

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 5, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 5, 2019 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman
Larry Don Suckla, Vice Chairman
Jim Candelaria, Commissioner of Deeds
Shak Powers, County Administrator
John C. Baxter, County Attorney
Kim Percell, County Clerk

CHAIRMAN ERTEL opened the meeting of February 5, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 29, 2019 as corrected. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Rob Pope** discussed the content and Commissioner’s response within the public comment portion of the meetings. **Boyd Lancaster**, Road 12 property owner discussed county road maintenance for the road to his property. **M.B. McAfee** discussed the public comment portion of the meetings.

MONTEZUMA COUNTY FAIRBOARD: Fairboard President, **Allen Higgins**, Vice President, **T.W. Gilliland** along with **Fairgrounds Manager, Larry Copeland** met with the Commissioners to discuss a proposed concert plan for the County Fair and a request for a special event liquor license. Commissioner Candelaria moved to grant the Fairboard a special event liquor license for the concert that is being presented for the County Fair and to revise the Montezuma County Fairgrounds alcohol policy. Second by Commissioner Suckla and carried (See attached)

PRESENTATION: The Montezuma County Board of County Commissioners presented a plaque to **James Lambert** in appreciation for his years of service as a County Commissioner.

DISCUSSION: By request from the BOCC, **Environmental Health Specialist, Melissa Mathews** met with the Commissioners to review the previously approved **Montezuma County Public Health Department On-Site Wastewater Treatment System Regulation #43. Colorado Department of Public Health and Environment, Chuck Cousino** with the **State Water Quality Division** joined the discussion by conference phone. **Public Health Director, Bobbi Lock** gave an overview of the program. The Transfer of Title Program presentation given by Specialist, Mathews included; how the on-site waste water treatment system act 25-10-101 began, the basic rules for local administrations, the process to adopt the regulations, the State Regulation 43, the history of the BOCC and BOH meetings held to discuss the proposed Montezuma County regulations, the County “OPT IN’s” list, the revision process for the 2017 state Regulation 43, the Transfer of Title introduction to Montezuma County, a revised County “Opt In” list, the submittal process, additional correspondence and meetings held, the previously approved transfer of title program, the minimum criteria, the failure definition, and the transfer of title procedures, current county regulations, County Regulation 1.9 Transfer of Title, NAWT inspections and exemptions addressed within Regulation 43. Public comments were made by **Carol Click, Rob Pope, Jennifer Tewell, Jody Bissonnette, Dr. Kent Akin, Laurel Schaeffer, and Marti Spitzer.** Chairmen Ertel announced the convening of the Board of Health. Commissioner Candelaria moved to place a six month moratorium on the Transfer Title Program to gather more public input and to consider possible exemptions and determine the best course forward. The motion was second by Commissioner Suckla and carried. Chairman Ertel then announced that the Board of Health would adjourn and the reconvening of the Board of County Commissioners. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of January 30, 2019 through February 15, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; grinding quotes, an Alkali Bridge project CDOT meeting, a pickup replacement, paver quotes, Maintenance for Road 12 and a calibrated decimal noise reader. (See attached)

GIS MAPPING: GIS Manager, Doug Roth along with **Superintendent Englehart** met with the Commissioners to present the **Colorado Department of Transportation’s, Highway Users Tax Fund** road work and changes for reporting year 2018 for approval. Topics of the discussion included; the Montezuma County mileage certification, changed gravel to chip seal, changed graded to gravel, chip seal roads that were paved, no adjustments to the road inventory and the 2017-2018 mileage changes paved / unpaved report. Commissioner Suckla moved to approve the HUTF mileage certification review from our GIS Department for the year 2019. Second by Commissioner Candelaria and carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the updated year to date numbers for income of \$12,550.00 and attendance at 2420. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the commodities giveaway, a visit from the Montrose Fairgrounds leaders,

power upgrades, the proposed card lock system setup, the proposed convention center and grant applications. (See attached)

IT MONTHLY REPORT: IT Director, Jim McClain met with the Commissioners to present his monthly updates. Topics of the discussion included; the Social Services migration, help desk tickets, testing for the new Time Keeping system, the new Accounts Payable program for Administration, the Senior Annex door installation, Annex 1 audio and visual projects, the Wireless project to the Landfill and the Fairgrounds, the door readers at the Fairgrounds, and a new backup system in place and functioning. (See attached)

ASSESSOR: Montezuma County Assessor, Leslie Bugg cancelled due to illness.

LIQUOR LICENSE: Deputy Clerk, Malinda Fuller presented for approval liquor license renewal applications for **G Whil Liquors LLC, DBA G Whil Liquors** located at 24001 Road G.2, Cortez, **Paragon Business Investments, LLC, DBA Hilltop Liquors**, located at 27963 Hwy. 184 Dolores, **Westview RV Resort**, located at 12092 Hwy 145, Dolores, **Double R Liquors, LLC, DBA Double R Liquors**, located at 18794 Hwy 491, Lewis Co. 81327 and **Mancos Brewery** located at 484 East Frontage Road, Mancos. Commissioner Candelaria moved to approve the 5 liquor license applications for renewals. Second by Commissioner Suckla and carried. (See attached)

Chairman Ertel announced the adjournment of the meeting for the LUNCH break.

Chairman Ertel announced the meeting would reconvene

PLANNING:

The New **Planning Director, Don Haley** was introduced.

PUBLIC HEARING CONTINUANCE: It being the time set aside a public hearing is held for the purpose of a continued Public Hearing. On 12/10/18, the Montezuma County Board of County Commissioners asked for a February 5th, 2019 continuance for review and determination of an AR3-9 rezoning request and Single Lot Development Subdivision Application submitted by **Arvita Higgins** on property located at 21510 Road W, Lewis, CO, located south of Road W, east of Road 21.4, situated in S.6, T.37N., R.16W., N.M.P.M. County Attorney, John Baxter, was asked to review Resolution #P-40-96E. The roll was called, the public notice was read, and the proceedings were recorded for the record. Arvita Higgins was present for the hearing. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public Comment was made by **Michelle Porter**. Hearing no further public comment that portion of the hearing was closed. Commissioner Candelaria moved to return the application to the Planning and Zoning Commission for further review of the new information that had been presented. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time.

Assistant Duncan presented for signatures a final Plat for a Lot Line Boundary Adjustment to **Cruzan Ranch Minor Subdivision**, owned by **Jay Cruzan**, located at 25680 Road P, south and west of Road P, east of Road 25, situated in S. 35, T. 37N, R. 16W, N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney **John Baxter** discussed, Montezuma County support to La Plata County regarding their Landfill closure and the CDPHE enforcements. Also discussed was the Kinder Morgan hearing scheduled in Denver next week, and the County Road 41 hearing.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; Bureau of Land access points within the Summit area and behind the Landfill. Director, Dietrich discussed the attended Montezuma County Recreation Advisory Committee (MCRAC) meeting. He reported that he had a resignation from Committee Member **Paul Cook**. It was agreed by all of the Commissioners to appoint **Amber Clark** as the replacement member, with **Abby Lock** and **Allen Kline** as alternates to the Committee. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented for approval a letter addressed to **Shelly Woodson Banker, Colorado Opportunity Scholarship Initiative, and Colorado Department of Education** in support of the application submitted by the Fort Lewis College Foundation and Fort Lewis College. Commissioner Suckla moved to approve the letter addressed to Ms. Baker in support of the Colorado Opportunity Scholarship Initiative application program for Fort Lewis College. Second by Commissioner Candelaria and carried. Administrator Powers presented the 2019 Montezuma County Food Resources list and discussed the countywide public distribution of the list. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel reported he had attended the DOW Hunt season strategy meeting.

Commissioner Suckla, no report.

Commissioner Candelaria reported that he had attended the Montezuma County Recreation Advisory Committee meeting and the Road 41 hearing.

PUBLIC COMMENT: **M.B. McAfee** discussed the current County legal issues and related expenses associated with these issues.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Candelaria, seconded by Commissioner Suckla and carried.

MEETING ADJOURNED: 3:00 p.m.

Clerk February 5, 2019

Chairman