at Sheep Creek and Bear Creek. To protect the County Commissioners are we better off trying to get people at our meetings to hear from them rather than passing that we have ATV's which are allowed on county roads. I don't think it's fair not to involve the public at this point.

Comm. McCarroll stated that it had been discussed before; they had a request from Garth Crowther before he was sheriff to look into it.

Chrmn. Jarvies stated that the Forest Service had also looked into it and they said they had to be 16 years old and be a licensed driver and all that CPW expects and what Forest Service expects on forest service roads, the discussion had been started and then it died.

Nick Sarmiento, County Attorney stated that it would have to be by Ordinance and they would have to have a public hearing and by that time the board's mind is kind of set. If you want to do a pre-public hearing to inform them as to what you want in the ordinance, we can definitely invite the public.

Comm. Garcia stated that even if it's something simple such as what they put in the newspaper that they would be talking about the sales tax at this meeting; if they could put it for their next meeting and state that the County Commissioners are thinking of adopting an ordinance to allow ATV's on county roads, we welcome you to attend this meeting and come and voice your support just so we are never accused by the public of not informing them ahead of time.

Nick Sarmiento stated that they have to publish the ordinance in full, they will have a public hearing and if there are any changes to the

ordinance then they have to publish the changes; publication costs a lot of money.

Chrmn. Jarvies asked if they would want to have that discussion in the evening?

Comm. Garcia stated that would even be better.

Nick Sarmiento stated that: 1. Do you want to allow ATV's at all, 2. Do you want to allow them on specific roads, 3. Or whether we want to allow them on all the roads.

Comm. Garcia stated that he doesn't want to hear from the public that they cause too much dust or that there are 16 year olds that were hot rodding up and down; or if there are accidents and someone gets killed and they didn't let the public know.

Chrmn. Jarvies stated that if they have the ordinance in place it gives the guys more authority to say we are enforcing because it is there.

Sheriff Garth Crowther mentioned he doesn't think they want them on paved roads also stated that he has seen some younger than 16 year olds; but it is better if we are covered.

Nick Sarmiento stated that they have the discretion to enforce or not to enforce, mentioned that the ordinance is prepared.

Chrmn. Jarvies stated they could present that and ask what their feelings are before they publish.

Tressesa, County Admn. stated that in her community they use them for agriculture but there are a lot of kids that do raise cane.

Sheriff Crowther stated that they can take care of those raising cane. Those that raise cane can do that out in the prairie. He stated that when they have those meetings they might mention that it does not apply to the municipalities they have their own rules.

Comm. McCarroll mentioned that the Forest Service already allows it on Forest Service Roads.

Comm. Garcia agreed, stated that as long as they have the decal.

Executive Session

Nick Sarmiento-County Attorney asked if they could go into executive session.

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

3-0 Motion carried.

The board came out of executive session conference with the attorney at 9:58 AM and no decisions were made.

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

Garth Crowther-Sheriff's Report

Sheriff Crowther stated that it rained last Saturday and he had himself and all his people tied up part of Costilla which was about 3 days 24/7 and as soon as they get out of here they are headed up to a crime scene that wasn't pleasant. He brings that up because he wants to talk about some phone calls. First phone call was from a strike team from Denver they wanted to inform him that they caught a fugitive that had shot an officer, they credited some of their deputies that were working on that case getting intelligence information, he is proud of his people.

The next call was from Colorado State Patrol first responders concerning an accident on Hwy 17 County Rd 11 in the Antonito area, as a result of the crash the gentleman's helmet came off, he had a broken leg and a compound fraction on the other leg, Conejos County Sheriff Administrator Alison Mondragon happened to be off duty and was enjoying a ride with her husband. Alison noticed that there was a person lying in the middle of the road, she took note that there were around 5 vehicles traveling on the highway and not one of them stopped. Alison noticed that the gentleman was unable to breathe due to a serious blood obstruction in his airway; she lay next to him and offered words of encouragement while she stabilized him. She stayed with him until he was transported on flight for life to Grand Junction. The vehicle fled the scene and later returned. Chris-Undersheriff got all the details. The gentleman's wife expressed their sincere thanks to Alison who had saved her husband's life. They informed him that they were going to give Alison an award for her

outstanding professionalism to a complete stranger and most of all keeping him calm.

Sheriff Crowther then presented Alison with a plaque.

The board thanked Alison and congratulated her.

Sheriff Crowther stated that they are down in their June calls. Concerning meals they met yesterday with John Sandoval and he can save them anywhere from 10-12% they will give him a 60 day trial.

Sheriff Crowther asked if they are moving forward with the model traffic code.

Nick Sarmiento stated that they are moving forward on that, mentioned that just to be clear on the ATV's on county roads they can pass that at any time they don't have to depend on the traffic model code, it is a separate issue.

Comm. Garcia asked if the state had approved the review.

Nick stated that they haven't done that yet.

Linda-Land Use

David and Carolyn Faucette- Faucette Land & Cattle LLC

Linda presented the Land Use Case as follows:

CASE NO: CCLU-2019 **REQUEST:** Boundary Line Adjustment
APPLICANT: David & Carolyn Faucette **SURVEY BY:** Reynolds Engineering
BACKGROUND: An application was filed with the Land Use Office on May 20, 2019 for a Boundary Line Adjustment. The real property is legally described as:

1.451 acres situated in the SW ¼ of Sect. 22, Twp 36 N, Range 10 East, NMPM Conejos County, Colorado.

The property is zoned rural. The use is Rural residential/Agricultural uses.

The proposed boundary line adjustment will create the following:

Tract 1 containing 1.451 acres+.

Linda stated that they found that the boundary line went right through the home so Carolyn asked Marty Reynolds to shift the property lines to where they would be the same but changed it so that no property lines run through structures. She is planning on selling that and the way it was moved around does show all the easements, the buildings and everything that is needed; it should suffice.

Notes: This parcel existed being divided prior to subdivision regulations. The north property line ran through the center of the home. The property lines were changed to include the garage area to the north. The landowners are selling the home to one of their workers.

Nick Sarmiento-County Attorney stated that there are no public roads being dedicated, mentioned that there are two certifications shown on the map, in order to avoid any confusion he would like to take out the first portion of the Commissioner's certificate where they are accepting public roads, the area of the county road was not spelled out.

Linda asked if Marty Reynolds should do an affidavit for him to reflect what part of the county road since it was not spelled out.

Nick Sarmiento stated that if they are not affecting the county road then there's no need for a dedication, I think there is a private road in there that they are laying it out, if they can take out the commissioner's certificate portion of the plat. They can take out the 1st, 2nd, 3rd and 4th paragraph. There is an acceptance on the private right-of-way; that is to avoid any confusion in the future.

Linda will come back with a new plat on the 16th of July, 2019.

Byron Quintana -County Rd Y

Nick Sarmiento County Attorney asked Byron if he had blocked the road or put up a gate to prevent people from going through the road.

Byron stated that it has been about 2 years that he put a gate.

Nick stated that his neighbors are complaining to us that it is a county road. Right now we do have it on the inventory as a county road right-of-way we are going to have our county surveyor go out there and if the county surveyor determines that it is a right-of-way then we will go to court to have that opened up.

Byron stated that it has never been a county road; there is no granted easement on the deed for it to be a county road down in the middle of the property. I spoke to Steve McCarroll and Iggy at the beginning of 2010 to take it off the road inventory.

Comm. McCarroll stated that he would like to clarify that he found out that they couldn't take it off the inventory.

Byron stated that he was not notified of that, it has not been maintained since then and in the winter time they were doing everyone else's private driveway, they did that twice in 9 ½ years. I understand that they get federal funding per every mile but it has been treated as so. I know that was always a private road. The previous owners that have been there for 100 years have acknowledged the fact that it is private. There were gates on the fence and there was a mutual agreement between the landowner. The gates were made bigger by the people that purchased later on to get the vehicles through there. The only person that is about a mile in is Gilbert Lucero and he is fine with it. Being that there is no easement granted through the county how can it be a county road on private property can you show me as easement granted to make it county.

Nick Sarmiento stated that is why they are asking the county surveyor to go out there because if the evidence does show that obviously we are going to have to open it up, if it is indeed a county road we will have no choice but to open it up

Byron stated that the only time it was considered a county road was when they put up a sign. My grandfather and father had it and it was private before that. The previous owners that were there for 100 years never claimed to have easements into their property because the easement is off the Gun Barrel north of the river. Carla Rodriguez has an easement; she has property on the south side that does not make him responsible for her to get access through there. The guy next to her is Harlan and apparently he doesn't realize that going into the old Trujillo place that he bought goes across my land and I allow him to go through there. I don't have to he can have easements off of 0, they don't want to build a bridge to go through the opposite side of the river. I have property on the North side too I could just say I am going to use their private road why do they want to do that to me. I have had fuel stolen, livestock killed and run over it's never been a county road and it doesn't make sense for it to be halfway through just so the public can have access through my land. I put those poles up 2 years and the county has not been there to maintain that road. They saw me do that and saw me put the gates as far as I know I have

my rights to do that, there has never been an easement given on the deed for it to be a county road.

Harlan Hansen stated: I own the land to the West of Carla Rodriguez and East to Byron. The last that is immediately N of County Rd Y and W from the Gun Barrel Road- west is BLM. It seems that it is some kind of rule that you don't lock the gate. The part that Carla Rodriguez owns that seems it should be public access the gate is fine, it is just that it is locked. People have been driving that way for a long time, that road allows access to Joe McCann's to his irrigation ditch and on the north side of the property on County Rd Z on the corner that he and his wife own there is nothing on the deed that says it belongs to the county it's just been there forever, on an ideal world I would just have the gate moved back and I myself could access the southern part of that property and not go across the river.

Nick Sarmiento, County Attorney stated that before they open up a can of worms he can offer them a conference with everyone and see if they can come to some terms for this neighborly dispute that will work for everyone as opposed going to court and everyone having to spend money to determine these issues, he is willing to offer that.

Byron stated that he really doesn't see a point to it. In response to his opinion I own the lease to the BLM so I have a right to put a gate for my livestock, over 20 years ago the agent for BLM looked on the map and it was not a county road so he called to get permission to drive off the gun barrel road; they acknowledged the fact and they told him it was a private road there was no real reason for it to be considered a county road other than when it was numbered.

Chrmn. Jarvies stated that they have to make sure of what it is, they instructed their attorney to look into it, he has made a good offer to save everyone money in the long run. If they can't come up with a solution they will have the surveyor go out and look and see what they come up with and go from there.

Nick Sarmiento stated that there may be easements but they are only concerned with the public right-of-way.

Donnie-Road and Bridge

Donnie talked about the following:

- They have been talking about flooding; have been texting where they are at on that.

- Had a discussion on gravel on accessing on their right-of-way- they do have some areas that they go into private property so they will swap 2 loads of theirs for one of ours; would be good if they could draw up some kind of mutual agreement, stated that in the past Jack Gilleland pulls off all the potato rock and they swap material, same with the Town of Romeo. That way if the question comes up they can show documentation of what they have done.
- Nick Sarmiento-County Attorney stated that it could be a simple receipt, if it's a big amount then he recommends against it but if it's something like \$200 they can do a quick swap as long as you write it or type it out.
- Chrmn. Jarvies stated they are talking tons of material and his understanding was that Jack would haul their own loads and they should clarify that.
- Donnie said he wasn't too sure but they could probably drop and then load.
- Flooded roads- a few roads are shut down which is quite an inconvenience, some people want to go around; they are running over their barricades.
- Sent Jeff Peterson from District 2 to go get cameras, they set up signs at County Rd T and they were stolen, visited with the sheriff about that; if they could get some photos because they could be responsible for something tragic.
- Have the situation of possible flooding over the holiday weekend; don't want to have all the guys out camping. He visited with all three supervisors- they have 2 guys in Dist. 2 that are willing to stick around in case they are needed, Dist. 3 has five guys including Rick Garcia who is willing to help out, and Dist. 3 has 2 guys, he will send an email concerning that.
- Supervisor meetings will be on Thursdays instead of Mondays; those are open to anyone that wants to sit in.
- They do have a bridge inspection coming up; this year he invited the supervisors to sit in on that. He invited Russell Engineering and Nathan and Daniel from the Water Conservancy. Some of the issues that they run into is that he will pass the reports to the guys and they change road signs, they send him photos and he will send them to DOT which is pretty simple if you require a 11-11-19 on County Rd 6 it is easy to look at and see what they need, they are welcome to attend the meeting also which will be on the 19th of June at 8:00 AM.
- Have been meeting with crew members and supervisors they have some good ideas on better ways to do things.

- Met with Comm. Garcia, they have a gravel pit that provides excellent material but every rock is square, possibly in the future maybe they can rent a crusher and change the dimension of the material on some of the roads they get loose really quick.
- Comm. Garcia asked Donnie if the water is still coming over on County Rd 13, on the long weekend they might get complains that it is still closed.
- Donnie stated that he feels it is but did not take a look at it. The last work that was done was all washed away, will see if they can keep it closed.
- Comm. Garcia stated that they can let it dry up.

Naomi Keys-Abatements

Naomi presented several abatements to the Board along with her explanations as to why they are being abated.

Motion to approve the following abatements as presented: Comm. McCarroll/Second: Comm. Garcia, all in favor.

Schedule #	Name	Year	Amount
586721107025	Bryan & Celeste Salazar	2017	51.92
586721107025	Bryan & Celeste Salazar	2018	51.66
586721107026	Bryan & Celeste Salazar	2017	30.84
586721107026	Bryan & Celeste Salazar	2018	30.68
572320230080	Scott D and Ashley L Frost	2018	320.36

3-0 Motion carried.

Naomi mentioned that she is supposed to let them know what they have right now, there will be more changes because right now they don't have state assessed property correctly yet that comes out in August, they can see on the assessed value, they do have an increase from last year and on actual value but with the assessment rate going down it still has it as an increase it only dropped from 7.2 to 7.195.

Mack Crowther- Public Trustee's Report

Mack stated that right now he only has 3 foreclosures going on, there was a lot of interest on one but that was withdrawn.

Motion to approve the Public Trustee's Quarterly Report as presented: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Mack stated that on the Treasurer's side the delinquent notices will be sent out Friday, they are down around 150 from a year ago, they are sending 1370 to the printer, last year it was 1517.

Chrmn. Jarvies stated that Tressesa mentioned that they might have to change from the Pueblo system that they are currently using.

Mack stated that he was in Sterling at their Treasurer's conference last week there is a company called Harrison/Tyler CIC which is out of Greeley. Pueblo system is a shared service, the Assessor and Treasurer are going to go with CIC. They could stay with the Pueblo System a couple of years but he doesn't know about support. They have someone coming in about two weeks so he will get together with Tressesa County Admn. and the board is welcome to sit in when they do their presentation. It is also a possibility for HR and Finance.

Comm. Garcia asked about the cost and if there is any kind of grant they can apply for.

Tressesa, Co. Admn. stated it is quite costly and there are no grants available for that. They are doing well with the program that they got even though it's a little bit more work for them.

Mack stated that they had people with their legislative committee in Sterling and he brought up about state assessed properties. They are aware of the valley counties problems, they are going to try and look into legislation and get ready this fall to have it ready to go in January. They are looking at some type of possible bill but no one really knows how we can put teeth to collect those state assessed taxes. Huerfano County sold her taxes at her real estate sale, no one bought it; in three years they will deed the railroad track to the county.

Nick Sarmiento stated that they can foreclose but do they start receiving taxes and the bigger question is do we want the railroad.

Executive Session

Motion to go into executive session as per 24-6-402 (3 b III) conference with the attorney/potential litigation: Comm. Garcia/Second: Comm. McCarroll, all in favor.

3-0 Motion carried.

The board came out of executive session at 11:13 AM conference with the attorney/potential litigation and no decisions were made.

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

Linda-Land Use Admn-HORCA

Linda explained that they have a situation at the Horca Planned Unit Development with a platted easement that has been blocked off by the current owners. The owners are Howard and Barbara Todd. It has created conflict within the development. She has done research in regards to construction permits where it's located and unfortunately that can't be determined unless a survey is completed so she will ask the landowners to provide her a copy of the survey to show where the easement is located and will also submit a letter requesting that they open the public easement as reflected on the plat map.

Nick stated that they will start with the demand letter before he files any complaint or any court action he will ask for further approval from the commissioners.

Rodney King-EMS

Rodney stated that at Terrace they are about 11 inches before it spills over.

Comm. McCarroll stated that they had more going out than coming in.

Rodney mentioned that Platoro is still filling, driving down Alamosa most of the bridges and streams looked good, at Conejos Valley the road had more water yesterday, at Ponderosa the water is passed the picnic tables, there is more water at Horca, they sand bagged at Twin Rivers, talked about the concern on County Rd 13. It has been raining every afternoon. They need to make more plans also wanted to know when they would make a decision to evacuate, there are two trees at the bridge at Conejos Ranch also the old bridge at La Manga Pass is getting more debris. It is not hurting anything unless the bridge collapses.

Rodney had a concern if we get more rain at what point do we advise to evacuate, and do we have plans if we have to re-locate the Opera House does not have internet.

Chrmn. Jarves stated that Nathan is going to the Division of Engineers this morning. Rodney is keeping them on alert.

Nick Sarmiento asked if there are any areas if a bridge were to go that they are inaccessible.

It was stated that basically all of them like Bear Creek and Sheep Creek.

Rodney stated that they would have to make sure that they have food for 72 hours.

Rodney stated that he thought about doing an Everbridge test up the canyon.

Connie-HR asked if they should do that with the roads that are closed down right now.

Chrmn. Jarvies suggested doing something simple but definitely a test up the canyon stating that if it becomes an emergency they will be getting a call.

Rodney stated that on the evacuation it is still volunteer once they are out then they can stop them from going back in.

Comm. McCarroll stated that he thinks Horca and Ponderosa are the worst and possibly Conejos Ranch, they need to be prepared.

Rodney stated that the bridge at Conejos Valley is not very high.

Nick Sarmiento suggested an advisory on the website. If we were to get a lot of rain things could happen people could get trapped, asked Rodney to present a scenario on the emergency format.

Rodney suggested looking at a map so they can see where the problems are at.

Chrmn. Jarvies stated that they found all the weak spots this year, there have been a few ditches washed out. Most of them have been irrigators and people not paying attention and it does happen.

Comm. Garcia asked if they know if the water commissioners are going to try to keep all the priorities open regardless of the compact in the next few days, they were all open yesterday.

Rodney stated that they were going to try and open Antonito and to Guadalupe.

Chrmn. Jarvies stated that he appreciates what Rodney is doing and for the weekend Donnie did get a list of the guys from Road and Bridge that will be available if they need them.


Comm. Garcia asked about the commissioners because he was going to be out of cell phone service tomorrow.

Chrmn. Jarvies and Comm. McCarroll stated that they will be around, if Chrmn. Jarvies has to leave he will go ahead and text them to let them know.

Chrmn. Jarvies stated that Comm. McCarroll had mentioned concerning campgrounds maybe they could have a printout sheet that they may hand out to people that are coming in to camp stating to watch out because the water is high this year in case there is an evacuation.

Rodney stated that Summitville wants to do an exercise.

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

ATTEST: 
NATHAN RUYBAL
CLERK OF THE BOARD


MITCHELL JARVIES
CHRMN. OF THE BOARD