

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 7, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 7, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN LAMBERT opened the meeting of January 7, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 17, 2018 as presented. Motion was seconded by Commissioner Suckla and carried.

MINUTES: Commissioner Ertel moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 21, 2018 as presented. Motion was seconded by Commissioner Suckla and carried

PUBLIC COMMENT: **Bob Waggoner** discussed his appointment application to the Planning and Zoning Commissioner. **Greg Kemp** discussed the Board of County Commissioner Meeting change from Mondays to Tuesdays and the online County event calendar. **Ellen Foster** discussed her concerns of fossil water as a dust suppressant for county roads. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the period of January 2, 2019 through January 18, 2019. Projects scheduled included; snow removal, trim trees and general equipment maintenance. Other topics discussed

included; the monthly safety meeting, the crusher move and set up, a return delivery of the compactor to the Landfill, a discussion with the Weed Department regarding a spray truck, the scheduling of a meeting with CDOT regarding Roads 21 and BB, the Tuesday meeting change and the Road H.6 chip seal project. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager, Mike Pasquin met with the Commissioner to discuss guidance for the proposed Drought Contingency Plan for Montezuma County.

CEMETERY APPOINTMENTS: Administrator Powers presented a letter of interest for reappointment to the **Sylvan Cemetery Board** from **Bessie White**. Commissioner Ertel moved to appoint Bessie White to the Sylvan Cemetery Board for a 6 year term. Second by Commissioner Suckla and carried. (See attached)

DISCUSSION: Resource Director, James Dietrich, Planning Assistant, S. Jane Duncan and Karen Welch met with the Commissioners to discuss Colorado Parks and Wildlife Regulations for discovered eagle nests located on private property. Topics discussed included; the current legal protection acts, **The Bald and Golden Eagle Protections Act, Migratory Bird Treaty Act, the Lacey Act** and the Implement management guidelines. (See attached)

PLANNING: Planning Assistant, S. Jane Duncan presented for signatures a final amended plat for amendment to Lot 2 of the **Bell Subdivision** submitted by **Rinda R. Bell, Agent Scott Bell**, on property located at 27908 Road M, Dolores, CO, consisting of 7.82 acres, more or less, located on the south side of Road M, west of Road 28.1, situated in S.18 T.36N., R.15W., N.M.P.M.

PLANNING & ZONING COMMISSION APPOINTMENT: Interim Consultant, Karen Welch presented a letter of resignation from Board Member **Raymond Boyd**, a reappointment letter of interest from **Kelly Belt** and a letter of interest from **Bob Waggoner** to be an alternate to the Planning & Zoning Commission Board. **Stan Pierce** is currently the alternate to the Commission. Mr. Waggoner's letter of interest was turned in after the deadline for consideration. It was decided to repost the public notice, specific to the alternate position and extend the application period for another 30 days. Commissioner Ertel moved that Kelly Belt of the existing Planning and Zoning Commission be reappointed to a 3 year term and that Stan Pierce move from the alternate position to a Board Member serving a 3 year term. Second by Commissioner Suckla and carried. (See attached)

DISCUSSION: Planning Assistant Jane Duncan, GIS Specialist, Rachel Medina and Interim Consultant, Karen Welch met with the Board of County Commissioners to discuss proposed changes for full or partial payment of the administrative, zoning, and development fees at the time of application submittal. Topics discussed included: uncollected development and application fees, established development check lists, applicant responsibilities, public communication and education of the process. Commissioner Ertel moved that the Planning & Zoning Department collect a 50% of the application fee up front from every applicant and a full \$500.00 zoning change fee at the time of the application. Second by Commissioner Suckla and carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$72,483.75 and attendance at 66,447. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; purchased LED lights for the outdoor arena, an upgrade of power to the outside goat barn and the card lock system. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the change of signatory authorities for new County Administrator, Powers. **Attorney Baxter** presented **RESOLUTION #1-2019**, a resolution for Bank Signature Authorization for the new Montezuma County Administrator Powers and **RESOLUTION #2-2019**, a resolution for the Signature Authorization of the new Montezuma County Administrator Powers. Commissioner Suckla moved to approve Resolution #1-2019, giving Shak Powers the new County Administrator authority on the Bank checking accounts. Second by Commissioner Ertel and carried. Commissioner Ertel moved that Resolution #2-2019, a Signature Authorization for the new Montezuma County Administrator, Shak Powers be approved. Second by Commissioner Suckla and carried. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the Recreational Advisory Committee applications, the diverse group of applicants, the number of appointed members, the bylaw rules, possible project sub-committee appointments, the adoption of the Committee Resolution and the committee appointments.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented a recommendation from **Montezuma County Extension Director, Kacey Riedel** for the CSU Extension Advisory Committee appointment application from **David Temple**. Commissioner Ertel moved that David Temple be approved under the same term as his expiration of this term to the CSU Advisory Board. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Lambert no report. **Commissioner Ertel** no report. **Commissioner Suckla** had no report.

PUBLIC COMMENT: Paul Ermigiotti discussed the bald eagles on private property. **M.B. McAfee** thanked Commissioner Lambert for his 4 years of service as the County Commissioner.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:15 a.m.

Board of Health Quarterly meeting held at the Montezuma County Health Department

Clerk January 7, 2019

Chairman

2019 OFFICE APPOINTMENTS: Commissioner Candelaria moved that as written the Montezuma County 2019 official appointments be approved as presented. Second by Commissioner Suckla and carried. (See attached)

County Attorney: John Baxter

County Administrator/Budget Officer: Shak Powers

County Road and Bridge Supervisor: Rob Englehart

County Fairgrounds: Larry Copeland

County Fleet: Clint Watson

County GIS and Mapping: Doug Roth

Director of Public Health Agency: Roberta Lock

County IT: Jim McClain

County Maintenance: Mike Chenard

County Natural Resources: James Dietrich

County Noxious Weeds Program: Bonnie Loving

County Senior Nutrition: Johnathon Parker

Director of Social Services: Gina Montoya

Veteran's Affairs Officer: Rick Torres

Emergency Manager: Mike Pasquin

2019 BOCC REPRESENTATIVE APPOINTMENTS:

Region 9 Economic Development Board: Commissioner Larry Don Suckla

Alternate: Commissioner Jim Candelaria

Southwest Regional Transportation Committee: Commissioner Jim Candelaria

Alternate: Commissioner Keenan Ertel

AAA:

Alternate:

Southwest Workforce Board: Commissioner Keenan Ertel

Alternate: Commissioner Jim Candelaria

Montezuma County Housing Authority: Commissioner Larry Don Suckla with a transition to Commissioner Jim Candelaria to take over in July 2019.

Housing Solutions Commissioner Jim Candelaria

Alternate: Commissioner Keenan Ertel

Ute Mountain Council Meetings: County Administrator Shak Powers

Alternate: Commissioner Keenan Ertel

Lower Dolores River Group: Commissioner Larry Don Suckla

Alternate: Commissioner Keenan Ertel

Club 20: Commissioner Keenan Ertel

Alternate: Commissioner Jim Candelaria

Native Fish Monitoring & Recommendation Team: Commissioner Larry Don Suckla

Alternate: Commissioner Jim Candelaria

CEMETERY APPOINTMENTS: Administrator Powers presented a letter of interest for reappointment for a 6 year term to the **Arriola Cemetery Board** from **Lindy Tate**. Commissioner Suckla moved to approve Lindy Tate to a six year term to the Arriola Cemetery Board. Second by Commissioner Candelaria and carried. (See attached)

PUBLIC COMMENT: Judith Lichliter discussed the CSU AgrAbility Program with an invite to attend the 2019 workshop. **Dick Simmons** introduced himself as the newly appointed local representative to the Red Cross Disaster Program. **Cortez Fire Protection District, Jay Balfour** discussed the increase to the E911 surcharge fee and the current dangerous conditions and needed improvements to Hwy. 491. **Betty Ann Kolner** discussed a reduction of the speed limits for Hwy 491 from Dove Creek to Cortez.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of December, 2018. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for December 2018 along with the Monthly Report of services. Officer Torres gave an update on the monthly statistical data which included a 2017 – 2018 comparison along with the indirect income to Montezuma County. Commissioner Suckla moved to approve the Colorado Department of Military Veterans Affairs, County Veterans Service Officers monthly report and certification of pay for the month of December 2018 for Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff, Steven Nowlin met with the Commissioners to give his monthly report which included the December 2018 Jail Report, the total monthly inmate report, the Call Type Report and Response Time Reports. Sheriff Nowlin reported that from January 1, 2018 through December 31, 2018 there were 16,745 calls of service within Montezuma County and discussed the types of calls covered. Other topics discussed included the maximum capacity of the jail, the opioid crisis, a full body scanner lease, types of contraband found and the inmate reimbursement change to \$75.00 per day effective January 1, 2019. Administrator Powers presented letters of appreciation from the Commissioners to **Deputies Jeremy Strong, Darla French and Leslie Hopkins** for their achievement of passing the tests for their **Food Manager Certification** through the **Colorado Food Safety Division**. (See attached)

CSU EXTENSION OFFICE: Extension Director, Kacey Riedel met with the Commissioners to give updates. Topics of the discussion included; the newly developed Montezuma County CSU newsletter, updates to the website, the County Fair secretary position, upcoming programs, the Food Safety classes, the approved MOU with the County, the addition of a Family Consumer Science agent, the 20% formula funding from the County, Stem Kits, and the scheduled Ag Expo. Director, Riedel discussed the recently appointed Advisory Committee position for **David Temple**, with a request to make the appointment a 3 year term. Commissioner Suckla moved to approve David Temple for a 3 year term to be on the CSU Advisory Committee for Montezuma County. Second by Commissioner Candelaria and carried. Director Riedel held a discussion about the approved MOU and the relationship with the Montezuma County Fair Board. Director Riedel made a request to have a formerly written memo from the Commissioners to release the Committee of their obligation of/if any, in managing the relationship between the Fair Board and the Extension Office. Commissioner Candelaria moved to give Kacey Riedel the opportunity to work with the Fair Board and go with the MOU as it is drafted, with a memo to follow from the County Administrator. Second by Commissioner Ertel and with two votes in favor by Commissioners Candelaria and Ertel and one vote against from Commissioner Suckla, the motion carried. (See attached)

DISCUSSION: A discussion was held regarding the current Federal Government shutdown and concerns from the County regarding the closure of **Mesa Verde National Park**. Comments were made by **Commissioner Suckla, Administrator Powers, Road Superintendent Englehart** and **Greg Kemp**. Topics of the discussion included concerns for year round residents living up at the park, emergency services, the Federal furlough, duties of Federal Law Officer and their opportunities to volunteer for service, the Park's emergency dispatch center, winter employment positions, the closure of winter guided tours, **Aramark** staffing services, properly placed Federal Government mutual aid agreements and County assistant for snow removal.

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

Chairman Ertel announced the meeting would reconvene

PLANNING: Planning Assistant, S. Jane Duncan and Interim, Karen Welch presented a final plat for an Exemption amendment on property owned by **Cynthia Brunner and Marvin Brunner**, 14785 Road 28, Dolores, CO, located west of Road 28, north of Road P, situated in Sec. 32, T.37N., R.15W., N.M.P.M.

Planning Assistant, S. Jane Duncan and Interim, Karen Welch presented for a Plat Review for a proposed Commercial Rezoning (COMZ) for a proposed 8 space RV Planned Unit Development placed on 1 acre of property submitted by **William & Judy Eggers**, on property located at 30175 Road L, Mancos, CO, consisting of 80 acres total, more or less, located on the north side of Road L, south of Road 31, situated in S.15 T.36N., R.15W., N.M.P.M. The BOCC had previously made a request that the applicant do a five acre envelope for the planned unit development. The Board approved the current proposed delineation. (See attached)

Planning Assistant, S. Jane Duncan and Interim, Karen Welch presented for the purpose of reviewing and determining for a proposed Variance Application on property owned by **Kyle & Rickie Cruzan**, located at 11881 Road 29, Cortez, CO, consisting of 43.72 acres +/-, situated east of Road 29, north of Road L.6, S.17, T.36N, R.15W, N.M.P.M. Agent, **Vernon Hoffman** was present. Commissioner Candelaria moved to accept the proposed variance application on property owned by Kyle and Rickie Cruzan, located at 11881 Road 29 Cortez. Second by Commissioner Suckla and carried

COUNTY ATTORNEY REPORT: Attorney John Baxter gave no report.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. A discussion was held regarding the proposed Montezuma County Recreation Advisory Committee. (MCRAC) Topics discussed included; the bylaws, the diversity from the applicants, the number of appointed committee members, meeting times and sub-committee involvement from the remaining un-appointed applicants.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers reported that he had been meeting with Department heads.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel gave a report on the attended AAA and Senior Center meeting.

Commissioner Suckla discussed the attended Board of Health meeting and the new Regulation 43 regarding 20 year old septic systems. Public Comment was made by Realtor, **Vernon Hoffman**.

Commissioner Candelaria reported he had attended the CCI training for new Commissioners.

PUBLIC COMMENT: Greg Kemp gave an update on the closure of Mesa Verde National Park. **M.B. McAfee** discussed the executive session process.

MONTEZUMA COUNTY RECREATION ADVISORY COMMITTEE (MCRAC)

APPOINTMENTS: Resource Director, James Dietrich, presented the Advisory Committee applications to the Commissioners. Commissioner Suckla moved to approve **Shawn Gregory, Rob Waldman, Latifa Rodriguez, Katherine Fulton, Brett Grubbs, Paul Crook, Roger Lawrence, Mark Drudge, Susan Thomas**, alternate #1 **Abigail Lock** and alternate #2 **Cap Allen** to the newly formed Montezuma County Recreation Advisory Committee. Second by Commissioner Candelaria and carried. (See Attached)

EXECUTIVE SESSION: Commissioner Candelaria moved to go into executive session for the discussion of personnel matters under C.R.S. 24-6-402(4)(f), and to include the Commissioners Attorney Baxter, Administrator Powers and Clerk Percell, seconded by Commissioner Suckla and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding applications received and interview planning, for the Planning Director position. Commissioner Ertel moved to go out of executive session, seconded by Commissioner Suckla and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from **Atmos Energy** regarding the safety of their customers and the public.

Letter from **Montezuma County Water District #1** regarding contact information

Letter from **Dolores Water Conservancy District** meeting minutes

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

MEETING ADJOURNED: 3:00 p.m.

Clerk January 15, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 22, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday January 22, 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, Absent
M. Lynn Dorenkamp, Chief Deputy

CHAIRMAN ERTEL opened the meeting of January 22, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Candelaria moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 15, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Ellen Foster** discussed her attendance at the Planning & Zoning meeting on January 10, 2019. **M.B. MacAfee** made suggestions about the agenda's format. (See attached)

MEMORANDUM OF UNDERSTANDING was presented by Commissioner Ertel for annual renewal between the Montezuma County Fair Board and the Montezuma County CSU Extension Office. Commissioner Suckla moved to approve the memorandum of understanding for 2019 between Montezuma County Fair Board and Montezuma County CSU Extension Office after yearly review with no changes. Motion was seconded by Commissioner Candelaria and carried. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to present drafted letters of denial and acceptance for the Montezuma County Recreation Advisory Committee for signatures. Commissioner Suckla moved to approve the letters for the Recreation Advisory Committee for Montezuma County applicants. Motion was seconded by Commissioner Candelaria and carried. Topics discussed were setting up the first meeting with Montezuma County Recreation Advisory Committee and the removal of by-laws in the resolution so the committee can create their own. (See attached)

RESOLUTION: Attorney Baxter presented the Resolution to Establish a Recreation Advisory Committee for Montezuma County. Commissioner Suckla moved to approve the Resolution to Establish a Recreation Advisory Committee for Montezuma County. Motion was seconded by Commissioner Candelaria and carried. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the period of January 16, 2019 through February 1, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Additional topics discussed were the DOLA agreement requiring County Administrator Powers signature for the quarterly report requirement showing engineering plans are completed. Amended Lease Agreement with LMN Properties, LLC needed to be signed. Commissioner Candelaria moved to approve the Amended Lease Agreement for the Mining and Development of Road Aggregates between LMN Properties, LLC and Montezuma County. Motion was seconded by Commissioner Suckla and carried. Reminder of meeting with CDOT on the 23rd of January about the road closure of 21. Requested the purchase approval amount of \$24,000.00 for a 1998 4x4 Mack Snow Plow/Dump Truck. Commissioner Suckla moved to approve the expenditure of \$24, 000.00 to purchase a 1998 4x4 Mack Snow Plow/Dump Truck. Motion was seconded by Commissioner Candelaria and carried. (See attached)

FLEET MANAGEMENT: Clint Watson Fleet Manager met with the Commissioners to go over the 2018 and 2019 Budgets. Topics of discussion included gathering more information from other counties on how they are recouping replacement cost for new vehicles and the request from **Jennifer Morris, Fleet/Transit Office Manager** to separate the Transportation Fund into its own fund. This request was tabled until next week to gather more information. (See attached)

GROUNDS AND BUILDINGS QUARTERLY REPORT: Maintenance Supervisor, Mike Chenard reported on the grounds and buildings.

PLANNING: Planning Assistant, S. Jane Duncan and **Interim Consultant, Karen Welch** presented Bridgewater Plat for review as requested by the City of Cortez due to the fact property borders county property. No input or comments from the Commissioners for the Bridgewater Plat. Commissioner Candelaria recused himself from the review of the Candelaria Plat. The Planning Department asked for any input or comments on the Review of Candelaria Plat. Commissioners had no input or comments for the Candelaria Plat. Other items presented by **Planning Assistant, S. Jane Duncan** and **Interim Consultant, Karen Welch** were documents for signature by the Board of County Commissioners for Kinder Morgan CA 8,9,10 High Impact Permit & Special Use Permit and Kyle and Rickie Cruzan Variance document.

LEE CLOY, Chairman and BRIAN BARTLOTT member of the Lodgers Tax Committee came in to hear the Commissioners present an idea of working together to building a Convention Center.

PUBLIC COMMENT: No comments were made.

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Commissioner Candelaria moved for the Board of County Commissioners to go into executive session pursuant to under C.R.S. Section 24-6-402(4)(b) and for a conference with the attorney for the purpose of receiving legal advice on specific legal questions. Seconded by Commissioner Suckla and carried. Commissioner Ertel moved to go out of executive session, seconded by Commissioner Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter had no report.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers had no report.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel had no report.

Commissioner Suckla reported on his attendance at the CCI meeting last week in Denver.

Commissioner Candelaria discussed his attendance at the Water Board Meeting on Saturday and informed the audience that Mr. Decker said all complaints are to be sent to the Montezuma Valley Irrigation Company Board not the BOCC. He also attended the Fair Board meeting on Monday night.

CORRESPONDENCE: The following correspondence was read and noted: Cortez Fire Protection District regarding Compliance with 32-1-809, CRS.

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

MEETING ADJOURNED: 12:03 p.m.

Clerk January 22, 2019

Chairman

Fairgrounds benefits, to purchase the Triton Livestock panels for the Fairgrounds. Second by Commissioner Suckla and carried. (See attached)

REGION 9: Economic Development Project Manager, Heather Otter along with **Region 9 District Executive Director, Laura Marchino** met with the Commissioners to review the draft Community Development Action Plans. Topics discussed included; Business Development, Education, Health and Human Services, Historic Preservation, Housing, Land Use, Parks and recreation, Public Infrastructure, Public Lands, Public/Private Lands, Telecommunications, transportation, Work Force Development the completed CDAP projects from 2001-2018, the yearly meeting schedule, a summer meeting held within Montezuma County and the Non-disclosure Agreement. (See attached)

PUBLIC HEALTH DEPARTMENT: Public Health Director, Bobbie Lock along with **Immunization Coordinator, Lorie Wood** presented for approval the #1 Contract Amendment to the CDPHE original immunization contract #19FHHA108935, the contract amendment #19FHHA12780 will provide an additional \$5,221.00 in funding for the County Immunization Services. Commissioner Candelaria moved to accept Contract Amendment #1, the amended contract #19FHHA12780 for the Montezuma County Public Health Department. Second by Commissioner Suckla and carried. (See attached)

FLEET MANAGEMENT: Fleet Manager, Clint Watson met with the Commissioners to discuss the current financials for the Fleet Department. Topics of the discussion included; the approved 2019 Fleet department budget, County department usage reports, the Montezuma County Find Report, an income and expenses comparison from Teller County, Sheriff Department patrol car replacement costs, equipment swaps for patrol cars, county vehicle fuel expense, bulk fuel costs, department per mile charges, self-insurance, overhead costs, the County MOCO transit program and department employee salaries. (See attached)

LANDFILL: Mel Jarmon, gave a monthly report which included the 2018 Landfill budget spread sheet. Topics discussed with the report included; the 2018 Diversion rates, the development of Cell #3B, and the Bomag repairs. A discussion was held in regard to the purchase of a back-up compactor. (See attached)

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. **Director, Gina Montoya** and **Lori Higgins** were present. Director Montoya made a request for an additional full time employee Case Aide for the Adult Protected Services Program. Commissioner Suckla moved to approve an additional Adult Protection Case Aide worker for the Social Service Department. Second by Commissioner Candelaria and carried. (See attached)

PLANNING: Planning Assistant, S. Jane Duncan, and **Interim Consultant, Karen Welch** met with the Board of County Commissioners to discuss the **Century Link** signature line on approved plats. Century Link has moved out of the County and applicants have no opportunities to gather the required signature. Commissioner Suckla moved to drop the Century Link signature line from Montezuma County plats. Second by Commissioner Candelaria and carried.

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

Chairman Ertel announced the meeting would reconvene

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed High Impact Permit and Special Use Permit submitted by **Kinder Morgan, Agent Chris Lopez** for the purpose of a new well known as the **GP-29** well on property owned by **Garry Lynn Fulks** located at 18476 Road S, Cortez. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Assistant, S. Jane Duncan** gave an overview of the application with an amendment to correct the address to 18080 Road S, Cortez. Agent, Chris Lopez was present. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster, Chris Millican, Gala Pock, Jerry Koskie, Rob Pope** and **M.B. McAfee**. Hearing no further public comment that portion of the hearing was closed. Commissioner Candelaria requested the findings from the Planning and Zoning Commission. **Planning Assistant, S. Jane Duncan** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Candelaria moved to accept the proposed high impact permit and special use permit submitted by Kinder Morgan, Agent Chris Lopez for the purpose of a new well known as the **GP-29** well, with jake brake restrictions from 7:00 p.m. to 7:00 a.m. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

COUNTY ATTORNEY REPORT: **Attorney John Baxter** discussed the Road 41 / Weber Canyon hearing, the Kinder Morgan lawsuit and an issue with Fairground Racetrack billings.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: **Resource Director, James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; the Recreation Advisory Board meeting, the Parks and Wildlife Big Game Hunting Season structure, the Mc Elmo Flume and the Paths to Mesa Verde.

COUNTY ADMINISTRATOR REPORT: **Administrator, Shak Powers** reported that he had been working with the Sheriff's Department and Social Services to discuss local resources for food pantries and the commodities available for distribution for the Month of February along with a plan for public notification of these local resources.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended, Wolf Reintroduction meeting, the CDOT / County Road B meeting and the Montezuma County Communications Advisory Meeting with the future presentation of the draft Memo of Understanding.

Commissioner Suckla discussed the attended Wolf Reintroduction meeting, a new BUG program for salt cedars for the County Weed Department and a phone conference invite from the Whitehouse to discuss Trade.

Commissioner Candelaria discussed the CDOT/ County Road B meeting, the Region 9 Board meeting and the Planning Director interviews.

PUBLIC COMMENT: **Ellen Foster** discussed the RAC meeting. **Gala Pock** discussed the wolf reintroduction to the area. **Greg Kemp** discussed the Mancos Food Share Program.

CORRESPONDENCE: The following correspondence was read and noted:
Letter from ONWARD A legacy Foundation regarding Sheriff's Office Employee Fund

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

MEETING ADJOURNED: 3:00 p.m.

Clerk January 29, 2019

Chairman

**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

HOMESFUND: Dixie Gray from the **Housing Authority** and **Lisa Bloomquist, Executive Director of HomesFund** met with the Board and made a request to waive the rental fees of the County Annex #1, to provide 3 homebuyer education classes in the Cortez area. Commissioner Suckla moved to waive the fees for the HomesFund Buyers classes, with the exception of the payment of the refundable deposit. Second by Commissioner Candelaria and carried.

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for January, 2019 along with the Monthly Report of services. Officer Torres gave an update on the monthly statistical data and the indirect income to Montezuma County. Commissioner Candelaria moved to accept the certification of pay for the County Veterans Service in the amount of \$6929.31 for the month of January, 2019 for Montezuma County. Second by Commissioner Suckla and carried. (See attached).

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report which included the Detective Division report, the Inmate Report, the Parole Holds Report, DOC Holds Report, the January 2019 Jail Report, the 2019 January Total Inmate, Monthly Arrests, Courtesy Hold Reports, the Fees collected report and the January 2019 Transport report. Other topics discussed included: Calls for service, the development of a new Memo of Understanding with Dolores County, mental health inmates, December 2018 expenditures, the Casino Contract, the Black / Grey Marijuana Grant, the Pre Trial Unit, the Town of Dolores Contract, the Towaoc Juvenile Detention Center and future proposals for the vehicle maintenance program. (See attached)

PLANNING & ZONING COMMISSION APPOINTMENT: Administrator Powers presented letters of interest from **Tamara Hamilton, Andrew P. Spruell, Neal Hollingsworth, Daniel Nuvy, Joel Stevenson, Bob Waggoner** and **Janine Denney** as an alternate to the Planning & Zoning Commission. Commissioner Suckla moved to appoint Joel Stevenson as the alternate to the Montezuma County Planning and Zoning Board. Second by Commissioner Candelaria and carried. (See attached)

PLANNING: Planning Assistant, S. Jane Duncan presented for signatures a final plat Commercial Rezoning (COMZ) and recommended Single Lot Development for a proposed RV Planned Unit Development request submitted by **William & Judy Eggers**, on property located at 30175 Road L, Mancos, CO, consisting of 3 acres, more or less, located on the north side of Road L, south of Road 31, situated in S.15 T.36N., R.15W., N.M.P.M.

Assistant, Duncan presented for signatures on a final plat for a Single Lot Development consisting of 24.16 acre, more or less tracts, on property owned by **Robert & Lynda Gosnell**, located at 23361 Road L, Cortez, CO, situated north of Road L, east of Road 23, Sec. 16, T.36N., R.16W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney John Baxter was absent.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, no report given.

COUNTY ADMINISTRATOR REPORT: on behalf of **County Assessor, Leslie Kennedy Bugg, Administrator, Shak Powers** presented for approval the **Colorado Parks and Wildlife Impact Assistance Grant Application**. Commissioner Candelaria moved to sign the Colorado Parks and Wildlife Impact Assistance Grant Application authorized by C.R.S. 30-25-301 & 302 as amended. Second by Commissioner Suckla and carried. (See attached)

ACCOUNTS PAYABLE: Administrator Powers presented the December 2018 Accounts Payable for approval. Commissioner Suckla moved to approve the Montezuma County expenditures for December 1, through December 31, 2018 as presented. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel reported he had attended the TPR and Cattlemen's Association meetings. **Commissioner Suckla**, read a message response from former Teller County Commissioner and Past President of CCI, Dave Paul regarding the septic system Regulation 43. Commissioner Suckla also reported he had attended the Cattlemen's Association and Housing Authority meetings.

Commissioner Candelaria reported that he had attended the TPR meeting.

PUBLIC COMMENT: Greg Kemp, discussed the county website updates for new County personnel. **Montezuma Land Conservancy Executive Director, Travis Custer, GIS Director Doug Roth, Allen Maez and Betty Ann Kolner** discussed the development of a County Land Use Conservation Easements map.

CORRESPONDENCE: The following correspondence was read and noted:

Note from **Mariette Eaton**.

Letter from the **Dolores Water Conservancy District** regarding their meeting.

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

MEETING ADJOURNED: 11:30 a.m.

Clerk February 12, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 19, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 19, 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 19, 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 February 12, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: Historical Society Board President, Ann Brown gave an update on the **Montezuma Heritage Museum** project. **Ellen Foster** discussed Regulation 43, Transfer of Title program. (See attached)

PUBLIC LANDS: Forrest Service, Derek Padilla discussed the draft Lone Pine Environmental Assessment, the Sage Hen Trail project and the Beetle kill contracts. **Canyon of the Ancients National Acting Monument Manager, Tyler Foss** reported to the Commissioners on the Sand Canyon Parking lot project along with the Yellow Jacket and Flodine allotments. **Bureau of Land Management, Connie Clementson** discussed the King Coal Lease buy, the SW Resource Advisory Council (RAC) meeting, the proposed Transportation & Access plan, the Monument Manager position and the ACEC amendment.

WEED DEPARTMENT: Weed Department Office Manager, Bonnie Loving gave a Department update and slide show which included highlights and accomplishments of 2018, the Weber Canyon project, the Mancos River Project, the 2019 Mancos River project plan, 2019 Plans and the Russian Olive project. A discussion was held with **Connie Clementson, Garth Nelson** and **Tyler Fouss** with the **Bureau of Land Management** regarding noxious weed control efforts on the Weber Canyon BLM land. Topics discussed included; estimated costs of treatments, a reply letter from the Bureau of Land Management Tres Rios Field Office, work force abilities, Wilderness Study Area rules, an Environmental Assessment and cooperative efforts between the BLM and the County. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of February 13, 2019 through March 1, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew but currently, snow removal is the department's priority. Other topics discussed included; culvert crossings, tree trimming, chips hauled, the Horizon payments, the Pleasant View Fire Station building, the 2019 paving bids, the Alkali Bridge project, and equipment repairs. (See attached)

SENIOR NUTRITION QUARTERLY REPORT: Director, Jonathon G. Parker gave an update on the Senior Nutrition program. Topics discussed included the January meals served, Fiscal / Foods management, Senior Site, the department newsletter, staff, grant applications, a furniture request letter to Aarons ACORP, a proposed Senior Center cook book, the congregate meal intake form, a proposed kitchen remodel project and the Montezuma County Senior Center Annex Agreements. (See Attached)

CEMETERY APPOINTMENT: Administrator, Powers presented a letter of interest for reappointment to the **Fairview Cemetery District** from **Kami Oliver**. Commissioner Suckla moved that Kami Oliver be reappointed to the Fairview Cemetery District Board for a 6 year term. Second by Commissioner Candelaria and carried. (See attached)

COUNTY TREASURER / TRUSTEE: Treasurer, Ellen Black presented for approval the Montezuma County 6 month Schedule of Receipts and Disbursements. Commissioner Candelaria moved to approve the schedule of receipts and disbursements for July 1, 2018 through December 31, 2018. Second by Commissioner Suckla and carried. Other topics discussed included; the Goodman Point Water District, the development of an online payment program and staffing needs. (See attached)

ASSESSOR: Montezuma County Assessor, Leslie Bugg met with the Commissioners to give a Bi-annual report. Topics discussed included; the resignation of an appraiser, a request for a replacement vehicle, a proposed subcontract for a commercial appraiser and the Kinder Morgan audits. Assessor Bugg reported that the appraisers were caught up with new construction within the County. Assessor Bugg was directed to check out the Administrative Suburban for use.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the attended Kinder Morgan hearing and the Combined Court House Lead Certification presentation.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the King Coal Mine, the scheduled (MCRAC) Montezuma County Recreation Advisory Committee meeting, a resignation from an alternate member of the Montezuma County Recreation Advisory Committee, the Sage Hen Trail project, the BLM access parking lots for the Summit and Sand Canyon areas.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers along with IT Director, Jim McClain presented the Montezuma County Security Policy Document for approval. Commissioner Suckla moved to adopt the Security Policy Document prepared by IT Director Jim McClain. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel had no report to give.

Commissioner Suckla, discussed a proposed Resolution for Montezuma County to become a Second Amendment Gun Sanctuary County, current services and staffing at the County Health Department and the scheduled proposed convention center meeting.

Commissioner Candelaria discussed the scheduled Lewis Arriola Community Center's Annual Chili Supper and Pie auction.

PUBLIC COMMENT: Greg Kemp discussed public input on the proposed gun sanctuary resolution.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 12:30 a.m.

Clerk February 19, 2019

Chairman

Kathy Serabia, Jim Malcolm, Kim and Doug Maxwell, Ellen Foster, Jeremy Noack, David Rainey, Chrystal Curtsinger and Leigh Sand. Commissioner Candelaria moved that Resolution #4-2019 a resolution in Opposition to Infringement upon the Constitutional Right to Keep and Bear Arms move forward with the Sheriff's signature. The motion failed due to a lack of a second. Commissioner Suckla moved to approve the Resolution, and add the word Sanctuary with the changes that the Sheriff provided. The motion failed due to a lack of a second. Commissioner Ertel made a motion to table the decision until Thursday, February 28, 2019 at 6:30 p.m. for further discussion. Second by Commissioner Suckla and carried. (See attached)

FAIRGROUNDS RACE TRACK: Fairgrounds Manager, Larry Copeland along with **Race Track Promoter, Eugene Felker** met with the Commissioner to discuss the restroom facilities for the Fairground's Race Track. Topics discussed included; restrooms in the pit area, updates to the grand stand restroom facilities, the proposed convention center, a new extended fence, a tire wall, advertisement banners, track lighting, water trucks, placement of storage water tanks, insurance requirements, internet, electrical updates, track fees, track testing, participating car track testing fees and youth racing. (See attached)

CORTEZ CEMETERY: Grounds Keeper, Carl Godfrey met with the County Commissioners with a request for a donation of a one dump truck load of gravel from the County for the cemetery road improvements. The Commissioners were in agreement to donate one dump truck load the gravel contingent on the Cemetery provide the truck and the labor. Mr. Godfrey will contact Road Superintendent Englehart to proceed.

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; Manager of Landfill Operations Training, a proposed strapper machine mechanics training, the temporary postponement of the purchase of a recycling loader, possible CDPHE grant applications, a proposal to purchase a fork lift instead of the loader, proceeding with the new Cell 3B subgrade, the rental of a chipper and the County Tire clean-up program. (See attached)

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. Director Gina Montoya and Lori Higgins were present. (See attached)

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

PLANNING: Planning Director, Don Haley, Planning Assistant, S. Jane Duncan along with **Interim, Karen Welch** presented the following for review and determination:

On 2/14/19, the Montezuma County Planning & Zoning Commissioners reviewed and determined a proposed Second Amendment to Lot #4 of **Old Miner's Home Subdivision**, submitted by **Vern Ince** on property located at TBD Road V, Lewis, CO, consisting of 7.31 acres, more or less, located on the north side of Road V, west of Road 22, situated in S.6 T.37N., R.16W., N.M.P.M. The Planning & Zoning Commission recommended Mr. Ince obtain a

Setback Variance from the Board of County Commissioners in order to be complaint and in the event Mr. Ince decides to sell his property, the Variance will be on record. The Planning Department presented for approval and signatures a Setback Variance. Assistant Duncan reported that the Planning and Zoning department did not require a Board of County Commissioner's Public Hearing to be held. Commissioner Candelaria moved to accept the Variance submitted by Vern Ince, on property located at to be determined Road V Lewis Colorado. Second by Commissioner Suckla and carried. (See attached)

Planning Department presented for signature an After-The-Fact Exemption amendment on property owned by **Kelly and Stacy Weyand**, TBD Road C, Cortez, CO, located west of Hwy 160-491, south of Road C, situated in Sec. 31, T.35N., R.16W., N.M.P.M.. Assistant Duncan reported that the Planning and Zoning department did not require a Board of County Commissioner's Public Hearing to be held. Commissioner Suckla moved to approve the After the Fact exemption amendment on property owned by Kelly and Stacy Weyand located on Road C, Cortez Co. Second by Commissioner Candelaria and carried (See attached)

Planning Department presented for signature a Commercial rezoning request and amendment to existing High Impact Permit #298 for the purpose of the addition of a pre-school, on property owned by **Douglas & Beverly Capelin**, consisting of 65.88 acres total, more or less, located in Sec. 3, T.35N., R.13W., N.M.P.M. Commissioner Candelaria moved to accept the commercial rezoning request and amendment to the existing High Impact Permit #298 for the purpose of the addition of a pre-school on property owned by Douglas and Beverly Capelin consisting of 65.88 acres, more or less, located in Sec. 3, T.35N., R.13W., N.M.P.M. Second by Commissioner Suckla and carried. (See attached)

Planning Department presented for signatures a High Impact Permit and Special Use Permit submitted by **Kinder Morgan, Agent Chris Lopez** for the purpose of a new well known as the GP-29 Well, located at 18080 Road S, Cortez, CO; in Sec.27, T.38N, R.17W., N.M.P.M

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Kinder Morgan lawsuit and the Weber Canyon / Road 41 injunction.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the Montezuma County Recreation Advisory Committee meeting, the County Weed Control strategy meeting and the proposed convention center project. Director Dietrich presented a letter of support to the BLM Tres Rios Field Office regarding the **King Coal II Lease Modification**, known as the **Dunn Ranch Area** lease-by application and **Mine Modification Plan**. Commissioner Suckla moved to approve the letter of support for the King Coal lease modification for Montezuma County. Second by Commissioner Candelaria and carried (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the updated Region 9 CDAP project report for review. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended proposed Convention Center project meeting.

Commissioner Suckla discussed the scheduled Cortez City Council and BOCC meeting on March 3, 2019 and renewable resources within Montezuma County.

Commissioner Candelaria discussed an attended School Board meeting and the attended Ariolla Community Center Chili dinner.

PUBLIC COMMENT: **Greg Kemp** discussed the Combined Court Security agreement and the Colorado Electoral College votes. **M.B. McAfee** discussed Commissioner's attendance at the Empire Electric Board meetings.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 1:50 p.m.

Clerk February 26, 2019

Chairman

to mental health and requesting State resources be committed to these issues. After hearing all the evidence presented, Commissioner Suckla moved to approve Resolution #4-2019, a Declaration that Montezuma County is a Sanctuary County for the Constitutional Right to Keep and Bear Arms. Second by Commissioner Candelaria and carried. (See attached)

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

MEETING ADJOURNED: 8:20 p.m.

County Clerk February 28, 2019

Chairman

addressed to **Kinder Morgan** with a request to minimize any further haul activities on the Goodman Point truck route until there are dryer road conditions. (See attached)

COUNTY SURVEYOR: County Surveyor, Ernie Maness along with **Resource Director, James Dietrich** met with the Commissioners to discuss the Summit Ridge, Road N access to the BLM public lands. Topics of the discussion included; a sliver of private property between the County road and the BLM property, possible access solutions within Summit Lake West tracts 30, 31 and 35, the use of conservation funds and the BLM responsibility to provide parking for access to public lands. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$16,360.00 and attendance at 3630. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the temporary removal of the indoor arena, a Lodgers Tax grant application, the proposed card lock system, hemp vendors at trade shows held at the Fairgrounds, the race track restroom facilities and a proposed purchase of mobile restroom facilities. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager, Mike Pasquin met with the Commissioners to give a department update. Topics discussed included; the recent earth quake in Bedrock Co., the hazard mitigation plan grants, the EOC roster, training exercises, grant funding to upgrade the EOC equipment, the recent grant audit and identified areas of concern and the attendance to the scheduled Emergency Management Academy and ICS classes. Manager, Pasquin along with **CSU Extension Director, Kacey Riedel** discussed the **Emergency Management Drought Contingency Plan**. Topics discussed included, development of a joint entities one day workshop, climate predictions, funding options, current existing plans, public education, risk mitigation discussions, the Demand Management Plan, and the addition of an Agriculture resource page on the county web site. Director, Riedel gave an update of upcoming scheduled events within the CSU Extension programs. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter, no report given.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; **Congressman Tipton's** introduction of the **Yucca House** land transfer bill, the written confirmation of the proposed release of five WSA's, the Rangeland Stewardship meeting, the MCRAC meeting, weed control in Weber Canyon and a community solar garden. Director Dietrich presented a letter addressed to the **Senate Transportation and Energy Committee** regarding opposition to Senate Bill 19-181. Commissioner Candelaria moved to send a letter to the Senate Transportation and Energy Committee in regards to Senate Bill 19-181 with this letter. Second by Commissioner Ertel and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented a letter of interest for reappointment to a six year term to the **Lebanon Cemetery District** from **Neita Muniz**. The discussion was tabled for further review. (See attached)

COUNTY COMMISSIONER REPORT: **Commissioner Ertel** discussed the attended department head meeting and a tour with the Road Supervisor. **Commissioner Suckla**, was absent. **Commissioner Candelaria** discussed meetings attended that included; the Housing Solutions, a meeting with Dr. Aikin regarding Regulation 43, the proposed convention center, the joint City Council and Commissioner meeting and conversations with the Road Department.

PUBLIC COMMENT: **Jamie Becketl** discussed the public education of hemp products, discussed the word sanctuary that had been included in Resolution #4-2019. **Lisa Henry** and **Rebecca Busic** discussed a structured protocol for the Commissioner meetings. **Tom Seymour** discussed a recent article printed in the Durango Herald concerning Resolution 4-2019.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:00 a.m.

Clerk March 5, 2019

Chairman

