



**Nathan Ruybal**  
**CONEJOS COUNTY CLERK & RECORDER**  
6683 COUNTY ROAD 13 PO BOX 127  
CONEJOS, COLORADO 81129  
TELEPHONE: 719 376 5422 FAX 719 376 5997  
nruybal@co.conejos.co.us

---

**Minutes of the Board of County Commissioners Regular Meeting held on July 7, 2022, 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 – Not Present**

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

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

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

**Approval of Agenda:**

- Add approve minutes from May 19<sup>th</sup>, 2022
- Move the 4-day work week discussion to the next meeting.
- Add Road and Bridge CDOT Physical Policy – Action Item
- Add topics under County Attorney
  - Railroad Bankruptcy Discussion
  - County Road Y Litigation.
- Add WSB Recording System Estimate – Discussion
- Add Special Election Recall – DA Payne Discussion.

Motion to approve agenda as amended

Comm. Garcia First Motion

Comm. Jarvies Second Motion

Motion Carries 2-0

**Approval of Minutes:**

- May 19<sup>th</sup> Regular Meeting

Motion to approve minutes as presented

Comm. Garcia First Motion

Comm. Jarvies Second Motion

Motion Carries 2-0

## Public Comment: No Public Comment

### Administrators Correspondence:

- Colorado FAML Act
  - Jarvies asks Connie to send out e-mail to get consensus of the employees.
  - County must decide to opt in or opt out with the State.
  - County and Employee must pay into this program, cost is minimal.
- Road and Bridge CDL physical policy
  - County insists that employees go to ROMP for annual CDL physical.
  - Employees are entitled to get a second opinion from their choosing.
  - County must pay for the second opinion.
  - Connie will work on policy regarding CDL physical at the ROMP Clinic.

### County Attorney

- Opioid Agreement – Table discussion to the next meeting.
- Railroad discussion points.
  - County was requested by railroad to help them with payroll.
  - Comm. Jarvies doesn't agree to give county money to a business that has not been operated inefficiently.
  - This payroll money is helping the railroad survive until they are bought out.
  - Railroad is hoping to be purchased by another company.
  - Railroad contract discussion topics listed below
    1. *The operator demonstrates the ability, both in management and financial wherewithal, to own and successfully operate a railroad.*
    2. *The operator continues to operate as a freight operation, at a minimum.*
    3. *The operator continues operations for a minimum of 20 years.*
    4. *The operator will pay current (2021) and future taxes in a timely manner.*
    5. *The operator will repay taxes that are in arrears in the following manner:*
      - a. *County will forbear (NOT FORGIVE) 100% of the taxes due until year 6 at which time the operator will begin paying 20% of the amount due. The total arrears will be repaid by year 10.*
      - b. *County will require \_\_\_\_\_% at closing and would then be willing to forbear the taxes due until year 6 at which time the operator will begin paying 20% of the amount due. The total arrears will be repaid by year 10.*
    6. *Are you willing to do this interest free?*
    7. *What other stipulations do you think you would have?*
    8. *Would you be willing to forgive assessed taxes in exchange for an easement alongside the rail tracks which could be used for a variety of things including Rails and Trails. Alamosa County is willing to negotiate on several fronts. They are very interested in option 8, would love to get 50% up front but are willing to look at something less if the payout is in 10 years. #1, 2, 3, and 4 are non-negotiable.*
  - What direction would BOCC like Attorney Sarmiento to go?
  - Comm. Garcia likes Option B.
  - Rio Grande County is looking at potentially buying the railroad.
- Motion made to allow County Attorney Sarmiento to negotiate with other SLV Counties along with Railroad to agree on terms for buyout.
  - Comm. Garcia First Motion
  - Comm. Jarvies Second Motion
  - Motion Carries 2-0

**Sheriff's Report – Garth Crowther**

- Call Numbers have been rising month to month.
  - 585 County Calls
  - 68 Antonito Town calls.
  - No Police Office in Sanford – Office Resigned.
- Vehicles have been a major issue with getting new cruisers.
- Cost of maintenance of old cruisers is very high.
- Several; issues regarding upkeep and maintenance of jail.
  - Aging A/C Units need to be replaced.
  - Kitchen Appliances.
  - Leaking Pipes.
- Staffing department has been a struggle.
- Covid has hit the department, leaving other deputies to pick up more shifts.

**Abatements – Head Start Building Discussion – Naomi Keys and Mack Crowther**

- Mobile Home Abatement
- Owner of mobile home will be required to complete a Certificate of Destruction.

	Tax Year <u>2020</u>			Tax Year <u>2021</u>		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	45,911	3,306	239.36	45,911	3,306	210.34
Corrected	0	0	0.00	0	0	0.00
Abate/Refund	45,911	3,306	239.36	45,911	3,306	210.34

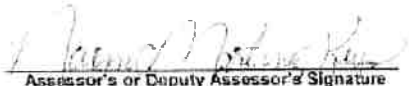
**Assessor recommends approval as outlined above.**

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: 2020 Protest?     No     Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: 2021 Protest?     No     Yes (If a protest was filed, please attach a copy of the NOD.)

**Assessor recommends denial for the following reason(s):**

  
 Assessor's or Deputy Assessor's Signature

Motion made to approve abatement as presented for Eli Lucero.  
 Comm. Garcia First Motion  
 Comm. Jarvies Second Motion  
 Motion Carries 2-0

- New legislation discussion regarding Mobile homes under \$28K is exempt of tax.
- Assessor will have to change valuation of many mobile homes in the County.

## **Head Start Building Discussion – Naomi Keys and Mack Crowther**

- Head Start Building, belonging to Rocky Mountain Ser Property Tax Issues.
  - Rocky Mountain Ser (R.M.S) had been paying property tax for many years.
  - R.M.S moved out of the building in 2020 and did not pay taxes.
  - S. Conejos Schools Dist. paid to redeem the 2020 property tax.
  - South Conejos School Dist. acquired the property by Quiet Title November 2021.
  - S. Conejos School Dist. then asked for a refund on the redemption from 2020.
  - County and School Dist. compromised and redemption 2020 taxes were refunded.
  - 2021 property taxes will be abated.

## **Land Use – Linda DeHerrera**

Public Hearing – Jaffee Replat

### **Conejos County Land Use-Staff Report**

**NAME OF MINOR SUBDIVISION:** Conejos Cabins Replat    **CCLU Case #**2021-0251

**OWNERSHIP/SUBDIVIDER:** Mark & Beverly Jaffe    **SURVEYOR:** Southern Colorado Surveying

**LOCATION/LEGAL DESCRIPTION:** Conejos Cabins Replat – Being Small Tract 3008 of the Rio Grande National Forest. Tract 4 of the G.F. Seale Division of Land. All of Block 2. Part of Block 3. part of the Vacated Portions of Third Street West and Second Avenue North of Platoro within Section 22. Township 36 North. Range 4 East. NMPM. Conejos County. Colorado.

**EXISTING ZONING:** Commercial and all lots will remain commercial zoned until a zone change is approved.

**ADJACENT ZONING:** North – Forest Service. West-Rural. South & East – Platoro Community Town Site.

**REQUEST:** The applicants are requesting to replat the area to separate the individual lots for individual sale. They are also creating a common area for the owners of this development. There are currently 32 lots, and they are replating to have 10 individual lots with a greenbelt area. The Jaffe's were here last year in September before the Planning Commission. The PC made recommendations at that hearing. They have provided a different plan with 10 lots rather than 14. They have submitted four survey plats with more details. Page 1 – legal descriptions and signature page; Page 2 the overall survey with all details; Page 3 is access with no details; Page 4 is utilities to each lot.

#### **ACCESS & ROADS.**

Access & Roads are provided to each lot and is reflected on the survey plat Page 2-4.

#### **SITE DESCRIPTION –WATER SUPPLY, SEWAGE AND UTILITY SYSTEMS:**

Water Supply – Water Court Case W-1691 is a permitted Commercial Well. The DWR will submit a letter stating what would be required to allow for a water supply for all ten lots and greenbelt. A water supply plan is required. Copies of the approved water supply from the DWR will be provided to the Land Use Office.

Lot 1 – Vacant lot – new septic system (sealed system) will be required. It appears this lot is hooked to the septic system on Lot 10. A new system will be required and must follow county/state regulation. Water lines are located on the property from the Development water supply. Lot 1 will also have access on the east side from Second Street West?

Lot 2 – Vacant lot - septic tank on the property. What is the plan for maintenance, service, and use? Water is provided by the community supply.

Lot 3 – Duplex Dwelling – an existing septic line runs to Lot 2. A new septic system will be required to meet county/state septic regulations. Water is provided by the Development water supply. Variance to the setbacks (5') was approved.

Lot 4 – Single Family Dwelling - septic system from Lot 2. A new septic system will be required to meet County State septic regulations. Water is provided by the Development water supply. Owner must follow county state regulation. Variance to the setbacks on this lot was approved (4.9')

Lot 5 – Single Family Dwelling – septic system from Lot 9. A new septic system will be required to meet County State septic regulations. Water is provided by the Development Water Supply.

Lot 6 – Duplex Dwelling – septic system from Lot 9. A new septic system will be required to meet County State septic regulations. Water is provided by the Development water supply.

Lot 7 – Duplex Family Dwelling – septic system from Lot 9. A new septic system will be required to meet County State regulations. Water is provided by the Development water supply.

Lot 8 – Duplex family dwelling – septic system from Lot 9. A new septic system will be required to meet County State regulations. Water is provided by the Development water supply.

Lot 9 - Duplex family dwelling – septic system is located on this parcel and serves Lots 5, 6, 7, and 8. Describe the plan for this sewage system maintenance and service until the other 4 lots get their own system. Water is provided by the Development water supply.

Lot 10- Single family dwelling – septic system is located on the property. What is the plan for Septic system maintenance, service, and use? Variance to setbacks (5.1') was approved. Lot 10 also have access from Second Street West Second Avenue North?

Land Use Administrator & Septic Inspector recommendations: Any lot that shares a septic system must have a plan for maintenance, service, and use? The owners shall be given a time frame for replacement to have an individual system on their own lot. We recommend 10 years or less. If the system fails, they must be replaced at the time the system fails.

Utilities: Each lot shall have their own individual electrical and propane services.

Greenbelt: The greenbelt was developed for the use by the owners of the individual. It is a private greenbelt area.

Access: Is private.

Canopy: The existing canopy is being removed from the property so there is no concern for maintenance & service?

Propane tank: The existing propane tanks serves lots 5 & 7. Each lot will be responsible for their own propane service. Maintenance, service, and use will be no issue.

Walking Bridge: The walking bridge identified on the map will be removed as it is dangerous. Maintenance, service, and use will not be an issue.

Well House: The well and well house will be a shared utility between all 10 lots. Covenants and HOA will be developed to address the maintenance, service, and use.

Other Information:

Variations Granted – Lot Size and Setback variations were granted to Lots 3, 4, 10 approved on 08/11/2021.

HOA development – The Applicants/Developers have stated that they are currently forming an HOA per Colorado Common Interest Community Laws. Recommendation that Applicants remain in compliance with CCIC regulations and provide a copy of their HOA Covenants and bylaws as soon as they are

complete. I understand that Applicant's Developers turn the development to the HOA after a certain percentage of the lots are sold.

Public Access: Ask the Jaffe's to describe the plan for Public Access to the river for hiking walking and fishing. It could result in a potential problem like other developments if it is not clearly identified on a survey plat and specified at the time of development.

**NOTICE REQUIREMENTS:** Notice to surrounding landowners was mailed on 06/01/2022. Notice was published in the Valley Courier on 06/01/22 & 06/14/22. Onsite posting was completed 06/02/2022.

**PLANNING COMMISSION (PC) REVIEW:** The public hearing before the PC was held on 06/15/2022 at 6:15 PM. The PC made a recommendation to approve the proposed Re-plat as presented. (M S Tom Stewart/Emily Lutringer.)

**BOARD OF COUNTY COMMISSIONERS REVIEW:** The public hearing before the BOCC is scheduled for Thursday, July 7, 2022, at 10:15 AM.

Recorded: \_\_\_\_\_ Plat Reception # \_\_\_\_\_ Resolution Reception # \_\_\_\_\_

---

---

Other comments/questions:

Division of Water Resources – Mr. & Mrs. Jaffe have almost finalized an Augmentation Plan with the Conejos Water Conservancy District. This plan references legal water supply for the 10 Conejos Cabins lots being replated and for a different system at the Skyline Lodge property. The Division Engineer has not yet approved/signed it. Email from DWR was provided to reflect that the process is almost complete. LU request is for conditional approval of this replat; conditional that the Augmentation Plan be approved/signed prior to recording of the final plat before lots can be sold.

Property taxes through the current time must be paid prior to recording of the plat and/or selling of the lots.

Explanation: Conejos Cabins property is commercial assessed and zoned. The lots were left commercial to allow for an individual to purchase a lot and be allowed to rent it as a lodging facility.

Per verification by Assessor, Naomi Keys, the property will be assessed as it is being used not how it is zoned.

Public Comment - OPEN

Division of Water Resources – Mr. & Mrs. Jaffe have almost finalized an Augmentation Plan with the Conejos Water Conservancy District. This plan references legal water supply for the 10 Conejos Cabins lots being replated and for a different system at the Skyline Lodge property. The Division Engineer has not yet approved/signed it. Email from DWR was provided to reflect that the process is almost complete. LU request is for conditional approval of this replat; conditional that the Augmentation Plan be approved/signed prior to recording of the final plat before lots can be sold.

Public Comment – CLOSED

Motion made to approve Jaffee Replat as presented  
Comm. Garcia First Motion  
Comm. Jarvis Second Motion  
Motion Carries 2-0

Short Term Rental Discussion

- Ag and Rural Districts ONLY
- No residential town sites will be able to apply for Short Term Rental License.

Motion made to Amend Article 5 Short Term Rental Regulations as presented.

Comm. Garcia First Motion

Comm. Jarvis Second Motion

Motion Carries 2-0

**Los Pobladores Labyrinth – Alfonso Abeyta**

- Mr. Abeyta is seeking donations for the Labyrinth which is under construction and completion date should be in the next year.
- Comm. Jarvis mentions it's a great project for the Church and the County.
- Comm. Garcia says they will look at budget.

**PT and Semi-Annual Report – Mack Crowther**

<b>PUBLIC TRUSTEE QUARTERLY REPORT OF REVENUE</b>			
<b>PER CRS 38-37-104(3) 2nd QUARTER OF 2022</b>			
<u>RELEASES</u>	<u>#</u>	<u>CURRENT QUARTER</u>	<u>YTD</u>
APR.	24	\$360	
MAY.	47	\$705	
JUN.	22	\$330	
		\$1,395	\$2,685
<u>FORECLOSURES (STARTED &amp; RESTARTED)</u>			
APR.-JUN.		\$ 900	\$1200
<u>CERTIFICATES OF REDEMPTION</u>			
APR.-JUN.			
<u>CURING FEES</u>			
APR.-JUN.		\$ 70	\$70
<u>PUBLIC TRUSTEE'S DEEDS</u>			
APR.-JUN.		\$30	\$ 30
SUBTOTAL		\$2,395	\$3,985
<b>PUBLIC TRUSTEE NET INCOME</b>		<b>\$2,395</b>	<b>\$3,985</b>

**Motion made to approve the Public Trustee Report as presented**

**Comm. Garcia First Motion**

**Comm. Jarvis Second Motion**

**Motion Carrie 2-0**

Cash on hand	400.00
Community Banks of Colorado	1,229,740.64
Investments	8,154,109.86
Balance as of June 30, 2022	\$9,384,250.50

State of Colorado)  
 )ss  
 County of Conejos)

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 June 30, 2022. In witness, I hereby place my hand & official seal this 7<sup>th</sup> day of July, 2022.

Received and examined by the Board of Conejos County Commissioners this 7<sup>th</sup> day of July 2022.

*Mitchell Jarvie*  
 Chairperson

Filed in my office this 7<sup>th</sup> day of July 2022-

*Nathan Ruybal*  
 Conejos County Clerk & Recorder



*Mack M. Crowther*  
 Conejos County Treasurer

Published in the Valley Courier July 16, 2022

**Special Event Liquor License – Moonlight Ride – Friends of the Cumbres and Toltec Railroad – Nathan Ruybal**

- Event date will be July 9<sup>th</sup>.
- Liquor will be served at the Osier Station.
- Hearing Meeting Notice was posted with plenty of time before event.
- No Public Comment was submitted.

Motion made to approve Special Event Liquor License as presented.

Comm. Garcia First Motion

Comm. Jarvie Second Motion

Motion Carries 2-0

**WSB Recording Estimate – Nathan Ruybal**

- WSB as requested created a estimate to upgrade the recording equipment in the BOCC Conference Room.
- Total of the Estimate is \$31,681.20
- Estimate includes new microphones, upgraded Receiver and Transmitter.
- County will publish an RFP for other vendors to submit bid.

**Special Election – Recall DA Payne – Nathan Ruybal**

- Clerk Ruybal alerts the BOCC that there could be a Special Election to Recall DA Payne.
- Cost of the Recall Election would not be reimbursed.
- Cost would fall solely on each County in the 12th judicial district.
- DA Payne could also resign, which will not require a recall election.
- Clerk Ruybal will keep the BOCC updated on the situation.



Motion to enter Executive Session 24-6-402 Sub Section B Conference with an Attorney to Discuss County Road Y Litigation and Legal Counsel.  
Comm. Garcia first motion  
Comm. Jarvies second motion  
Motion Carries 2-0

Comm. Jarvies - Let the record reflect that we are coming out of Executive Session conference with an Attorney, no decisions were made, and it is 11:43pm.  
Attorney Sarmiento – It is the opinion of the County Attorney that the discussion had an Executive Session constitute Attorney and Client privilege and therefore no record was kept.

Meeting Adjourned at 11:45am

ATTEST:   
Nathan Ruybal  
Clerk of the Board

  
Mitchell Jarvies  
Chair of BOCC