Minutes of the Board of County Commissioners Regular Meeting held on
May 07, 2020 at 9:00 AM in the Conejos County Board Room, 6683 County
Rd 13, Conejos, CO 81129

Call the meeting to order

Roll Call
Mitchell Jarvies- Chair- 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
Director and AnnaBelle Gomez, Deputy Clerk and Recorder.

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

Prayer: Comm. Garcia gave the opening prayer.

Approval of Agenda

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

3-0 Motion carried.

Approval of Minutes

Motion to approve the minutes of the April 16, Payroll 2020 Meeting:

3-0 Motion carried.

Approval of Accounts Payables

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

3-0 Motion carried.

Public Comment: None

Administrators Correspondence
(High School Graduations - Discussion)

Chrmn. Jarvies called Ms. Katie Montague and Kurt Wilson from Centauri High School; phoned it to discuss Centauri’s High School Graduation. They had the following discussion:

Chrmn. Jarvies asked if they have come up with an alternative plan.

Katie: We have, I have edited the plan that we have.

Denise Jiron - Public Health Director: I have not seen the revised plan. I did forward you the trigger points from the CDP on what their guidance is so she was hoping that she would revise her plan to accommodate those trigger points if she could guide them through that.

Ms. Montague: We kept the same plan and moving it outside. The governor states very small communities with only a few graduates will hold on football fields or other outdoor location; outdoor graduations features graduates walking on a stage with guests watching in their cars; that was in his news release they saw. They don’t know what he considers a very small school; with that in mind we would like to have it outside and would like to have the guests outside in their cars but we understand that we can’t do that. If we can do it in our stadium and have guests 8-10 feet apart and have chairs on the back. We would also like to put some other things in place which is directly out of the Governor’s statement. We would have the kids stand 8-10 feet away from each other, they won’t socialize they will come up to the stage with their diploma which will have been sanitized. They will come up and take a picture with Mr. Wilson and an additional picture on a green screen. All guests will be wearing a mask. Anyone that is high risk will not come through. They also added that as people were to come in in a staggered fashion we would have them answer a simple health questionnaire; if they answer yes to any of the questions they can’t come in. If they have been exposed or out of the valley for the last 14 days or having symptoms; we will also be taking temperatures as they walk in. That would include all guests and all admin and all of the graduates. Those are some of things that they have added if they don’t do the sit in cars in the main area in our parking lot. They won’t take temperatures of guests in the cars. They would allow one car per kid. They will sanitize all the seats prior to graduation and masks would be worn by everybody there.

Denise Jiron: Ms. Montague could you please re-write that and submit that to the commissioners and herself.
Denise: CDE doesn’t want any hand contact or any indoor ceremony and are you asking for us to waive the limit of 10 or less gathering? Would you please include that in your plan?

Ms. Montague: Yes I am asking you to waive that. The sample questionnaire is the plan that is if you guys will allow us to do this graduation on our stadium and if not she can type that up to include the cars and the graduates still be front and center in seats in front of our school about 10 feet apart.

Denise: I would like for you to include that as your alternative plan because at this point the guidance that we are receiving is to only allow graduates out.

Chrmn. Javies: We might have to apply for a waiver from the state as a county.

Kurt Wilson: I understand that Mitchell. We just have to make sure that we are enforcing what we are putting down.

Nick Sarmiento: Mr. Wilson in your discussion with the governor what was his thought about the gatherings. How do these gathering comply with not having more than 10 people or more?

Kurt Wilson: In small communities you can stay 10 feet apart and have an outside ceremony but it never became infinitive on what is a small community; some have 10 graduates which is no problem but like us we have 63, so they have never come up with any definitive number; that is where our double plan is coming whether we can do it in person. A lot of the drive ins have been approved. If you have 60 cars parked in a 2 parking lot we will try and do something like that; but he stated that you can get a waiver for a certain number but that number has never been defined.

Connie-HR stated that they can probably hold the ceremony in the football field.

Nick Sarmiento: 10 or more people is an uphill battle but if people are 10 feet apart then it is not a gathering.

Chrmn. Javies: I think we need to look at our county and the small numbers and continue to be careful. We have some parameters that we can meet as Board of Health and can continue to apply for the waiver.

Comm. Garcia: If we apply for a waiver does it entail a lot like the hospital. Has it been talked about screening, did the governor talk about that; are you going to screen, I understand the waiver is sort of hard to get.

Kurt Wilson: The idea came from if you go get a haircut they will ask if you have an cough: shortness of breath, headaches; have you been exposed and then get your temperature right there but has not been specified by the governor but that would be our commitment to try and keep people safe.

Denise: The Department of Education is requiring the temperature screening.

Kurt Wilson: We will abide with your decision and execute what they can for the kids.

Denise: We would be more comfortable if it’s outdoors and keep only students in the field; we don’t want to keep anyone from their accomplishments. If there is an outbreak we will be on the line.

Comm. Garcia: We commend North Conejos staff for their plan. Hopefully in a couple of weeks things will be relaxed and with the governor’s order and graduation ceremony guidelines you will be able to hold that graduation as planned.

Denise: On the El Paso plan on # 4-G -no parents, guests or observers. I think we can contain the amount of guests per students; why do we have to pursue the waiver; also they have not been able to determine what that number is.

Nick: Because of the governor’s order that has not been lifted. The first portion from the governor says “no more than 10 people”.

Kurt Wilson: We did not expect this new guidance to come in; the only other option is to permit 10 graduates at a time at a set time.

Nick: We are different entities, what I am hearing from the public health is let’s go ahead, approve with restrictions, the local officials can decide those things. You are taking a risk without a waiver, the county has given you the go ahead but we are not holding you back.

Denise: A gathering of more than 10 jeopardizes us and that’s where the waiver comes in.
Chrmn. Jarvies suggested applying for a waiver as soon as they can and go from there. If they don’t get the waiver then they have to go with 10 graduates at a time.

Comm. McCarroll said let’s see if we can get the waiver or they can get the waiver; they have put in a lot of work scheduled up and they need an answer so they can continue to plan.

Comm. Garcia said that he is on board with what Comm. McCarroll said and apply for the waiver; would like to ask Denise what we don’t have in place such as PPE.

Denise stated that we don’t have a PPE in place, as far as the hospital that would be re-directed to another county which is Alamosa; those would have to be in that plan.

Nick Sarmiento stated that what we need from the commissioners is anything absolute no or what they want to see in the plans that way Public Health can go to each individual schools and say they don’t have that in your plan.

Chrmn. Jarvies went over the plan which students only on the field, two guests per student, health screenings, no physical contact, no gathering at the school, no giving you balloons, flowers, or metals, no handing out diplomas, wearing masks required. They will look at what it takes to get a waiver.

Denise stated that from the public health is perspective is the spread. If they have only one person on that field who is carrying and they hug they can potentially contaminate 6-8 people and it will shoot off. We have people that have not been tested; we have more cases that have not been publicized.

Kurt Wilson stated that we will abide and hold ourselves accountable; thanked everyone for their time.

**County Attorney- Second Reading Fire Ban Ordinance**

Chrmn. Jarvies opened up the public hearing concerning Ordinance C-01-20 and turned the time over to Nick Sarmiento-County Attorney.

Nick stated that the first reading of the fire ban took place on April 16, 2020, published in the Valley Courier on April 22, 2020 and public hearing published in the Valley Courier setting it on May 07, 2020. If
there are no amendments he will commence with the second/final reading; the sheriff might have some comments as well as the county.

Chrmn. Jarvis stated there was adequate public notice in the newspaper as well as in the website; opened it up for public comment and asked if any comments were received.

Tressesa, County Admn. stated that they did not receive anything in writing or e-mails.

Sheriff Crowther stated that it is well written. He was contacted by the communication center dispatch and they had a question on the Red Flag Day. They wanted to know if it was just from noon to 8 PM, they were wondering if we would let people burn in the morning; that is how he had been advising people. The only thing he has been telling them is that they are responsible to extinguish the fire fully so when the wind comes up it won’t take off, he wanted to know what the board’s opinion is on that.

Chrmn. Jarvis stated that the last two big fires they had have been from fires that have been burning and have been extinguished and then the wind came up even days later and started them. If it’s a red flag day and it’s from noon to 8 maybe say you have to monitor it all day but how do you enforce that.

Nick Sarmiento stated that the only reason this would work is the red flag for fire bans comes up automatically. The national weather service is saying you can’t burn from such time to such time, if we were to say the full day we don’t have comp to evidence that there is red flag warning. The sheriff has the authority through declaration which is an automatic provision.

Nick stated that stage one goes into effect right away with the red flag.

Comm. Garcia wanted a clarification because if they have issued a red flag warning in this area, can they burn. He heard on the radio that they were saying there was a red flag today.

Nick stated if they say between certain hours.

Sheriff Crowther stated that if you go to the computer it will give the times that red flag is in effect, we have been letting them burn early but make sure that it is extinguished.
Chrmn. Jarvies asked if there were any other comments for or against, for or against, for or against, there being none he closed the public comment.

**Sheriff Crowther - Sheriff’s Report**

Sheriff Crowther gave his report as follows:

- Meals went up a little bit.
- Fingerprinting opened up and concealed weapons.
- Have ordered a thermometer that you just point on the forehead.
- Trying to be as careful as they can.

Blake Crowther stated that they are down to 6 inmates at the jail. They have been working with the judges, DA, cleaning the jail twice a day; wearing masks and gloves when in contact with the inmates.

**Adam Moore - Forest Service Report**

Adam presented the following by tele-conference.

- Discussed the insect infection and specifics of the diseases for Conejos County.
- The report he sent to the board has a customized spread sheet on how the county did this year versus previous years; which had the forest health report.
- Quick reminder of the funding sources and grants from the Federal Government, Forestry grants, money from the state and self-funded projects.
- Colorado Forest array of activities such as events with the school children to work with communities.
- Statistics- 24.4 million forestry acres in Colorado. 29% are on private land, forests are very import for recreation and tourism in Conejos Canyon, hunting and the La Jara Reservoir.
- Public Health and Safety- smoke from wild fires, positive-trees filtering air and water, 50% has been affected by wild fire, insects or diseases, if we did the math in Conejos County we would be at about 70-80% plus range because of the Spruce Beetle.
- Last year was a low fire season-large snow pact last year that didn’t melt out until Sept., other insects were increased.
- Spruce Beetle highest impact in the 8th year in a row.
- Grant program that we have is the Forest Restoration- will talk about grant funding on down the line.
• Did a re-organization so they are divided in quarters, they do talk about some projects in the SLV but didn't talk about any in Conejos County. 29% of forests are privately owned.
• No acreage affected in Conejos County by avalanche.
• Talked about the round headed pine beetle, aspen defoliation, and there is spruce beetle around.
• Talked about forested acres and working with some subdivisions, some products are being processed by the Amish sawmill.
• Working with the US Forest Service on projects to administer sales, talked about where the priority projects might occur, the last version was CSU which was in Sept.
• Projects in Conejos County-Horca Subdivision, focused on the closer side to the river, removed dead stuff throughout the area, have same type of projects in Bear Creek and Sheep Creek they will be spending about $20,000 which is matching.
• Helped Town of Antonito apply for a grant for planting trees by the school, did not receive a grant.
• La Jara Reservoir doing some work right now, have the Colorado contractor right now moving most of the conifer, removing most of the trees for mulch, want to open the area up for more wild life habitat for more positive hunting for the residents.

Linda Land Use- Robins Construction Public Hearing/Continuation


Chrmn. Jarvies stated this is a continuance of the Public Hearing. They are here to review our mitigation plan and he will abstain due to conflict of interest so he will not comment in any way, he will run the meeting; he turned the time over to Nick Sarmiento County Attorney.

Nick: I did submit a proposed Special Use Permit Resolution; have been working with Mr. Montgomery and his client the Robins. On this there is some sticking points that they are going to ask the Commissioners to decide, this is just a compromise, he goes back to the Land Use Code which gives you the right to approve without conditions, approve with conditions, or deny the Special Use Permit. This was our attempt to come to a resolution in terms of the mitigation plan. Some of the issues that were discussed at the Public Hearing were on March 05, 2020 were all the concerns presented by the constituents. Obviously there is a balance between allowing a business like this to operate and also trying to mitigate a lot of the concerns that were brought up by the constituents. We have gone back and forth with Robins, there
have been different proposals; this is very difficult. This is just our attempt to try and come to some resolution. Comm. McCarroll and Comm. Garcia please feel free to include any other restriction, conditions, and comments. One of the things I did want to bring up is that Comm. Garcia requested more information at the Public Hearing, one of them was the survey; also on loads.

Linda-Land Use Admin.: I wrote them down and Comm. Garcia said that he wanted us to work on mitigation to address the issues of timing, haul traffic, dust, road usage, time on permit, violations, haul routes, historical sites, commercial, noise and a review process.

Nick Sarmiento: I believe he asked for data on how many loads; we can start with that preliminary and then move on to the resolution that we drafted, asked Mr. Montgomery to talk on the data that Comm. Garcia requested.

Mr. Montgomery: For all the commissioners we don’t have the actual data from the time that the mining 110 permit was issued through today; how many loads were hauled on any given year, a month, a week or day. That information had not been requested and we don’t keep that data. We compromised that we did agree that should the county approve this permit with conditions that we would start keeping track of that because that is part of another formula that we had come up with that we will present to the commissioners later in this meeting. Last year we estimate that we hauled between 400-425 loads. It is a reasonably accurate guess- it is nothing than that. We have a general idea but as far as what we have done historically we don’t access to that information.

Comm. Garcia: Why don’t you have access to that information?

Mr. Montgomery: We never did keep that data didn’t have that condition under the 110 permit so it not data that we aggregate; we don’t have it.

Comm. Garcia: So there is no government entity-mining division that requires you to do that apparently.

Mr. Montgomery: Not to my knowledge; I will let Mr. Robins address that.

Randy Robins: We have to report the disturbed acreage to the BRMS and calculate the tonnage. They took the tonnage that they hauled and it was approximately 400-425 loads.

Comm. Garcia: That was in 2019, and you are estimating, right?
Mr. Montgomery: We took our tonnage and derived at 400-425 loads.

Nick Sarmiento: I will start with the top portion of the resolution. The top part is nothing major. Section 1- Term of the permit, we do have a land survey are there any questions:

Mr. Montgomery: We do want to come back and talk to you about the survey and drawings.

Nick Sarmiento: Section 2- Term of the permit- initially we were describing the permit for a number of years but now given the structure of the resolution and it’s all tied into this bridge and this restricted fund we have decided to connect the term of the permit with the permit that is granted by the State of Colorado, as long as the State of Colorado permit is valid this Special Use Permit will be valid, I will come back to this because it is all tied in. Hours of operation Monday through Friday 7 to 7 and on Saturday 8 to 5 the reasoning behind this is Saturdays we want our residents to not be disturbed too early since that is their weekend for most of them and also to stop operation around 5 that way they have peace and quiet, no big rigs running through there on Saturday after 5; they will not be operating on Sunday at all.

Nick: The speed limit: One of the difficulties in the reality that we are facing as a rural county is the absent paving the road there will always be dust. The next big thing to reducing some of the wear and tear including the dust is to reduce speed limits. On this one Mr. Robins agreed to reduce the speed of his trucks on the restricted routes to 25 miles on county roads except that within a quarter mile of residential areas his trucks will be limited to 15 miles per hour. Some of us that live in a dirt road even a little car going 40 miles an hour is going to cause a lot of dust and wash boarding. This is how we mitigate dust Comm. Garcia and Comm. McCarrroll.

Nick: Let’s move on to the restricted routes. One of the routes is County Road H, the second is the West Route 8.5, the area of contention is whether we should also allow them to use Veteran’s Boulevard; so he will ask the board to decide that.

Mr. Montgomery: We have looked at those routes, those are the routes we predominantly travel most of the time. Some of the time we need to be able to access 285 to go North bound and there are a couple of ways that we could do that on the County Rd H map. When you get to County Rd 13 and H intersection if we went North bound on that intersection that would get us to County Rd J and catch 285. Some of the time it would be helpful to use Veterans Boulevard depending where the job is, we are not looking to use Veterans Boulevard all the time or County Rd
J. One of the things that we talked about at the March 5th hearing is of course with the historic church and town hall being right there in Conejos. There may be weddings, funerals, or baptisms. We don’t want to interfere with anyone’s activities, that is not really the point; it is having the flexibility. The Road H route we have lots of customers that travel to the west of County Rd 13 so provided that the Commissioners and Land Use and the County Attorney, these are the roads that have been laid out or highlighted that is pretty much where we drive many of our trips. On public roads if we have to get to a customer that’s all that we are asking for and the flexibility to use those roads and those other routes when necessary and if you ask us not to use Veteran’s Boulevard because of some important community activity of course we wouldn’t do that.

Nick: There is a provision here for the restricted routes for emergencies so obviously if there is an emergency they can use an alternative route. They are required to document that emergency with us and there is a loophole here, the applicants can use those county roads to reach a jobsite; depending on where that jobsite is.

Comm. Garcia: Would that include to haul out?

Nick: No. If the jobsite is on Veteran’s Boulevard and you decide not to include Veterans Boulevard as a their main hauling route obviously they need to get to Veteran’s Boulevard for the job.

Chrmn. Jarvie: That clause just gives them the ability to access a farmers field, etc. it is not on a designated route.

Comm. Garcia: Explain, if they get the farmers field through Veterans’ Boulevard for example but they need to haul in some rock and they are coming from the mine they can do that right?

Nick: They can do that but let’s say the job is in New Mexico then they must use a restricted route, we want to externalize the cost of road improvements on the state so the quicker they get on the state highway the less cost it is to the county.

Comm. Garcia: It says here they are going to have to apply to the Land Use Office and the Land Use Office could deny that application if they see fit.

Nick: This is for an emergency; they can document it because it’s an after thing.

Mr. Montgomery: Make one thing clear hear we are asking to use Veterans’ Boulevard because if we come straight down from Hwy 17 there are a lot more homes and things that we have to go by and all the way
back through town so we are asking you if we can use Veterans Boulevard.

Chrmn. Jarvie: As part as a designated haul route?

Mr. Montgomery: Yes.

Nick: The cost of load per mine, this is where we came up with the mitigation plan. This would provide the county with funds per every load that comes out of that pit but those funds would be restricted to mitigating and improving the restricting route roads so they are tied in with Mr. Robins’ economic activity presumably the wear and tear, the money would go back into those roads. It would be 10.00 per load of mined material, that would go up with inflation every year and subject to deflation as well but at no point it will be under $10.00 per load. Mr. Robins is required to keep tracks of his loads and provide that to the Land Use Office. It is based on pre-payment.

Mr. Montgomery: Now you are addressing where that $10.00 per load and inflation comes in and it is pre-paid to the payment of the bridge construction.

Nick: In lieu of paying every year into the special created fund for using on those routes Mr. Robins proposed that he would build us a bridge at an estimate of $134,800.

Linda-Land Use stated that is located East of the mining operation before County Rd 11 that goes N which is referred to the Lazaro Bridge.

Nick: In lieu of paying into the fund we would credit them for the bridge at a fair market value of $134,800, he did the load calculation per week in a year; they are allowed up to 25 loads per day.

Nick: Warranty on the Bridge- do you want to discuss that from your point of view?

Mr. Montgomery: We can, I am also going to have our engineer-Scott Johnson address our perspective. We worked in good faith I do understand the Commissioners perspective on the warranty issue; if you can get a guarantee or warranty who wouldn’t want that. The distinction between this project and others such as the jail that is kind of project with plumbing, electrical, waste water treatment, etc. This project is about excavation, steel and concrete. There are fewer things to go wrong and how bridges are erected in particular by this company because they are in the business of erecting bridges. We can warrant that this bridge meets or exceeds CDOT and US DOT standards or
a bridge rated at that capacity which is in the neighborhood of
100,000 pounds which should handle anything going over it. It should
be a 100 year bridge. Once we turn the bridge over to the county we
don’t know if a drunk driver smashes into the guard rail, there could
be flood flash; we can’t control what happens to it after we give it
to you. With proper maintenance it should be fine.

Nick-County Attorney proceeded to review the following:

The extension of the permit-they can request for an extension permit
once the permit is about to lapse; it is going to be connected to the
state permit.

Transfer of Ownership- They have to let us know, it is transferrable.

Changes and conditions- any changes requires a new special use permit.

Violations: Non-compliance will be subject to revocation. We have
instituted a complaint procedure so we can handle complaints by
citizens; assumes an informal process and then a formal process.
Section 8- other compliance- must be in compliance with all federal,
state, and local regulations.

Annual review: Land Use Office is committed to an annual review and
will consider any written complaints and steps taken to resolve.

Non presidential effect and severability- Nick proceeded to read; he
suggested going item by item and if they have legal questions they can
go into executive session.

Mr. Montgomery: I wanted to add one thing to Mr. Sarmiento’s comments.
We understand that there are going to be many different requirements
after this meeting. One that they spoke about is that he understands
that there would be a construction agreement. The state will not even
look at their 112 permit until the county approves our application and
we have drawings that we will show to the county. When we send it to
the state we will have a BLM stamp on it which Mr. Johnson can address
that. There are many things that we need to give to the county. We
understand that there will be other requirements before we can
actually get started. We are anxious to build the bridge because it is
unsafe for our use and everyone else.

Chrmn. Jarvies: One thing is whether to include Veterans’ Boulevard as
a haul route and the warranty on the bridge or do we need legal
advice.

Comm. McCarroll: My feeling is that we allow them to use Veterans’
Boulevard which is closer to 285 if they don’t need to they can go on
the other route. I don’t think that we need to have a warranty on the bridge.

Comm. Garcia: I have a lot of concerns; going back to the March 5th hearing I understood that we were going to get a 2 week period to review the mitigation plan. I am not ready to approve or disapprove. I want to know we made a commitment to those citizens that spoke against it that they would get a copy.

Nick: I thought we said we would make it available.

Linda: I only had one person contact me.

Chrmn. Jarvies: Correct me if I am wrong Mr. Sarmiento. I thought they can have a copy but the public comment period is closed.

Comm. Garcia: Yes public comment is closed. I saw it as a strong commitment that they were going to be made aware that the plan is available; were they made aware by a telephone call.

Chrmn. Jarvies: It is not approved by us.

Linda: No I didn’t send anything.

Nick: I think it was just an effort to be transparent and continue to the next board meeting; but we also have to make a decision.

Comm. Garcia: Nick you suggested that we go section by section, I would like to do that.

Nick: If you object to the pre-payment, bridge and the dollar amount on the loads this can really throw this out.

Comm. McCarroll: Are we going to allow this from a 110 to a 112 and then we put all these conditions they need to get to work. Let’s make a decision and allow them to express how they feel. They have a great plan. I have a concern about the warranty but should have the opportunity to use the public road.

Comm. Garcia: Going back from the 110 to the 112, all we are doing on the 112 is giving them additional space to sort their material. What I want to discuss are all the impacts. I am being perfectly transparent and I want to work with Robins Construction and with the citizens that have voiced their concerns. By giving my suggestions today I would like to see the attorney, Linda and Donnie to go back and work with Robins Construction to come up with some of the things that I would be willing to go favorably for or not favorably for.

Comm. Garcia had the following concerns:
Did you ever consider there are 2 main proposed routes, January through June west side to Hwy 117, and July through December on Road H.

Dust mitigation-main concerns of those citizens. Has been wanting to talk to Donnie-R&B, even us we should start spraying daily; would like to see if Robins would be willing to spray it daily.

Time of Permit- What is the normal? Proceeded to read what is on time for permit.(Nick: before perpetuity).

Violation- Nick stated that there is a whole procedure for complaints. If they go over 25 miles and continue to do that they can be revoked; it can be a very stringent provision.

Commended all for the work they have done.

Routes- have a problem with using Veteran’s Boulevard, wish there was another route we could use.

Historical sites: The Catholic Church is coming up with El Santuario/Los Pobladores that is going to be impacted. We don’t have an idea of volume of tourists. We are going to have citizens that are going to be upset either route they take. Half year on one route and half year on the other is a reasonable resolution.

Noise- You are going to have that either way.

Review- Would like to see a review after 6 months with Robins providing us with daily loads.

Survey- BLM is wanting a fence out there.

Scott Johnson: No BLM does not want a fence out there, I think we have to put a fence to satisfy the county’s requirement.

Linda: There was discussion about fencing but BLM didn’t talk about a fence.

Mr. Montgomery: Would like to address Comm. Garcia; as Mr. Sarmiento started out saying what we did over a 2 month period given the Corona Virus we were prevented from actually getting together around a table but came up with an exhausted in good faith to create a compromise. It doesn’t address what the county wants; it doesn’t address everything that we would like. Right now under the 110 permit that is allowing us to mine that site in perpetuity and there is a review process but all of these other conditions are not on it. We are agreeing to do many things to address the public’s concern including the speed and putting
on a safe bridge. The bridge that is there has a large hole and is going to collapse at any time. Mr. Martinez can address that we need it for our own safety and equipment. We want to work with the neighbors to the extent that we can. I am more than willing to meet with Mr. Sarmiento to see if we can come up with something to address the additional concerns. It seems that one of the biggest concerns is that we were not adequately briefed or given the state of our proposed conditions 2 weeks in advance to get that information out to the constituents and check with them. We did try, we put in 10-15 hours of negotiations amongst each other and in our own teams.

Adam Robins: He wants us to go one way ½ a year and ½ the other. If we have work in Manassa that is a long way around if we go through Mogote. We don’t feel that would work. Right now it’s 50-50 depending where the job is.

Speed- Donnie, Randy and I went out and visited with Mr. Romero. I visited some of the other people. We talked about spraying the road, talked about mag-chloride went over it with the Land Use Office; to mitigate the road the best was to drop the speed to 15 miles an hour there is no way that we can keep that road wet enough to keep all the dust down. Donnie felt that the mag chloride is not going to work. Mr. Romero wants the people to go slow, we can’t control everyone else but our traffic will do that.

Nick: Near a residence they should slow down to 15.

Adam: On the time for the permit- Some of our pits are by acreage so we are going on acreage.

Veteran’s Boulevard- If we turn and go through Guadalupe there are more houses and more dust, if we come by the church and go to 17 the road is not the best; there are already a lot of truck going that way.

Mr. Montgomery: I understand your concern Comm. Garcia on the 6 month review that would give constituents another opportunity to comment on how well things are going but we think that we addressed that in the complaint process, we need to review how thing are going with Land Use annually and we need to do the accounting on the number of loads, trips and do the inflation calculation. If somebody thinks that we are violating the permit they can immediately flag that by making a complaint to Land Use. We have the informal resolution if we can do it or a more formal process. The amount of compliance that goes on not only at the county level but at the state we spend a lot of extraordinary amount of time demonstrating to every concerned stakeholder on how we are doing it, I think you have the hammer that the county needs.
Comm. Garcia: You started it with good faith, I couldn’t agree more. I still have these concerns as a commissioner. I am trying to work with Robins Construction. I am in no position to vote to approve or disapprove today. Would like to have both parties go back to the table and work on it.

Linda: Mr. Garcia-Waldo did share that he did go out to the site and Mr. Romero was present and the Robins and another landowner down the road and he was part of the testing where they were going 25 and 15 and that is the slowest they can go and it didn’t produce any dust at all. He felt that water would be a waste, and his preference would not be mag chloride because of other issues. If they would slow down and have everybody else slow down.

Donnie-Road and Bridge: They have done several meetings, they were going to place mag-chloride in certain areas but that hurts the county to keep other areas up. They did talk about wetting the roads, if they are hauling 1 or 2 loads they don’t wet the road but if they are going to haul all morning or all day then they will; on a hot windy day the water won’t last very long. They had a discussion on Veteran’s Boulevard with the state awhile back on how many trucks they get down Veteran’s Boulevard because they are by-passing the port of entry. There is an alternative which is County Rd G.5 which would turn in front of Melton Ruybal’s place, nothing is going to please everybody; as far as the dust slowing down is the best thing we can do. He did get a quote a mile of mag chloride is $5,300 so that would be money wasted if we didn’t do it right.

Nick: Asked Mr. Montgomery if they were willing to come back to a meeting relatively soon.

Mr. Montgomery: We could have a meeting but it’s not clear what we can accomplish; that’s a good idea and let’s go from here. The 112 permit will not happen until we have a decision from the board.

The board decided to have a meeting on May 12th, 2020.

Nick: Comm. Garcia what is your position on the warranty on the bridge, I don’t think you had a position.

Comm. Garcia: From what I understood is Robin’s Construction is not willing to warranty it for 30 years, can you work on that?

Nick: Will you agree to a no warranty or 1 year, 5 year.

Comm. Garcia: I would probably not agree to no warranty.
Comm. McCarrick: I am not going to agree. If we have to stipulate a warranty on it they are already make it to it surpasses CDOT’s thing. I don’t think we need to do that; they are not the only ones that will be using that bridge.

Nick: There is going to be some trade off; this is how it works. We will negotiate further.

Chrmn. Jarvies: We will continue this hearing once again; we will reconvene Tuesday May 12th at 2:00 PM.

Nick Sarmiento proceeded to go meet with Mr. Montgomery and the Robins for further negotiations.

**Cumbres and Toltec Operating LLC- Optional Premises Liquor License**

AnnaBelle Gomez-Deputy Clerk and Recorder presented the Cumbres and Toltec Operating LLC-Optional Premises Liquor License; stated that no one was in opposition and we did have adequate notice.

Mr. Ed Boudette was present.

Motion to approve the optional premises liquor license as presented: Comm. Garcia/Second: Comm. McCarrick, all in favor.

**Rodney King-EMS Report**

Rodney presented his report as follows:

- Talked about the authority that the county, the sheriff, or Public Health gives him.
- His duties include planning and responding and co-ordination.
- Fire ban affects us.
- Talked about the by-laws that show how to operate as a region.
- MOU- what happened with the pandemic it started as a departmental operation center for Public Health, they asked EMS to step in and help with the co-ordination. For the first 4-5 weeks they spend about 10-12 hours a week. They set up a team and didn’t worry how they were going to pay for it. FEMA will pay 75% of it. Amount is $1200 which would be around 600 per county. The expenses for the first 6 weeks was 90,000- that means if someone makes $25.00 an hour that it how that is figured, if that person works for the county then we don’t have to pay for that.
- Policy group- we need that to give us guidance on how you want us to operate; very seldom do we have a county wide incident. They need to have someone to make a decision.
• Comm. Garcia stated that he would be willing to serve on that; he does listen on those meetings on Monday and Thursday mornings.
• **MOU**—Motion to approve the Emergency Valley Managers with the amendment that it is reviewed annually by this board: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 motion carried.

For the record Commissioner Garcia has volunteered to serve on that committee.

Motion to approve the by-laws as presented by Rodney: Comm. Garcia/Second: Comm. McCarroll, all in favor.

3-0 Motion carried.

• EMPG Grant-Colorado was given 1,791,332 for a supplemental grant. It was decided that they disburse 51% for local entities possibly 78 of them which is less than 12,000 per entity but that has to be matched, I don’t know what it would be used for. They are looking at recovery operations like the Spring Fire, they are eligible for recovery. They have talked about hiring recovery managers.
• Tressesa stated that they have talked about putting some barriers which are about 6000.
• Rodney stated that if they don’t have 30-40,000 worth of expenses than it more of a hassle than it is worth.
• They have talked about over time.
• Connie-HR stated that under the Fair Labor Law you have to be paid overtime or given comp time. We cannot accept his donated time.

Chrmn. Jarvies stated that they can discuss options for Rodney’s overtime.

Comm. McCarroll stated that Rodney is an expert and some counties take advantage because he knows that he jumps in and gets things done, we should either compensate him by comp time or both.

Comm. Garcia stated that last year when they had the flooding he saw how hard Rodney worked; he definitely wants to compensate Rodney whichever fund it comes out of.

Tressesa-County Admn. stated that she would like to give Rodney something possibly out of the grant.
Comm. Garcia stated asked if they could use the $12,000 to replenish the trailer because they do have PPE stuff in there, do you need commissioner approval to apply for the money.

Rodney stated that he thinks that would qualify.

**Donnie-R&B report**

Donnie presented the following:

- Have a big project coming up next week at the jail, waiting for the stuff to come in; will have to rent a machine to seal, that should only take a day.
- Have regular Road and Bridge projects in Manassa.
- Visited with Rossi-Town of Antonito, they might put off the paving until next year.
- The electrician is coming out next week.
- Hiring of employees-Had good applicants-interviewed 8, 4 or 5 were strong applicants. Will be hiring 3 guys, two had to give a 2 week notice.
- Connie stated that out of those 4 two have a Class B Permit, they will be given 6-8 months to get their Class A Permit. They will have 2 employees that will be out on FMLA so they will still be short two.
- Have the screens and will have them by Thursday or Friday of next week.

**Linda- Land Use Admin.**

**Vacation Roadway-Lorraine Ashida**

Linda presented the following report:

CASE No. CCLU-2018-0250   APPLICANT: Lorraine Ashida
REQUEST: Public Way Vacation-East Portion of County Road 16.9
ZONING: Rural-The surrounding areas of the proposed vacation are all rural zone district with rural/residential and agricultural uses.
BACKGROUND: An application was filed with the Land Use Office on 11-01-2018 for a vacation of Public Way. They went through public hearings on December 05, 2018 and approved using Resolution C-48-2018 to approve the Ashida Public Way Vacation; she is here to ask that they review the plat with the information because both parties were having to review each other’s plats and that took a long time.
The resolution was already approved and has not been changed; it is just minor survey details that had to be put together.

Hostetter-Vacation of Roadway (CASE NO. CCLU-2019-0002)

Linda stated that she want to note and she did speak to Mr. Sarmiento and Tressesa-County Admn., Lorraine Ashida, Barry Shioshita, and Francisco Martinez all contacted her to let her know that the minutes were incorrect where County Attorney Nick Sarmiento’s comment as recorded on page 15 is not correct regarding certain paragraphs in the agreement between Lorraine Ashida and Hostetters. It is probably a transcription error rather than a mistake by Mr. Sarmiento there is no paragraph 17.2 it should be 7.2. Paragraph 7.2, 8.2, and 9.2 each state that Lorraine will not take a position on the Hostetter’s proposed road vacations for Rd 16.9, 17 and 4.

Linda stated that she spoke to Mr. Sarmiento and he said that we were not going to correct 2018 minutes. Mr. Sarmiento asked her to read it to the board and make note that Ashida, Mr. Shioshita and Mr. Martinez made a comment that they wanted to make note that the minutes were wrong.

Linda stated that Resolution C-29-2019 was used on the Hostetter Vacation of roadway which was approved on September 05, 2019 which she has available for signature.

Linda stated that both parties have agreed and ready for the next step which is replat of the properties to make one solid piece.

Linda presented both maps for signature.

Conejos Library District Division of Land

CASE NO. CCLU-2019-282 REQUEST: Division of Land
APPLICANT: Conejos County ZONING: Rural
SURVEY BY: Toby Crowther with Davis Engineering
BACKGROUND: An application was filed with the Land Use Office on November 2019, for a Division of Land. The property is legally described as a tract of land located in the SE 1/4 of Sect. 27, Twp 35 Range 9 E NMPM Conejos County
The division of 9.76 acres will create the following:

   Tract 1 containing 8.92 acres more or less (Arena, School)
   Tract 2 containing 0.84 acres more or less
There is no ROW dedication. All easements are reflected.

Applicable Codes Used: CCLUC- Article 10 Div. 10.7 Subdivision Exemption, Division of Land.

Purpose of Division: The Conejos County Library District requested the Division of Land as they wish to own the building and land. The district has applied for grants for repairs and maintenance of the building. They must own the property to qualify. They conducted a variance process which included hearings via ZOOM meeting which went well, the Board of Adjustments approved the lot being less than one acre and a variance to the setbacks which was granted on April 20th. The north boundary will remain the same; the they moved the boundary to 25’ on the East side, that would probably be the most ideal location to build, if they make any changes it would probably be to the parking lot.


3-0 Motion carried.

Reinhardt Division of Land (Sylvia Fuentes)

CASE NO: CCLU-2019-92  REQUEST: Division of Land
APPLICANT: Silvia Fuentes
SURVEY BY: Reynolds Engineering
BACKGROUND: An application was filed with the Land Use Office on 05/14/2019, for a Division of Land. The owner of the property is Rodney Reinhardt. The property is legally described as 160 acres situated in the SW1/4 of Section 14, Twp. 36, N Range 8 E NMPM. This division will create two tracts of land. Tract 1 will contain 161.79 acres more or less, and Tract 2 will contain 1.00 acres more or less. County Road 10 dedication will contain 3.71 acres more or less. Tract 1 will be used for agricultural and rural uses and Tract 2 will be used for residential and rural areas.

Linda wanted to note all the buildings on the plat. She does not know what has come down yet, there is a garage is coming down and a chicken coop, and there is a silo that is coming down.

Applicable Codes Used: CCLUC- Article 10- Division 10.7 Subdivision exemptions, Div of Land.
Purpose of Division of Land: Silvia Fuentes will purchase the home and one acre from Mr. Reinhardt.

Motion to approve Resolution C-16-2020 the Reinhardt Division of Land as presented: Comm. Garcia/Second: Comm. McCarroll/ all in favor.

3-0 Motion carried.

**Henry and Deborah Montoya**

**CASE NO:** CCLU-2020-0060  **APPLICANT:** Henry and Deborah Montoya  
**REQUEST:** Boundary Line Adjustment/Lot Consolidation  
**ZONING:** Residential  
**SURVEY BY:** Reynolds Engineering

**BACKGROUND:** An application was filed with the Land Use Office on April 15, 2020 for a Boundary Line Adjustment/Lot Consolidation. Property is legally described as Lots 5 and 6, Block 11 of the Conejos River Trails Subdivision situated on the W1/2 of the W1/2 of the SE1/4 of Sect. 34, Twp. 33 N, Range 7 East NMPM, and in Lots 2, 3, and 4 being the N ¼ of the NW ¼ and the NW ¼ of the NE ¼ of Section 3, TWP 32 N, Range 7 East NMPM.

They used article 10- Div. 10.7 Sub. Exemptions A.2.

Purpose of Adjustment: Mr. and Mrs. Montoya are adjusting their lots to make one large lot for building a new garage. There is currently a new home with all approved improvements.


3-0 Motion carried.

**Arroyo Minor Subdivision**

**CASE NO:** CCLU0-2020-0020  **REQUEST:** Boundary Line Adjustment  
**APPLICANT:** Kent Mortensen  
**ZONING:** Rural  
**SURVEY BY:** Reynolds Engineering

**BACKGROUND:** An application was filed with the Land Use Office on March 17, 2020 for a boundary line adjustment. The property is legally described as Lots 1, 2, and 3 Arroyo Minor Subdivision located in a Fraction of the E1/2 of Sect. 15 and a fraction of the SW1/4 of Sect. 14, TWP 35 N, Range 9 East NMPM.

This proposal will result in the following acreage summary:
• Lot 1 containing 91.427 acres more or less—owners Sowards, Rogers, Williams, Shawcroft, and Miller. Vacant rural land.
• Lot 2 containing 8 acres more or less—owners Jeremy and Jamie Sowards—Veterinary Clinic.
• Lot 3 containing 8 acres more or less to be sold to Kent Mortensen—proposed Cabinet Shop.

Applicable Codes Used: CCLUC–Article 10 Div 10.7 Sub.exemptions. Exemptions.

Purpose of Adjustment: The owners of the Arroyo Minor Subdivision would like to adjust the boundaries of the development to sell a lot to Kent Mortensen. Kent would like to move his Highland Cabinets business from Alamosa to La Jara.


3-0 Motion carried.

Willow Pit

Linda stated that they did schedule the willow pit; there was a misunderstanding between her and Jarrett so it didn’t open this last Saturday.

Situation with a Special Use Permit

Linda stated that they have a situation with one of their special use permits in La Jara. Chris is turning it over to the state environmental crimes unit; the Gallegos have created a landfill. Chris left red tags.

There was a short discussion on Silver Mountain because it is getting bigger and bigger; most complaints received are concerning the burning.

Extending Disaster Covid19 Pandemic

Motion to approve Resolution C-18-2020 a resolution extending declaring a disaster in and for Conejos County until further notice, Colorado: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Discussion on Opening Offices for Business

Tressesa, County Admin. stated that the following was from the discussion that they had on their worksession.
Chrmn. Jarvis stated that they did meet to discuss opening the county offices for business; wanted to know if they should open up by appointment or do different things. He proceeded to read the following:

Conejos County continues to provide services by phone and or email. Conejos County Government Offices will do a soft opening to the public on May 18th or the 25th depending on having barriers up in all offices. The following conditions will apply:

1. Make an appointment with whatever department you need to conduct business. Once appointments are made (please be on time). Due to limited staff some offices may take appointments from 8:00 AM - 12PM other offices from 8:00 AM to 4:00 PM.
2. Wear a mask before entering building and while in building.
3. Individuals may enter, one at a time and/or to be determined by department.
4. Maintain a 6-foot social distance.

Conejos County Offices will be available as follows:

Administration- 719 376-5772 Please call
Assessor- 719-376-5585 Appointments from 8:00 AM thru 4:00 PM
Clerk and Recorder 719-376-5422- Appointment only
Treasurer- 719 376-5919-Appointment only
Emergency Management- 580-4133
Human Resources-719 376 6799- Appointment only
Land Use- 719 376-2014- Appointment only 8:00 AM-12:00
Public Health-719 376-4307
OLTC Case Management-Telephone appointment only- Monday-Thursday 8:00AM- 4:00 PM
PCP Program- Telephone appointment only Monday, Wednesday, Thursday 8:00 AM thru 12:00 PM
Immunizations- By appointment only- ask for the nurse- Wednesdays 1:00PM -5:00 PM, starting May 13, 2020
Commodities-Tues/Thursday -Opened for curbside service from 8:00 AM - 5:00PM

For all other services please call the Office Manager or Director
Road and Bridge-719 379-5772 Ext. 4
Sheriff’s Office- Jail-719 376-2196
Social Services- 719- 376-5455
>Continued use of video/telephone options for client interactions
>Document Drop Off for Customers
>Over the counter Issuance of EBT cards
Veterans Officer- 719 376-6725 by appointment only.
Naomi-County Assessor had a question as to whether she could send Thomas out yet.

Chrmn. Jarvis stated that what they are doing with Chris-Land Use is to make sure that he doesn’t have contact with the people. He sets up the appointment and as long as they keep the 6 foot distance he felt that Thomas would be okay with guidelines such as wearing the mask.

Naomi stated that she would like to be open as long as they are wearing masks; also she would like to have appointments all day rather than 8-4.

Chrmn. Jarvis stated that they can make that a requirement and by appointment only.

Motion to approve the re-opening of the Conejos County Offices with the amendments that were discussed: Comm. Garcia/Second: Comm. McCarroll, all in favor.

3-0 Motion carried.

Rocky Mountain Estate Bridge will be discussed at the next Commissioner’s Meeting.

Second Reading Fire Ban Ordinance

Chrmn. Jarvis stated that they had the hearing on the fire ordinance, opened it up for discussion and had no comments. There was a bit of a discussion with the sheriff on how to do Red Flag Day and that was settled.

Chrmn. Jarvis and Comm. Garcia proceeded to read the Fire Ban Ordinance which was published in the Valley Courier on April 22, 2020.


3-0 Motion carried.

Open Records Request
Comm. Garcia asked if the board had received a letter which talked about the use of his office to contact Blue Peaks Incorporated to request and provide full expense and income ledgers to our group and the public as CCB service recipients and Colorado citizens. He will show it to Nick Sarmiento-County Attorney.

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. BD OF COUNTY COMM.