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Minutes of the Board of Conejos County Commissioners Regular Meeting held on April 1, 2021 at 9:00am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

Comm. Jarvies called the meeting to order at 9:05am

Mitchell Jarvies – Chairman – Present
Carlos Garcia - Vice Chair – Present
Joseph Baroz – Vice Chair – Present
Tressesa Martinez – County Admin. – Present

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

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

Prayer: Comm. Jarvies gave the opening prayer.

Approval of Agenda

Motion to approve the agenda with adding Discussion of the Reintroduction of Wolves, item added after Admin Correspondence. Comm. Jarvies makes motion – Comm. Garcia 2nd, all in favor.

3-0 Motion carried

Approval on Minutes

Comm. Garcia needed to clarify his statement from the minutes from the March 18th BOCC minutes regarding discussion on hauling dirt from Abeyta Ranch to Guadalupe Parish Church in Conejos.

"As per the approval of the March 18 minutes discussed at the April 1 BOCC meeting, I am submitting the following.

I had never talked to Donnie regarding the church project. Mr. Abeyta did inform the board that Donnie had approved the church request to haul 10 loads of dirt. We approved based on his statements is what I believe. The minutes do not reflect what Mr. Abeyta stated in reference to Donnie's approval and the Board's blessing.

I think to make it simple, the word if should be inserted between the words that and Donnie in the 4th to the last paragraph on page 15."

Motion to approve minutes with corrected statement from Comm. Garcia: Comm. Garcia makes motion – Comm. Baroz 2nd, all in favor

3-0 Motion carried

Public Comment: NONE

Administrators Correspondence

Tress asks BOCC's Approval to appoint Scotty Morris to be on the Conejos County Housing Board; Comm. Garcia comments on his approval of Mr. Morris.

Motion Made by Comm. Jarvies – Comm. Garcia 2nd

3-0 Motion carried

Tress asks BOCC to re-appoint Armando Valdez to the Rio Grande Water Conservation District; Motion made by Comm. Baroz – Comm. Garcia 2nd

3-0 Motion carried

DISCUSSION-Wolf Introduction

BOCC and County Attorney respect the importance of bio-diversity on our eco-system and have decided to draft a letter on the stance of the county and to complete application to the Parks and Wildlife.

County Attorney Sarmiento comments that Conejos County needs to have a voice with Colorado Parks and Wildlife regarding the artificial reintroduction of Wolves, which begins with drafted letter and application.

Comm. Jarvies makes motion to allow County Attorney to submit letter and application; Comm. Baroz 2nd

3-0 Motion carried.

Executive Session

Comm. Jarvies makes motion to break for Executive Session; Comm. Baroz 2nd

3-0 Motion carried.

Resume from Exec. Session

9:41am

Discussion on County Road Y

County Attorney Sarmiento sent letters certified mail and regular mail to the land owners involved in the survey; Byron Quintana, Lone Pine LLC, Gilbert Lucero, Harlan Hanson, Joseph McCann, Carla Rodriguez, Estate of Lucy Quintana.

Return receipts from Carla Rodriguez, Joseph McCann, Gilbert Lucero, missing are Byron Quintana, Lone Pine LLC and Harlan Hanson.

Comm. Garcia makes motion to allow County Surveyor and County Sherriff onto the properties to survey land and boundary lines for County Road Y and adjacent properties.; Comm. Baroz 2nd

3-0 Motion carried.

Al Abeyta & Padre Robles – Pobladores de Santuario Project

Al Abeyta from the March 18th BOCC Meeting is continuing asking, for assistance from the County to move dirt from his Ranch in La Florida to the Guadalupe Church in Conejos. Mr. Abeyta does not understand why this project is requiring a mining declaration, he believes this is something simpler than a mining operation.

Comm. Jarvies mentions that there are specific laws and regulations that the County must abide by when dealing with removing gravel, rock, dirt from one location to another.

Comm. Garcia clarified about what was said about giving the permission for the county to move forward in moving the dirt. Comm. Garcia goes on to say that when moving potato rock from a field that the County must obtain mining permits from the State.

Mr. Abeyta states that the project must move forward with or without the help of the County, once more he doesn't believe they will be mining any dirt from the property. Mr. Abeyta adds that this bank of dirt was man made to funnel water to Cove Lake many years ago. This bank of dirt is what is wanting to be used to make adobes for the construction of the Satuario in Conejos.

Comm. Jarvies states that the soil removal project may be better to have the Pobladores move forward without the project without the County as Mr. Abeyta just suggested.

Comm. Baroz asks Attorney Sarmiento to clarify in Legal Terms what is mining?

Attorney Sarmiento explains that he asked the Mining and Reclamation Board if we were to remove any rock or dirt from old irrigation reservoirs or any other structure which put the land back to a flat surface, then that would be considered "Mining", Conejos County did appeal their decision and was granted us a "Variance"

Donnie from Road and Bridge also commented about the "Variance" and that it was clear that if the County did remove Soil or Rock from a property that we could ONLY use that for the County Roads and nothing else.

Donnie did follow up with Mr. Abeyta and called Division of Land and Minerals, where Lucas clarified that any material pulled from a provate property must only be used for County Roads, however they would submit paperwork to file a variance for the County and the Pobladores Committee, follow up would be expected at the next BOCC meeting

Sherriff's Report

Sherriff Crowther offers his condolences to Comm. Jarvies and his family.

MOU has been submitted to BOCC for Alamosa County for Advocate as well as USDA grant application.

Reports from Sherriff's Office – number of calls and number of responded cases.

Finger print machine is not in good shape and has been worked on my WSB and may be on its last leg and will need to be replaced soon. Estimated Cost for new machine is \$15,000 to \$20,000. Sherriff Crowther mentioned that there are grants available and Under Sherriff Blake Crowther will look into these grants.

Side by Side and Four Wheelers will be allowed on DIRT County Roads as long as those drivers are following driving laws and not driving recklessly.

Traffic Code:

New citations are ready to go.

We do have proof of publication for new Traffic Code was published in the Valley Courier.

Jail Visits will be allowed since the population of the jail has decreased, families will be allowed 15 min visitations, after which the room will be completely disinfected.

Missing Person: Sherriff does not believe missing person is in the County, but will follow up on any leads.

Comm. Garcia and Jarvies both discuss Side by Side's and ATV's on County Roads, discussion leads to the agreement that a working group would be established at a later date to develop safe and standardized rules and regulations for those drivers.

Motion is made to approve the USDA and Victim Advocate grants.

Motion carried 3-0

Land Use

LRGHC Boundary Line Adjustment/Division of Land
Resolution No. C-06-21

CASE NO: CCLU-2021-0008

REQUEST: Division of Land **ZONING:** Rural

APPLICANT: Gayland Smith & Gina B. Smith

SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use office on 01/14/2021 for a Division of Land (DOL.) The owners are Gayland Smith and Gina Smith. The property is 9.41 acres legally described as Parcel A of the Bernice and Louis Martinez Division of Land located in the North Half

South Half Southeast Quarter of the Northeast Quarter of Section 26, Township 34 North, Range 9 East, New Mexico Principal Meridian, Conejos County Colorado. Physical Address of 11585 County Road 17.

The Division of 9.414 acres will create the following:

Tract 1 containing 8.172 acres more or less – lot will be used for agricultural uses.

Tract 2 containing 1.242 acre more or less – lot will be used for residential/rural uses.

County Road Dedication – County Rd 17 was dedicated in the previous DOL.

Applicable Codes Used:

CCLUC – Article 10 – Division 10.7 Subdivision Exemptions, Division of Land. Any division which creates from one lot a total of two lots.

Purpose of Division: The property is being divided to separate the agricultural land from the home.

LU Administrator review/approval: 03/04/2021 County **Surveyor review/approval:** n/a

Board of County Commissioners review/approval:

The case was reviewed on 3/04/2021. Linda reported a building violation on the property. The previous owner, Terry Smith, was issued a building violation for not getting a permit for re-roofing. The Division of Land case will be presented to the Commissioners once the violation is resolved.

04/01/2021 – Chris presented the application and survey to the BOCC for approval. Gayland Smith resolved the building violation on behalf of Terry Smith. The Board reviewed the application and survey plat. Mr. Jarvies recused himself as Gayland Smith is his Uncle.

Other Comments: The landowners are creating an easement along the south boundary of the property. They will apply for a County Road Access Permit – when they are ready

Approval was granted by Motion/Second by Mr. Baroz/Mr. Garcia.

Resolution # 2021-04 was approved and signed.

- Fees were paid by Gaylan Smith for prior work on Re-Roofing of home, once fees were paid up the application for Boundary Line Adjustment can move forward.
- Comm. Baroz made motion to approve division of land and Boundary Line Adjustment; Comm. Garcia 2nd that motion; Comm. Jarvies abstained from voting since he is related to Mr. Smith.
- Motion carried 2-0

**Steve Perera/Angela Garcia Boundary Line Adjustment
Resolution No. C-07-21**

REQUEST: Boundary Line Adjustment-Division of Land

APPLICANT: Steve Perea and Angela Perea Garcia

ZONING: Community Town Site **SURVEY BY:** Billy Vigil Southern Colorado Surveying

BACKGROUND: An application was filed with the Land Use office on February 8, 2021 for a boundary line adjustment (BLA) and Division of Land (DOL.) The property is legally described as Bountiful Block F Lots 1 and 4, and the vacated portions of County Road T.25/3rd Street all located in the Southwest Quarter of Section 34, Township 35 North, Range 9 East, New Mexico Principal Meridian, Conejos County Colorado.

Purpose of Adjustment: Steve Perea and his daughter, Angela Garcia, own the two parcels. They wish to change the boundaries and create an additional lot.

This proposal will result in the following acreage summary:

Lot 1-A containing 1.444 acres + VACANT LOT
Lot 1-B containing 1.079 acres + RESIDENTIAL DEVELOPED
Lot 1-C containing 1.283 acres + RESIDENTIAL DEVELOPED

Road dedication was completed in the original Bountiful plat.

Applicable Codes Used: CCLUC – Article 10 – Division 10.7 Subdivision Exemptions, A. 1 – Division of Land and A. 2. – Boundary Line Adjustment and Lot Line Revision, Correction.

Land Use Administrator review/approval: 03/30/2021

County Surveyor review/approval: 03/29/2021 – copy in file.

Board of County Commissioners review/approval: 04/01/2021

- Comm. Baroz makes motion; Comm. Garcia 2nd
- Motion carried 3-0

Ambulance

Financial report – No Update

Request assistance from the BOCC on a 50% match Grant to be used for:
Batteries and E Dispatch Service

\$900 COVID-19 Grant was issued to the Ambulance from the State, was used to buy PPE

Ernest Abeyta requesting 1 more full time EMT – No decision was made

Ernest shared that Dr. Nelson received an award – Dr. Nelson shares the credit because it took more than just her to reach the recognition given for her award.

BOCC thanks Abeyta and Dr. Nelson for all that they do and will continue to do for the Citizens of Conejos County.

Meeting Adjourned @ 10:57am

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC