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Minutes of the Board of County Commissioners Regular Meeting held on October 7, 2021, 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 – Chairman – Present
Carlos Garcia - Vice Chair – Present
Joseph Baroz – Vice Chair – Present

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

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

Prayer: Comm. Garcia gave the opening prayer.

Approval of Agenda: Remove approval of Sept. 7th minutes

Comm. Garcia 1st Motion
Comm. Baroz 2nd Motion
Motion Carries 3-0

Approval of Minutes: Motion to approve minutes for September 16, 2021

Comm. Baroz 1st Motion
Comm. Garcia 2nd Motion
Motion Carries 3-0

NO PUBLIC COMMENT

Administrative Correspondence:

- Resolution 38 - Transfer of Money
 - Transferring \$10,000 to correct error from previous year, when said funds were transferred to the Nursing Service out of the Contingency Fund incorrectly, funds should have been pulled from Special Contingency Fund.

Comm. Garcia 1st Motion
Comm Baroz 2nd Motion
Motion Carries 3-0

- Sign License to Operate Ambulance Service
 - Yearly license renewal to allow Ambulance to operate

Comm. Baroz makes motion to approve signing of license.

Comm. Garcia 2nd Motion

Motion Carries 3-0

- Appoint Jacob Acosta to the Conejos County Housing Authority Board

Comm. Garcia makes motion to approve appointment of Mr. Acosta to Housing Authority.

Comm. Baroz 2nd Motion

Motion Carries 3-0

- Hazard Pay – Discussion
 - Employees that were hired on June 1, 2021, will be put on hold until December, since they had not been working during the Covid months. Those employees will be re-evaluated in December.
 - Motion to approve \$2000 Hazard Bonus for all part-time and full-time employees.
 - Money will be pulled from the American Rescue Dollars.

Comm. Baroz makes motion to approve Hazard Bonus for all P/T and F/T employees.

Comm. Garcia 2nd Motion

Motion Carries 3-0

- Letters for Conejos County Commissioners Scholarship Award Recipients.
 - Benito Joseph Martinez – North Conejos School Dist.
 - Grace Lobato – North Conejos School Dist.
 - Torissa Huffaker – North Conejos School Dist.
 - Madison Reed – Sanford School Dist.
 - Tiffany Ruvolo – Sanford School Dist.

County Attorney – County Road Y:

- Conejos County was awarded easement and right of way.
- Melissa Garcia from BLM specifies that the gate on County Road Y will be brought down.
- Trespassing charges will be brought to those that have erected the gate.
- Attorney Sarmiento asking permission from the BOCC to work with Melissa from BLM to come up with a solution.

Comm. Garcia makes motion to allow Nick to work with BLM on the behalf of Conejos County.

Comm. Baroz 2nd Motion

Motion Carries 3-0

Ambulance Report – Ernest Abeyta

- September Income \$32,417.68
- Medicare Income - \$46,451.19
- Year to date Income - \$309,075.58
- 117 – total calls for September
- 78 – Transports
- 926 – Calls year to date

Sheriff's Report

- Deputies Anthony Flores and Brandon Sanchez were recognized for going beyond the call of duty with helping father from Florida locate his children camping in the county.
- Discussion on Calls for Service at 557 for the month.
- Grants that are in the works.
- Agency Assists.

Abatements – Accessor's Office

- Parcel 698529400014 – property no longer exists and is a portion of a road.
- Parcel 51920 – Motorhome has been destroyed for several years.
- Parcel 556327300508 – Mineral interests had expired before this property was transferred to Lucy Quintana.

PT Report – Mack Crowther

- No Foreclosures
- Delinquent List for 2021 is 166 and 211 for 2020
- Collections are good.

Motion to approve the Public Trustee's Report as presented
Comm. Baroz 1st Motion
Comm. Garcia 2nd Motion
Motion Carries 3-0

Present the Conejos County Preliminary Budget for 2022 – Tressessa Martinez

- Until we know that the Sales Tax Ballot Question is approved, Tress moved budget totals from 2021 to 2022 proposed. Tress will be meeting with all Elected Officials and Dept Heads to discuss in detail the 2022 budgets.

Veterans Affairs Update – Rob Lockwood

- VA Grant for \$10,000 has been awarded and is a reimbursement type grant.
- Lockwood is planning on attending a National Conference in 2022.

Rob Dimick – Running for House of Representative – District 62

- Mr. Dimick just wanted to stop by and introduce himself and notify every one of his candidacies for House Representative for District 62.

Land Use – Linda DeHerrera

Conejos County Land Use-Staff Report

NAME OF MINOR SUBDIVISION: CURTIS CHAVEZ MINOR SUBDIVISION

OWNERSHIP/SUBDIVIDER: JONATHAN “CURTIS” CHAVEZ

CCLU Case #2021-0270

SURVEYOR: Reynolds Engineering Co.

LOCATION/LEGAL DESCRIPTION: 123.706 acres ± Being a division of the Southeast Quarter of the Southwest Quarter and the South Half of the Southeast Quarter of Section 1, Township 35 North, Range 8 East N.M.P.M., Conejos County, Colorado.

EXISTING ZONING: Rural **ADJACENT ZONING:** North, South, East, & West-RURAL w/Ag use.

REQUEST: The applicant is requesting to create 4 lots from one parcel. The three new lots are being created to give to his children for residential development. The larger lot will remain for agricultural use.

SITE DESCRIPTION - SEWAGE/WATER/ACCESS/ROADS:

Lot 1 contains 96.922 acres – Ag land – No development proposed at this time.

Lot 2 contains 9.901 acres – Ag land – Future residential development.

Lot 3 contains 2.934 acres – Ag land – Future residential development.

Lot 4 contains 13.026 acres – Ag land – Current residence with existing permits for the dwelling and septic system.

Existing Access to all lots is from State Highway 371.

All lots are eligible to apply for a well permit. The applicants will apply for all permits Construction and Septic permits when they begin development.

NOTICE REQUIREMENTS: Notice to surrounding landowners was mailed on 8/27/2021. Notice was published in the Valley Courier on 09/1/2021 and 09/14/2021. Onsite posting was completed 08/27/2021.

PLANNING COMMISSION (PC) REVIEW: The public hearing is scheduled for Wednesday, September 15, 2021, at 6:45 PM. The PC made a recommendation for approval of the Minor SD as it was presented. Motion by Linda Johnsen, second by Tom Stewart. Majority vote – Armando abstained as he is an adjoining neighbor.

BOARD OF COUNTY COMMISSIONERS REVIEW: Public hearing before the BOCC is scheduled for Thursday, October 7, 2021, at 10:45 AM.

NO PUBLIC COMMENT – NO OBJECTIONS

Motion made to approve Minor Subdivision

Comm. Garcia 1st Motion

Comm. Baroz 2nd Motion

Motion Carries 3-0

CONEJOS COUNTY LAND USE - CASE SUMMARY- REPORT

CASE NO: CCLU-2021-0179

APPLICANT: Mark Hostetter

REQUEST: Boundary Line Adjustment & Division of Land

SURVEY BY: Reynolds Engineering Company

ZONING: Rural

BACKGROUND: An application was filed with the Land Use office on July 9, 2021, for a Division of Land (DOL.) The property is legally described as 11.64 acres of Land located in a Fraction of the Northwest Quarter of Section 19, Township 35 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado. County Parcels 572319200015. Physical Address: 18700 County Road 18, Sanford CO 81140.

The proposed Division of Land resulted in a Boundary Line Adjustment to correct legal descriptions of the neighboring properties. The Division and Adjustment creates the following:

Tract 1 containing 7.787 acres + is a DOL Lot Created – To be sold
Tract 2 containing 1.694 acres + is a DOL Lot Created – Mark Hostetter
Hensley property contains 9.586 acres + new legal description created
Tucker property contains 9.505 acres + new legal description created
Rodriguez property contains 11.052 acres + new legal description created

Applicable Codes Used:

CCLUC - Article 10 - Division 10.7 Subdivision Exemptions, Division of Land.

Purpose of Adjustment: Mark was dividing his property as his deceased parents requested in their will. When the survey was conducted and prior knowledge from County Assessor Keys there were discrepancies in the neighboring properties owned by Hensley, Tuckers and Rodriguez. (See the attached information from County Assessor - last pages of the application.) Reynolds Engineering as well as the applicant met with the adjacent landowners and all agree to a Boundary Line Adjustment. The Boundaries are the fence lines. They are all willing to sign the survey plat and agree to conveyance deeds. County Assessor has reviewed and agrees with the process to correct the problem.

Motion to approve Hostetter Division of Land and Boundary Line Adjustment as presented.

Comm. Baroz 1st Motion

Comm. Garcia 2nd Motion

Motion Carries 3-0

CONEJOS COUNTY LAND USE - CASE SUMMARY/STAFF REPORT

CASE NO: CCLU-2021-0248

APPLICANT: Jeffrey Serpan & Malinda Hohertz-Serpan

REQUEST: Vacation of Public Way Right-of-Way

ZONING: Platoro Community Town Site

BACKGROUND: An application was filed with the Land Use Office on August 3, 2021, for a Vacation of Public Way for the ROW in Platoro between Block 23 First Street West and Block 26 and a portion of Third Avenue North between Block 25 and Block 26. See the attached map.

OWNERSHIP/LEGAL & SITE DESCRIPTION: The properties are owned by owned by multiple owners and they have all provided consent to the application and process. All lots roads are in the Town Site of Platoro, Conejos County Colorado.

Jeff & Malinda Serpan. (Block 23 Lots 13-16 and 23-32)

George & Patricia Serpan Fanchon Serpan Sexson Families (Block 26 Lots 1-8 and Lots 19-28).

Leach Family (Block 23 Lots 1-12)

Oxford Family (Block 25 Lots 1-11)

PUBLIC NOTICE REQUIREMENTS: Notices were mailed to the surrounding landowners 500' (8/30/21) from all boundaries. Notice was published in the Valley Courier. (09/01/2021 & 09/14/2021) and a notice was posted on-site by Jeff Serpan on 08/27/2021. Hard copies of verification are in the file and available for inspection.

APPLICABLE LAND USE CODE: Land Use Code – Article 3-Application Process. Article 14 – Public Way Vacations.

HEARINGS:

PLANNING COMMISSION: PC hearing is scheduled for Wednesday, September 15, 2021, at 6:15 PM. The PC made a recommendation for approval provided that the parties consolidate their lots into one parcel. Motion by Armando, second by Tom. Unanimous vote.

Motion to hold application until final approval of vacation of public right of way until lot consolidation is complete.

Comm. Garcia 1st Motion

Comm. Baroz 2nd Motion

Motion Carries 3-0

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2021-0280

REQUEST: Lot Consolidation

APPLICANT: CONNOR W PATMAN JR. AND MARY BETH PATMAN

ZONING: Residential

SURVEY BY: Russell Surveyors & Associates-Dan

BACKGROUND: An application was filed with the land use office on 09/27/2021 for Lot Consolidation. The property is legally described as Sheep Creek Subdivision Phase 1 Lots 11A and 12, Conejos County Colorado. Physical Address 101 River Run Drive, Sheep Creek, Antonito CO 81120.

The Consolidation will create the following:

Lot 11B containing 5.22 Acres ±

Access is existing from River Run Drive Subdivision Road. The 5.22-acre parcel is developed with one home and all utilities. There is no proposal additional building. Water will be provided by the Sheep Creek community water supply. The HOA would not provide a letter of approval until he obtains approval from the County. That is per their governance. I discussed the matter with Mr. Crowe, and he stated that Mr. & Mrs. Patman need county approval prior to them issuing a letter of approval. I told him that didn't make sense to me as the process could never be completed if they are requesting approval and we are requesting approval. Mr. Patman stated that he will provide and meet all Sheep Creek requirements. He has already prepaid towards his 2022 assessments. I request that this approval be granted, and Mr. Patman provide the approval letter from their HOA.

Motion to approve Patman Lot Consolidation as presented.

Comm. Baroz 1st Motion

Comm. Garcia 2nd Motion

Motion Carries 3-0

Capulin Cemetery – Michelle Valdez

- Mrs. Valdez came in today asking for the BOCC to help with attaining a burial plot for a family member.
- Mrs. Valdez was told by the Chair of the Capulin Cemetery District Board that they would not sell her a burial plot.
- Discussion about board members, the special district board, needing more members.
- Comm. Baroz mentions that he had talked to the chair of the board and after all the issues, they will sell Mrs. Valdez a burial plot.

EXECUTIVE SESSION

DISCUSSION OF LEGALITY OF RELIGIOUS EXCEMPTION IF PULIC HEALTH MADE VACCINE MANDATORY.

BACK FROM EXECUTIVE SESSION @ 12:25PM

Motion to approve vaccination policy as amended by Nick Sarmiento and Denise Jiron.


Comm. Garcia 1st Motion

Comm. Baroz 2nd Motion

Motion Carries 3-0

Meeting Adjourn 12:35pm

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC