



**Nathan Ruybal**

**CONEJOS COUNTY CLERK & RECORDER**

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Minutes of the Board of County Commissioners Regular Meeting held on January 5th, 2023, at 9:00 am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

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Comm. Jarvies called the meeting to order at 9:00 am

Mitchell Jarvies – Chairperson – Present

Carlos Garcia - Vice Chair – Present

Joseph Baroz – Vice Chair – Present

**Present:** Nick Sarmiento – County Attorney, Nathan Ruybal-Clerk and Recorder, Tressesa Martinez-County Administrator – Connie Ricci – HR Manager - **PRESENT**

**Pledge of Allegiance:** Comm. Jarvies led everyone on the Pledge of Allegiance.

**Prayer:** Comm. Jarvies gave the opening prayer.

**Approval of Agenda:**

- Add plastic bag fee discussion.
- K9 Secure Transport Provider.
- Add Sales Tax Appropriation discussion.
- Clerk Ruybal needs to remove Dec. 16<sup>th</sup> Minutes from approval.

Motion to approve agenda as amended

Comm. Baroz First Motion

Comm. Garcia Second Motion

Motion Carries 3-0

**Approval of Minutes:**

- December 15,2022 - Regular Meeting
  - Comm. Garcia makes motion to approve minutes as presented.
  - Comm. Baroz makes second motion
- November 3, 2022 – Regular Meeting
  - Comm. Garcia makes motion to approve as presented.
  - Comm. Baroz makes second motion.
  - Motion Carries 2-0

## **Public Comment:**

- Erin Minks from the SLV office of Sen. Michael Bennet, Senior Adviser, Rural Affairs/Regional Representative
  - Erin discusses the Redundant Power Transmission lines and Conejos being able to discuss with the Public Utility Commission.
  - Erin also discusses the conversation Conejos will have with Excel regarding the Power Transmission line from Alamosa to Conejos.
  - Heritage Area reauthorized for another 15 years which will provide more funding for Conejos County projects.
  - Erin mentions that over 3 million dollars have been earmarked for Conejos in the last spending bill.
  - Money available for water project inside Conejos County.
  - La Jara Reservoir acquisition.
  - BLM Boundary Redraw along the Rio Grande River.
- Sharleen Farmer
  - Museum repairs update.
  - History Colorado has sex online courses regarding museum curation for \$25 each.
  - Sharleen would like to enroll in courses and have the County reimburse the \$125 fee.
  - BOCC agrees to reimburse Sharleen for the cost of the classes.
    - Motion made to approve Sharleen to enroll in the online Museum curation classes and to be reimbursed by Conejos County.
    - Comm. Baroz makes first motion.
    - Comm. Garcia seconds that motion.
    - Motion Carries 3-0

## **Administrative Correspondence – Tressessa Martinez:**

- 2023 Salary Approvals
  - Comm. Garcia makes motion to approve 2023 salaries as presented.
  - Comm. Baroz seconds that motion
  - Motion Carries 3-0
- Jump Start Program – Rural Initiative Program
  - Comm. Baroz makes motion to allow Conejos County to enroll in the Jump Start Program.
  - Comm. Garcia seconds that motion.
  - Motion Carries 3-0
- Plastic Bag Fee
  - Discussion regarding if Conejos has any retailers that will collect plastic bag fee on behalf of the County.
  - Discussion determines that Conejos has NO retailers that will collect the bag fee, all retailers are all in municipalities.
- Secure Transport Company K9
  - Brief discussion about K9 Transport Company.
  - Tressessa is not ready to present, will table discussion for future meeting.

**County Attorney – Nick Sarmiento:**

- P.U.C – Notice of participation has been submitted.
- Attorney Sarmiento will attend a meeting with lobbyist for Solar Industry.
- Solar industry now sees that Conejos County is an asset for them.
- Comm. Jarvies comments issues with Solar Industry and the SLV.
- Comm. Jarvies would like to see impact fees and taxes for those companies that would like to develop Solar Farms inside Conejos County.
- Attorney Sarmiento represents both Conejos and Costilla counties and possible conflict of interest may arise, depending how the two counties plan to proceed.
- OHV Meeting dates – Work Session is set for 1/19/2023 at 6:00 pm.
- OHV Public Meeting TBD.
- Sales Tax Discussion – Comm. Garcia discusses appropriation to land use to pay for full/par time position is opposed.
- Tressesa agrees that we need to move money to land use to pay for position that will help collect Use and Sales Tax for Land Use department.
- Comm. Garcia discusses that the county should allocate funds for the Land Use position from the general fund and not the Sales Tax.
- Comm. Jarvies and Baroz both agree that it would be better to allocate funds from the General Fund and not the Sales Tax Revenue for Land Use position.

**Land Use Report – Linda DeHerrera – Montoya Subdivision**

**Conejos County Land Use-Staff Report**

**NAME OF MINOR SUBDIVISION:** Montoya Family Minor Subdivision

**OWNERSHIP/SUBDIVIDER:** Jennifer J. Jaramillo, Dale E. Montoya, Mary Ellen Vigil, Nicole J. Montoya, and Jeremiah Z. Montoya

**CCLU Case #**2021-0341                      **SURVEYOR:** Russell Surveyors & Associates – Tony Martin

**LOCATION/LEGAL DESCRIPTION:** 13.44 acres ± Located in the Southwest Quarter of Section 6, Township 32 North, Range 8 East N1/4PM, Conejos County, Colorado.

**EXISTING ZONING:** Rural    **ADJACENT ZONING:** North, South, East, & West-RURAL Zoned with Rural, Residential and Agricultural uses.

**REQUEST:** The applicants are requesting to create five lots from one parcel. The Montoya Family would like to have their individual interest as their parents conveyed to them over thirty years ago.

**SITE DESCRIPTION - SEWAGE/WATER/ACCESS/ROADS:**

- Tract 1 contains 1.01 acres ± – old homestead (MaryEllen)
- Tract 2 contains 2.14 acres ± – old historic shed on the property – vacant land. (Jeremiah)
- Tract 3 contains 2.14 acres ± – vacant land – (Jurice)
- Tract 4 contains 2.14 acres ± – vacant land – (Dale)
- Tract 5 contains 5.99 acres ± – vacant land – (Jennifer)

Existing Access to all lots is on the east boundary of the property using the existing County Rd D 5 access.

All lots are eligible to apply for a household use only well permit. The applicants will apply for all Land Use permits when they begin development.

**NOTICE REQUIREMENTS:** Notice to surrounding landowners was mailed on 12/1/2022. Notice was published in the Valley Courier on 12/07/2022 and 12/28/2022. Onsite posting was completed 09/06/2022.

**PLANNING COMMISSION (PC) REVIEW:** The public hearing held on Wednesday, December 21, 2022, at 6:15 PM – PC made a recommendation to the BOCC for approval as presented. (Armando Valdez/Tom Stewart – unanimous vote.)

**BOARD OF COUNTY COMMISSIONERS REVIEW:** Public hearing before the BOCC is scheduled for Thursday, January 5, 2022, at 9:45 AM.

**Land Use Report – Linda DeHerrera: – Montoya Subdivision - continued**

Public Comment:

- Regan Velasquez explains that tail water from irrigation ditches to the west of the Montoya subdivision can possibly flood homes and outbuildings that are on or will be built on the Montoya property.
- Mr. Velasquez wanted to have record exhibiting the warning of the possibility of flooding due to irrigation tail waters.
- Comm. Jarvies for the record discusses that the BOCC cannot regulate or place restrictions on irrigation water or tail waters.
- Dialogue continues that notates tract 3 and 4 would be the most susceptible tracts on this subdivision that may be effected by the tailwaters.
- Montoya's indicate that the subdivision would like to be renamed C Mountain Deer Ranch.
- Linda informs the BOCC and Montoya's that they will need the Survey Company to print new mylar survey with new name of subdivision.

Public Comment Portion is now closed.

Public Comment received on 01/03/2023 – from Regan & Laura Velasquez (I will present it at the public hearing. (Concerns with his wastewater – after talking with him – I understand it to be more like irrigation tailings. Velasquez is concerned that his tailings drain towards that property, and he does not want to change their irrigation practices if the Montoya Family plans residential development. Tailings “could” have effect on septic systems and water wells. )

Comm. Baroz makes motion to approve C Mountain Deer Ranch Subdivision as presented.

Comm. Garcia seconded the motion.

Motion Carries 3-0

Resolution Number C-01-23

## Conejos County Land Use-Staff Report

**NAME OF MINOR SUBDIVISION:** Al Aberyta Jr. Minor Subdivision

**OWNERSHIP/SUBDIVIDER:** Alfonso Aberyta Jr. and Lisa G. Aberyta

**CCLU Case #**2022-0197      **SURVEYOR:** Southern Colorado Surveying – Billy Vigil

**LOCATION/LEGAL DESCRIPTION:** 39.35 acres ± Located in Tract 6 of the Aberyta Minor Subdivision No 1 located in the North Half of Section 6, Township 32 North, Range 8 East N.M.P.M., Conejos County, Colorado

**EXISTING ZONING:** Rural      **ADJACENT ZONING:** North, South, East & West-RURAL – primarily Rural & Agricultural land.

**REQUEST:** The applicants are requesting to create six lots from one parcel. The largest parcel being created will remain the RV Park known as Canon Bonito RV Park.

**SITE DESCRIPTION - SEWAGE/WATER/ACCESS/ROADS:**

Lot 6-1 contains 3.670 acres ± – Residential use – Primary Residence of Al & Lisa Aberyta.  
Lot 6-2 contains 3.8513 acres ± – Vacant lot – to be conveyed to a family member for residential development  
Lot 6-3 contains 18.782 acres ± – Canon Bonito RV Park – no changes.  
Lot 6-4 contains 4.284 acres ± – Vacant lot – to be conveyed to a family member.  
Lot 6-5 contains 3.250 acres ± – Vacant lot – to be conveyed to a family member.  
Lot 6-6 contains 3.509 acres ± – Vacant lot – to be conveyed to a family member.

Existing Access to all lots is from the existing County Rd D.5. Tract 6-4 may someday request an access permit.

All lots are eligible to apply for a household use only well permit. The applicants will apply for all Land Use permits when they begin development.

**NOTICE REQUIREMENTS:** Notice to surrounding landowners was mailed on 12/1/2022. Notice was published in the Valley Courier on 12/07/2022 and 12/28/2022. Onsite posting was completed 09/06/2022.

**PLANNING COMMISSION (PC) REVIEW:** The public hearing was held on Wednesday, December 21, 2022 at 6:45 PM. The PC made a recommendation to the BOCC for approval with the condition that Tract 64 have County approved access. (Armando/Linda Johansen – unanimous vote.) Mr. Valdez was adamant about the risk of not having an existing access permit, so Mr. Aberyta submitted hand for a County Access permit on December 22, 2022. (Michelle will send to R&B for processing.)

**BOARD OF COUNTY COMMISSIONERS REVIEW:** Public hearing before the BOCC is scheduled for Thursday, January 5, 2022, at 10:00 AM.

- Linda did not receive any comments either for or against Minor Subdivision.
- Comm. Jarvies opens the hearing to Public Comment
  - No Public Comment
- Comm. Jarvies closes the Public Comment portion of the hearing

Comm. Garcia makes a motion to approve Minor Subdivision as presented.

Comm. Baroz seconded the motion.

Motion Carries 3-0

Resolution Number C-02-23

### **Sheriff's Report – Garth Crowther:**

- Court Security – Sheriff's Office and District Court Security Staff walk the courthouse outlining all security vulnerabilities.
  - No notification system to alarm Sheriff what specific office has the active problem, Sheriff would recommend utilizing a product called Lifespot to give him access to office specific alarm system.
  - Back entry doors into the courthouse pose a security risk.
  - Sheriff will need a detailed Emergency and Evacuation Plan for Courthouse Staff.
  - Sheriff recommends placing a retractable security gate to keep people out of the rest of the courthouse when there are night meetings in the BOCC Boardroom.
  - School Treats have increased.
    - Sheriff has made arrests from the student body who have made treats on school.
  - Grants for School Resource Officer are available, Sheriff has applied for such Grant.
    - Sheriff would welcome to having an SRO in Conejos.
  - Sheriff asks the BOCC if Deputies can purchase Ammo from the Ammo Distributor that the Sheriff's Office buys from and the if Deputies can buy old shotguns that are not fit for duty from the County?
    - Comm. Jarvies informs the Sheriff that the deputies would not be able to buy ammo from either the Ammo Distributor or the Sheriff's Office, and cannot buy the old shotguns as well.
    - Sheriff will retire the old shotguns and destroy them.
  - Sheriff and Tressesa will consult each other next time the Sheriff is ready to buy a new vehicle to discuss Interest Rates for these purchases.
  - Comm. Garcia asks Sheriff for more information about LifeSpot.



*Conejos County Treasurer & Public Trustee*

MACK M. CROWTHER

PUBLIC TRUSTEE QUARTERLY REPORT OF REVENUE  
PER CRS 38-37-104(3) 4TH QUARTER OF 2022

RELEASES	#	CURRENT QUARTER	YTD
OCT.	31	\$465	
NOV.	15	\$225	
DEC.	12	\$180	
		\$ 870	\$4815
<b>FORECLOSURES (STARTED &amp; RESTARTED)</b>			
OCT.-DEC.		\$ 300	\$1650
<b>CERTIFICATES OF REDEMPTION</b>			
OCT.-DEC.			
<b>CURING FEES&amp; WITHDRAWALS</b>			
OCT.-DEC.		\$70	\$140
<b>PUBLIC TRUSTEE'S DEEDS</b>			
OCT.-DEC.		\$ 90	\$ 150
SUBTOTAL		\$1,330	\$6,755
<b>PUBLIC TRUSTEE NET INCOME</b>		\$1,330	\$6,755

I, MACK M. CROWTHER, CONEJOS COUNTY PUBLIC TRUSTEE, DO HEREBY CERTIFY THAT THE FOLLOWING PUBLIC TRUSTEE NET INCOME TO THE BEST OF MY KNOWLEDGE AND ABILITY IS TRUE AND CORRECT AS IT APPEARS FROM THE RECORDS IN MY OFFICE AS OF DECEMBER 31, 2022. IN WITNESS, I HEREBY PLACE MY HAND & OFFICIAL SEAL THIS 5TH DAY OF JANUARY, 2023.

*Mack M. Crowther*

**MACK M. CROWTHER**  
**CONEJOS COUNTY PUBLIC TRUSTEE**

Comm. Garcia makes motion to approve PT Report as presented.  
Comm. Baroz seconded the motion.  
Motion Carries 3-0

Cash on hand	400.00
Community Banks of Colorado Investments	895,835.51
Balance as of Dec. 31, 2022	9,679,312.55
	\$10,575,548.06

State of Colorado) )  
County of Conejos) )ss

I, Mack M. Crowther, Conejos County Treasurer, do hereby certify that the following Fund Balances & Investment Balances to the best of my knowledge and ability are true and correct as they appear from the records in my office Dec. 31, 2022. In witness, I hereby place my hand & official seal this 5<sup>th</sup> day of January 2023.

Received and examined by the Board of Conejos County Commissioners this 5<sup>th</sup> day of January 2023.

**End of Year and PT Report – Mack Crowther: *continued***

Comm. Baroz makes motion to approve Semi Annual Financial Report as presented.  
Comm. Garcia seconded that motion.  
Motion Carries 3-0

**Land Use Update – Linda DeHerrera:**

**CONEJOS COUNTY LAND USE  
CASE SUMMARY/STAFF REPORT**

**CASE NO:** CCLU-2022-0218      **REQUEST:** Boundary Line Adjustment

**APPLICANT:** Steven Kay Miller & Denise by their daughter Tara McCarroll

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

**BACKGROUND:** An application was filed with the Land Use Office on August 31, 2022, for a Boundary Line Adjustment and property survey. The real property is zoned Commercial and Rural. The property is legally described as:

1.22 acres and 32.2 acres situated in a fraction of the Northwest Quarter of Section 23, Township 35 North, Range 9 East, N.M.P.M., Conejos County, Colorado. The property is commonly known as the Haynie Veterinary Clinic now Trenholm Chiropractic Care and the ag land south of the clinic.

The proposed Boundary Line Adjustment will create the following:

- Tract 1 Containing 1.279 Acres ± (Home, Chiropractic Clinic, Garage area)
- Tract 2 Containing 32.247 Acres ± (Agricultural Land)

The landowners are adjusting the property boundaries so the little shed between the clinic a garage will be with the Ag land and the owners will sell the home, clinic, and garage to the current occupant.

(Setback variance was heard and approved on 10/12/2022.)

Land Use Code – Article 10, Division 10.7 Subdivision Exemptions, 2. Boundary Line Adjustments.

Land Use Administrator Review/Approval: 01/05/2023

County Surveyor Review/Approval: n/a

Board of County Commissioners Review/Approval: 01/05/2022

Comm. Baroz makes motion to approve Miller Boundary Adjustment as presented.  
Comm. Garcia seconded that motion.  
Motion Carries 3-0



### PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Conejos

Date Received \_\_\_\_\_  
(Use Assessor's or Commissioners' Date Stamp.)

**Section I:** Petitioner, please complete Section I only.

Date: January 4, 2023  
Month Day Year

Petitioner's Name: Conejos Propane, LLC

Petitioner's Mailing Address: 1515D County Road T.5

La Jara

CO

City or Town

State

81140

Zip Code

**SCHEDULE OR PARCEL NUMBER(S)**  
5T2134303004

**PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY**  
BOUNTIFUL BLK C LOT 4 ALSO: N 33 FT OF VACATED S 2ND  
ST ADU TO LOT 4

**Section II:** **Assessor's Recommendation**  
(For Assessor's Use Only)

Tax Year 2022

	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	<u>21,443</u>	<u>6,190</u>	<u>469.26</u>
Corrected	<u>20,377</u>	<u>5,909</u>	<u>447.96</u>
Abate/Refund	<u>1,066</u>	<u>281</u>	<u>21.30</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year 2022 Protest?  No  Yes (If a protest was filed, please attach a copy of the MOD.)

Assessor recommends denial for the following reason(s):

Comm. Garcia makes motion to approve Abatement as presented.  
Comm. Baroz seconded that motion.  
Motion Carries 3-0

**Emergency Operations Plan Update – Rodney King:**

- Rodney presents Emergency Operation Plan
  - Comm. Baroz makes motion to approve Emergency Operations Plan as presented.
  - Comm. Garcia seconded that motion.
  - Motion Carries 3-0

Tressesa announces that a Road and Bridge work session to follow BOCC Meeting.

Meeting Adjourned 11:10 am

ATTEST:

  
Nathan Ruybal  
Clerk of the Board

  
Mitchell Jarvis  
Chair of BOCC