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

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

Not Present: NONE

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

Opening Prayer: Comm. Baroz gave the opening prayer.

Approval of Agenda:

- Tress asks to add letter of support for Town of Manassa and Colorado Broadband Office.
- BOCC will add discussion regarding Ambulance HQ property.
- BOCC to add discussion regarding 1041 Regulation comments to the local press.
 - Comm. Baroz makes motion to approve agenda as amended.
 - Comm. Garcia seconded that motion.
 - Motion carried 3-0

Approval of Minutes:

- August 17th Regular Meeting.
 - Comm. Garcia makes a motion to approve minutes as presented.
 - Comm. Baroz seconded that motion.
 - Motion carried 3-0

Public Comment:

- NO PUBLIC COMMENT

Administrative Correspondence – Tressesa Martinez:

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
CONEJOS COUNTY, COLORADO**

RESOLUTION NO. C-39 -23

**A RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS TO VARIOUS
ACCOUNTS**

WHEREAS, the Conejos County Finance Officer has asserted to the members of the Conejos Board of Commissioners that **Two million, one thousand, nine hundred thirty-six dollars and seventy-nine cents \$2,001,936.79**, is to be transferred from the General Fund cash account into the Conejos County Contingency account; and

WHEREAS, These LATCF (Local Assistance and Tribal Consistency Funds) given to counties that have federal lands; and


WHEREAS, these dollars were not anticipated and should not be used for county operation and are be used for other unfunded special projects; and

WHEREAS, a transfer in the amount of **Sixty-six thousand and twenty-five dollars and no/100, \$66,025** is to be transferred out of the General Fund cash account into the Public Works account for dollars received from the underfunded court house dollars and were deposited into the wrong account; and

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

THIS RESOLUTION WAS CONSIDERED, DISCUSSED AND ADOPTED THE 21st DAY OF SEPTEMBER 2023, AT A REGULAR PAYROLL MEETING OF THE BOARD.

ATTEST:


Nathan Ruybal, Clerk and Recorder


Mitchell Jarvies, Chairman




Carlos Garcia, Vice Chairman


Joseph Baroz

- Tress reads out load the resolution presented above, Tress did email BOCC the resolution two weeks prior to today's meeting.
- Comm. Baroz makes motion to approve resolution C-39-23 as presented.
- Comm. Garcia seconded that motion.
- Motion Carries 3-0

Administrative Correspondence – Tressesa Martinez: - continued.

- Discussion between Tress and BOCC regarding hiring a part time employee for the Administrative Department to help short term with upcoming projects. Discussion continues pertaining to the future needs of the Administrative Department.
- Comm. Garcia discusses the counties need for a Grant Specialist; Tress also comments in agreement of the need for a Grant Specialists.
- Tress comments that the showers are installed and complete at the current Ambulance HQ which is located at the County Arena.
- Tress discusses the letter of support for the Town of Manassa Broadband.
 - Comm. Garcia makes motion to approve the letter of support as presented.
 - Comm. Baroz seconded the motion.
 - Motion Carried 3-0

County Attorney – Nick Sarmiento:

- Attorney Sarmiento discusses the Minnesota court case that found the county procedures regarding Treasurers Deeds was Unconstitutional. Sarmiento explains that the County took Deed for a house and parcel after taxes were not paid by owner. The County sold the house and parcel and kept the proceeds above what was due to the County for taxes owed. The case brought to light that a County cannot keep any excess money after selling tax lien.
- Colorado A/G also decided that the Court case in Minnesota is Unconstitutional, which will make Treasurer Crowther wait to issue a Treasurers Deed until Colorado legislature fixes the process for Treasurer Deeds regarding the starting sale/bid price and any excess money that should go back to the owner.
- No decision was made at this time, Treasurer Crowther will hold on issuing any Treasurer Deeds until the Colorado Legislature can review the current processes and statues.

Sheriff's Report – Garth Crowther:

- Sheriff mentions that September was the busiest month this year.
- Deputies are leaving Conejos to other departments that pay more than Conejos.
- SRO officer has been such a positive role at the schools with the students.
- Currently working on fixing the blown engines in the two Ford F-150 cruisers.
- Water heater keep breaking down and the Jail needs to replace and stop repairing the old.
- Jail food issue, invoices are getting paid with normal terms, however the food vendor is asking for immediate payment. Sheriff is upset with the vendor and has informed them that the County will pay invoices in normal business terms.

Land Use Report – Linda DeHerrera: IPS

- Innovation Propane Solutions – Scotty Morris owner and operator.
- Scotty presents short power point presentation regarding the business proposal.
- IPS will sell propane in the SLV and Northern New Mexico.
- Linda did not receive any comments from CDOT, water and sewer will be provided by the Town of La Jara.
- Comm. Jarvies opens the Public Comment portion of the public hearing.
- NO PUBLIC COMMENT
- Comm. Jarvies closes the public comment portion of the public hearing.
 - Comm. Garcia makes motion to approve the Special Use Permit as presented.
 - Comm. Baroz seconded that motion.
 - Motion Carried 3-0
 - Resolution 34

**CONEJOS COUNTY LAND USE STAFF REPORT
SPECIAL USE REVIEW**

Case No. CCLU 2023-0182

APPLICANT: Innovation Propane Solutions by Skotty Morris

BACKGROUND: An application for a Special Use Permit was filed with the Land Use Office on 08/15/2023. The property is owned by Julian & Dee Espinoza, there is a real estate purchase contract on file. It is zoned Commercial and is legally described as: 1.83 acres located in a Fraction of the Northwest Quarter of Section 23, Township 35 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is the address – 19275 US Hwy 285, La Jara CO 81140. Parcel/Schedule #572123200013.

REQUEST: The applicant is requesting a Special Use Permit for Propane Business – Residential and Retail Propane Sales/Propane Storage.

ADJACENT ZONING: North – Commercial – Jim & Carla Vigil, South - Rural, East – Highway and Commercial & Rural Land and West is Rural.

APPLICABLE ZONING ORDINANCE: - Article 4 Zoning, Division 4.2 Zone District Regulations AND Article 5 Permits, Division 5.4 Special Use Review.

PUBLIC NOTICE REQUIREMENTS: Notice requirements were met by sending notice to the surrounding landowners within 500' on 09/5/2023; notices to referral agencies on 09/5/2023; notice was published in VALLEY COURIER on 9/8/23 & 9/20/23; Onsite posting was posted by Pres Romero on 9/07/23.

PUBLIC HEARINGS:

PLANNING COMMISSION – The public hearing was held on September 20, 2023, at 6:15 PM. Motion by Armando to recommend approval as presented. Second by Tom. Vote Unanimous.

BOARD OF CONEJOS COUNTY COMMISSIONERS – The hearing before the Board of County Commissioners is scheduled for Thursday, October 5, 2023, at 9:45 AM.

Land Use Report – Linda DeHerrera: Putnam

- House address is 14285 County Road E.5 Antonito, CO 81120
- Short Term Rental with a maximum occupancy rate of 8 nonrelated and up to 12 related individuals.
- Mr. Putnam comments regarding his “House Rules” which outlines house occupancy.
- Comm. Jarvies asks Mrs. DeHerrera for any received comments regarding Special Use Permit.
- Mrs. DeHerrera specifies that the well is not drilled yet, so Water Resources had not comment currently. CDOT is not applicable this case, Forest Service wildfire mitigation is also not applicable.
- Comm. Jarvies opens public comment portion of the hearing.
- NO PUBLIC COMMENT
- Comm. Jarvies closes the public comment portion.
 - Comm. Baroz makes motion to approve SUP as presented with the condition that the house is not rented out until well is drilled and water quality test is complete.
 - Comm. Garcia seconded that motion.
 - Motion Carried 3-0
 - Resolution 38

**CONEJOS COUNTY LAND USE STAFF REPORT
SPECIAL USE REVIEW**

Case No. CCLU 2023-0208

APPLICANT: Sean Putnam

BACKGROUND: An application for a Special Use Permit was filed with the Land Use Office on 08/15/2023. The property is owned by Sean Putnam. It is zoned Rural and is legally described as: 37.999 acres located in the Northwest Quarter of Section 33, Township 33 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is the address 14285 County Road E.5, San Antonio River Ranches, Antonito CO 81120. Parcel/Schedule #598733200171.

REQUEST: The applicant requests a Special Use Permit for Short Term Overnight Lodging on his property.

ADJACENT ZONING: North, South, East, and West is Rural Zone with agricultural and some residential uses.

APPLICABLE ZONING ORDINANCE: - Article 4 Zoning, Division 4.2 Zone District Regulations AND Article 5 Permits, Division 5.4 Special Use Review.

PUBLIC NOTICE REQUIREMENTS: Notice requirements were met by sending notice to the surrounding landowners within 500' on 09/5/2023; notices to referral agencies on 09/5/2023; notice was published in VALLEY COURIER on 9/8/23 & 9/20/23; Onsite posting was posted by Pres Romero on 9/07/23.

PUBLIC HEARINGS:

PLANNING COMMISSION – The public hearing was held on Sept. 20, 2023, at 7:00 PM. Motion by Linda Johansen to recommend approval with no conditions. Armando/Tom to amend motion with Limit of 8 non-related guests and 16 family. (Amendment failed.) Considerable discussion concerning the number of guests per sq ft. Tom Second motion. Recommend approval. Unanimous Vote.

I provided Mr. Putnam with information concerning septic systems and short term rentals. His systems were not designed for large numbers and may reduce the life of the septic system.

BOARD OF CONEJOS COUNTY COMMISSIONERS – The hearing before the Board of County Commissioners is scheduled for Thursday, October 5, 2023, at 10:00 AM.

Land Use Report – Linda DeHerrera: Beavers

- Lot Consolidation for Kelly Beavers.
- Mrs. DeHerrera presents the Land Use Case to the BOCC.
 - Comm. Garcia makes motion to approve Beavers lot consolidation as presented.
 - Comm. Baroz seconded the motion.
 - Motion Carries 3-0
 - Resolution 35

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2023-0107 APPLICANT: Kelly Beavers

REQUEST: Lot Consolidation ZONING: Residential

SURVEY BY: Ed Eavenson Surveying, Inc.

BACKGROUND: An application was filed with the land use office on June 14, 2023, for Lot Consolidation. The property is legally described as Ranchitos del Rio Conejos Subdivision Lots 15 & 16, Conejos County, Colorado. Physical Address 110 Meadow Lane, Antonito CO 81120.

The Consolidation will create the following:

Tract 15-C – Containing 2.187 acres ±

The applicant proposes to consolidate the two lots to make one larger lot.

Access exists from the existing Ranchitos del Rio Conejos Subdivision platted road: Meadow Lane, the consolidation will not change the access.

A home with all utilities is currently on Lot 15. It was built in 2017 with all necessary permits. Mr. Beavers has always been so cooperative and professional in working with the Land Use Office.

Land Use Administrator review/approval: 10/05/2023

Surveyor Review: 09/17/2023

Board of County Commissioners review/approval: 10/05/2023

Land Use Report – Linda DeHerrera: Shorty Fry

- Boundary Line Adjustment.
- Mrs. DeHerrera presents the Fry case to the BOCC.
- Well pump house was built on neighbors' property, replat to fix the boundary line.
 - Comm. Baroz makes motion to approve Fry Boundary Line Adjustment as presented.
 - Comm. Garcia seconded the motion.
 - Motion Carried 3-0
 - Resolution 36

CONEJOS COUNTY LAND USE
CASE SUMMARY/STAFF REPORT

CASE NO: CCLU-2023-0149 **REQUEST:** Replat/Boundary Line Adjustment

APPLICANT: Wallin Family Trust/Michael Wallin

ZONING: Residential **SURVEY BY:** Russell Surveyors & Associates – Anthony Martin

BACKGROUND: An application was filed with the Land Use Office on July 23, 2023, for a Replat-Boundary Line Adjustment. The real property is legally described as:

Tract 1 and Tract 2 Located in Lot 4 of Section 30, Township 33 North, Range 6 East, NMPM, Conejos County, Colorado.

These are two separately owned lots in the Conejos Ranch villages area. The property is owned by the Wallin Family Trust (Trustees are Michael & Laura Wallin) and the other lot is owned by Rhonda & Chuck Shuptrine (Short Fry is/was Rhonda's Mother.)

The proposed Replat of the property create the following:

Tract 1 Containing 0.96 ± Shuptrine (Net acreage is 0.89 per the roadway.)
Tract 2 Containing 0.94 ± Wallin (Net acreage is 0.87 per the roadway.)

The purpose of the Re-plat is to put the Wallin well/well house on their property. It was unknowingly placed on the Shuptrine property.

Land Use Administrator Review/Approval: 10/05/2023

County Surveyor Review/Approval: 09/17/2023

Board of County Commissioners Review/Approval: 10/05/2023

Land Use Report – Linda DeHerrera: Los Rincones

- Division of land, not a Minor Subdivision.
- Mrs. DeHerrera presents the Los Rincones case to the BOCC.
 - Comm. Garcia makes motion to present Los Rincones division of land as presented.
 - Comm. Baroz seconded that motion.
 - Motion Carried 3-0
 - Resolution 37

CONEJOS COUNTY LAND USE CASE SUMMARY- REPORT

CASE NO: CCLU-2023-0061

REQUEST: Division of Land

APPLICANT: Margaret Salazar Muniz (authorized by her sisters and nieces.)

ZONING: Rural

SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use office on April 20, 2023, for a Division of Land (DOL.) The owners are Margaret, June, Elaine, Alegría, and Alyssa. The property is approximately 53.992 acres± located in the Northeast Quarter of the Southwest Quarter and the south 14 acres in the Southeast Quarter of the Northwest Quarter of Section 33 Township 34 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado. Physical address 10379 County Road 21, Los Rincones/Manassa.

The proposed survey reflects a division of 53.992 ac± to create the following:

Tract 1 containing 4.000 acres ± rural - proposed new residential development.

Tract 2 containing 48.376 acres ± rural - agricultural use
County ROW 21 containing 1.616 acres ±

Applicable Land Use Codes: Article 10 - Subdivision, Division 10.7 Subdivision Exemptions, Section 10.7 (1.) Division of Land

Purpose of Division: The applicant is requesting a division of land to separate the 4.000 acres for a new home and improvements.

LU Administrator approval: 10/05/2023 **County Surveyor review/approval:** 09/17/2023
(Kenneth Reynolds will be working under Daniel Russell until he gets his surveyors license, Dan reviewed and stamped the survey.)

Board of County Commissioners review/approval: 10/05/2023

Antonito Transit System – Mike Bischoss:

- Mr. Bischoss presents and explains the bus route that will take any passenger from Antonito to Alamosa for shopping, doctor visits, visit family and friends.
- Bus will run Monday through Friday from the Antonito Senior Citizens center to anywhere in Alamosa.
- Federal money distributed by CDOT to Non-Profit organization.
- Mountain Valley Transit has been operating successfully in Chaffee County for many years, organization decided to expand and is not offering rides from Conejos and Alamosa County.
- Route expected to start November 2023.
- Website for organization is mountainvalleytransit.com



About Our Services

Mountain Valley Transit offers free transit services throughout the rural communities of the San Luis Valley in South Central Colorado. Our mission is to provide transit options for the area's residents and visitors—to increase access to key destinations in our communities and reduce household transportation costs, as well as decrease environmental pollutants through shared-ride alternatives.

We provide Fixed Route services in the San Luis Valley. Although the service is free, donations are appreciated to help us maintain our operations. Mountain Valley Transit is managed by Neighbor to Neighbor Volunteers, a rural transit nonprofit organization formed in Salida, CO in 1996.

Contact Information

Dispatcher: (719) 530-8980

Office Hours: 8:00 AM to 4:00 PM

General Information: info@chaffeeshuttle.com

Customer Service: support@chaffeeshuttle.com



Ambulance HQ base property.


- Comm. Baroz wanted to make sure that the property Ernest had mentioned to the BOCC is the same parcel that the BOCC was already looking at.
- Comm. Baroz confirmed that they are indeed the same parcel.

1041 Press Release.

- BOCC decides that the 1041 press release will not be made until adoption of 1041 regulations.

Meeting Adjourned at 11:05 am

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC