PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 10, 2020

STATE OF COLORADO )
COUNTY OF MONTEZUMA )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 10, 2020 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, SUCKLA opened the meeting of March 10, 2020 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 February 20, 2020 as presented. Motion was seconded by Commissioner Candelaria and carried.

CORONAVIRUS (COVID19) UPDATE: Montezuma County, Public Health Department’s, Emergency Manager, Karen Dickson gave an update on the Coronavirus within the Southwest region of Colorado. Manager Dickson reported that community stake holder briefings were held on Monday afternoons and Friday mornings. Other topics discussed included; updates received throughout the day from CDC and CDPHE, currently there are no cases within the region, procedures for a symptomatic person and additional radio announcements for public outreach.

PUBLIC HEARING: (Postponed from 3/3/2020) It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Minor Subdivision and 3 acre Heavy Industrial Rezoning Application submitted by Justin Hooten, POA for Billy Hooten; Agent: Daniel Hoch on property located at TBD Road L, Cortez, CO, consisting of 35.95 acres, more or less, located south of Road L, east of Road 26, situated in S. 24, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Daniel
Hoch was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Ertel moved to approve the 2 lot minor subdivision and 3 acre heavy industrial rezoning application, submitted by Justin Hooten, POA for Billy Hooten; Agent: Daniel Hoch, on County Road L, Cortez Co. Second by Commissioner Candelaria and carried. Commissioner Suckla closed the hearing at this time. (See attached)

**PLANNING:** Director Haley and Assistant Duncan, presented for signatures a Mylar and After-The-Fact Exemption Resolution submitted by **Gordon Steves**, on property located at 17714 Road 22, Cortez, Colorado, consisting of 3.1 acres, more or less, located east of Road 22, south of Road U, situated in S.17, T.36N, R.16W, N.M.P.M. Commissioner Ertel moved that the after-the-fact exemption resolution submitted by Gordon Steves, on property located at 17714 Road 22, Cortez, Colorado, consisting of 3.1 acres, more or less, be approved. Second by Commissioner Candelaria and carried.

**PUBLIC HEARING:** *(Postponed from 3/3/2020)* It being the time set aside a public hearing is held for review and determination of a proposed Subdivision Application for an Amendment to the **Mancos Ranches 11 Lot Major Subdivision** submitted by **Ryan Griglak**, Agent: **Maness & Associates** on property located at 42169 Road J.75, Mancos, CO, consisting of 3.35 acres, more or less, located north of Road J.75, South of Road 42, situated in S.27, T.36N, R.13W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Candelaria moved to accept the proposed subdivision application for an amendment to the Mancos Ranches 11 lot major subdivision, submitted by Ryan Griglak, Agent: Maness & Associates on property located at 42169 Road J.75, Mancos, CO. Second by Commissioner Ertel and carried. Commissioner Suckla closed the hearing at this time. (See attached)

**PUBLIC HEARING:** *(Postponed from 3/3/2020)* It being the time set aside a public hearing is held for review and determination of a proposed Single Lot Development and Rezoning Application submitted by **Justin & Erin Schmitt** on property located at 13657 Road 21, Cortez, CO, consisting of 50.57 acres, more or less, located south of Road P, west of Road 21, situated in S.1 T.36N., R.17W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Justin Schmitt was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Ertel moved that the single lot development and rezoning application submitted by Justin & Erin Schmitt on property located at 13657 Road 21, Cortez, CO, consisting of 50.57 acres, more or less, be approved. Second by Commissioner Candelaria and carried. Commissioner Suckla closed the hearing at this time. (See attached)
PUBLIC HEARING: (Postponed from 3/3/2020) It being the time set aside a public hearing is held for review and determination of a proposed Single Lot Development and Rezoning Application submitted by Mark & Patricia Peters on property located at 6852 Road 21, Cortez, CO, consisting of 50.71 acres, more or less, located south of Road G, east of Road 21, situated in S.7 T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Patricia Peters was present. Planning Director, Don Haley with Assistant, S. Jane Duncan presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Candelaria moved to accept the proposed single lot development and rezoning application submitted by Mark & Patricia Peters on property located at 6852 Road 21, Cortez, CO, consisting of 50.71 acres, more or less, located south of Road G, east of Road 21. Second by Commissioner Ertel and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PUBLIC HEARING: (Postponed from 3/3/2020) It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Minor Subdivision and Rezoning Application submitted by Gary Ellson & Tova Spector on property located at TBD Road P, Mancos, CO, consisting of 44.20 acres, more or less, located north of Road P, west of Road 33, situated in S. 1, T.36N, R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Gary Ellson and Tova Spector, were present. Planning Director, Don Haley with Assistant, S. Jane Duncan presented the details of the application and the findings of the Planning and Zoning Commission. Director Haley reported that they had amended the application from a minor subdivision to a moderate subdivision. Commissioner Suckla opened the hearing to public comment. Ellen Foster gave public comment. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Ertel moved that the determination of 2 lot moderate subdivision and rezoning application submitted by Gary Ellson & Tova Spector on property located at TBD Road P, Mancos, CO, consisting of 44.20 acres, more or less, located north of Road P, west of Road 33 be approved. Second by Commissioner Candelaria and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PUBLIC HEARING: (Postponed from 3/3/2020) It being the time set aside a public hearing is held for review and determination of a proposed Single Lot Development & Rezoning Application and Variance Application submitted by Donald Wilson on property located at 23200 Road M, Cortez, CO, consisting of 61.10 acres, more or less, located south of Road M, east of Road 23, situated in S.16 T.36N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director, Don Haley with Assistant, S. Jane Duncan presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Candelaria moved to accept the proposed single lot development, rezoning application, and variance application submitted by Donald Wilson on property located at 23200 Road M, Cortez, CO, consisting of 61.10 acres, more or less, located south of Road M. Second by Commissioner Ertel and carried. Commissioner Suckla closed the hearing at this time. (See attached)
DISCUSSION: Commissioner Candelaria held a discussion regarding the process to review the 50 foot variance setback restrictions within the County Land Use Code. Commissioner Candelaria moved that the Planning and Zoning Commission go through the review process, and hold a public hearing, regarding the reduction of the current 50 foot variance setback restrictions. Second by Commissioner Suckla and carried.

PUBLIC COMMENT: Gala Pock discussed a proposed comprehensive review of the County Land Use Code. Mary Dodd presented letters of appreciation to Clerk, Percell and Administrator, Powers for assistance during the recent major party caucus events. Ellen Foster discussed the county reserve funds and the current fluctuation within the stock market. (See attached) Mindy Nelson discussed the Craft Studio 101 program. (See attached) Secretary, Jennifer Adams of Operation Graduation met with the Commissioners with a fee waiver request for the use of the County Fairgrounds. Commissioner Candelaria moved to transfer $225.00 from the Secure Rural Schools funding to the Fairgrounds to cover the fees for the Dolores High School Operation Graduation event. Second by Commissioner Ertel and carried.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative James Andrus was unavailable to report.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to discuss the proposed crusher purchase and a request from Dolores County to purchase 20,000 tons of gravel. It was decided to continue the discussions during an executive session after the lunch break. (See attached)

MONTEZUMA COUNTY VFW AUXILIARY POST 5231: Queenie Barz met with the Commissioners with a request of the waiver of fees, for the use of Annex I, for a Saint Patrick’s Day Fundraiser. Commissioner Ertel moved to require the $100.00 refundable cleaning deposit, but to waive the usage fee for County Annex I, for the St. Patrick’s Fundraiser Dinner. Second by Commissioner Candelaria and carried. (See attached)

12 HOURS OF MESA VERDE MOUNTAIN BIKE RACE: Board members Cap Allen and Kirk Underwood met with the Commissioners to request permission to serve donated beer during the 12 Hours of Mesa Verde event. Commissioner Ertel moved that the 12 Hours of Mesa Verde be exempt in their free beer distribution for the 12 hours of Mesa Verde for their event in May. Second by Commissioner Candelaria and carried. (See attached)

LIQUOR LICENSE: Deputy, Jerri Frizzell presented liquor license renewals for Triple H&J Inc., DBA Smitty’s Liquors located at 10255 Hwy 491 Cortez and Mancos Brewing Company LLC., located at 1484 East Frontage Road, Mancos, CO 81328. Commissioner Candelaria moved to accept the renewal liquor licenses for Mancos Brewing Company LLC., located at 1484 East Frontage Road, Mancos, CO 81328, as well as Smitty’s Liquors located at 10255 Hwy 491 Cortez Co. Second by Commissioner Ertel and carried. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Montezuma County Fairboard President, Allen Higgins, met with the Commissioners to discuss a request for a special event liquor license for the Friday night concert. Commissioner Ertel moved to grant the temporary liquor license for
the Montezuma County Fairboard to serve liquor at their Friday night concert. Second by Commissioner Candelaria and carried. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Ute Mountain Roundup Rodeo, board members Lacey Murphy and Marti Spitzer met with the Commissioners to request permission to include alcohol sales during the scheduled Ute Mountain Roundup Rodeo event held at the Montezuma County Fairgrounds. Commissioner Candelaria moved to accept the Ute Mountain Roundup Rodeo, liquor license for the event in 2020. Second by Commissioner Ertel and carried. (See attached)

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to give a monthly report. Sherriff, Steve Nowlin joined the meeting for a Departmental vehicle purchase discussion. Manager Higman presented quotes for the Sheriff’s Department pickup purchases. Commissioner Ertel moved to authorize the Fleet Department, Shane Higman to purchase for benefit of the Montezuma County Sheriff’s Department, three F150 Responder, Ford, 3.5 liter turbos, from Keese Motors, at the price of $33,689.00 per unit. Second by Commissioner Candelaria and carried. Other topics discussed included: a vehicle for the Assessor’s office, future vehicle replacements for the Public Health Department and the Road and Bridge Department. (See attached)

GROUND AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioners to give a monthly report. Supervisor, Chenard presented bids, from BRAVO Cleaning and Restoration in the amount of $1200.00 and from Certified Cleaning & Restoration INC. Dba CARE in the amount of $3,150.00 for the Jail Shower Project, Commissioner Ertel moved to accept the bid from BRAVO Cleaning and Restoration, for the shower scrub down and cleaning at the Montezuma County Jail, in the amount of $1,200.00. Second by Commissioner Candelaria and carried. Other topics discussed included: the proposed Fire Systems project, the Sally port project, the Health Department Dental project, the Kitchen remodel project, the Jail’s security fence project and the roof repair projects. (See attached)

IT: IT Director, Jim McClain met with the Commissioners to present his monthly updates. Topics discussed included; the departmental fuel savings with the new electric car, the County’s internet change over scheduled March 29, 2020, the Annex III security doors project and the monthly DATA Safe payment.

GIS MAPPING: GIS Manager, Doug Roth and Mapping Specialist, Rachel Medina met with the Commissioners to give an update on the Census project. Topics discussed included; a request to place an insert within the Empire Electric monthly utility bills, the advertising budget expenditures, public outreach volunteers, computer tablets placed in various locations in the county for public use, employment opportunities, social media opportunities, the April 1st Census Day and online response opportunities. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter gave an update on the E911 fee increase application.
NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich met with Commissioner to give his weekly report. Director Dietrich presented a letter address to Mary B. Neumayr, Chair of the Council on Environmental Quality CEQ, regarding proposed updates to the National Environment Policy Act (NEPA). Commissioner Candelaria moved to accept or present this letter of support to Mary B. Neumayr, Chair of the Council on Environmental Quality CEQ at Washington D.C. Second by Commissioner Ertel and carried. Other topics discussed included the scheduled Montezuma County Recreation Advisory Committee meeting, boat launches on private property, a discussion with the M&M property Owner’s Representative, grant application updates and an overview of the CRAFT tourism discussion. (See attached)

EXPENDITURES REPORT: Administrator Powers presented the October – December, 2019 and January 2020 Accounts Payable Expenditure Reports for approval. Commissioner Candelaria moved to accept the Expenditures for October, November, December of 2019 and January of 2020. Second by Commissioner Ertel and carried. (See attached)

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

EXECUTIVE SESSION: Pursuant to Attorney Baxter’s suggestion, Commissioner Candelaria moved to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. 24-6-402(4)(a), and to include, Clerk Percell, Administrator Powers, Attorney Baxter, Commissioners Candelaria, Ertel and Suckla and Road Superintendent, Rob Englehart, seconded by Commissioner Ertel and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding the purchase of a crusher and a proposed Intergovernmental Agreement. County Finance Officer Joyce Williams was asked to join the financial discussion regarding the proposed crusher purchase. Commissioner Ertel moved to go out of executive session, seconded by Commissioner Candelaria and carried. (See attached)

Commissioner Ertel moved to grant Shak Powers and Road Superintendent, Rob Englehart, to attempt to negotiate a deal on a crusher with Weld County, and / or go to auction and purchase a crusher for Montezuma County’s gravel operations, and along with that motion, Commissioner Ertel moved that the County crushing operations be authorized to sell Dolores County, 20,000 tons of road mix gravel, to benefit their operation. Second by Commissioner Candelaria and carried.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the Partner with RIP Medical Debt Program. TRANSFER ORDER: Administrator Powers presented a Transfer Order # 2-2020. A transfer of $67,243.92 from the General Fund for carry over from 2019 MOCO grants to the Bus Replacement Fund. Commissioner Candelaria moved to accept order # 2-2020 for the transfer of $67,243.92 from the General Fund (001) carry over from 2019 MOCO grants to the Bus Replacement Fund (035). Second by Commissioner Ertel and carried. Administrator Powers presented for review, a letter of support addressed to Ms. Debbie Payne, Community Service Award Chair, Colorado, NSDAR in regards to a nomination for a service award to be presented to the Montezuma County Historical Society Board Chairman, Ann Brown. Commissioner Candelaria moved to send the letter to Ms.
Debbie Payne, Community Service Award Chair for the Colorado NSDAR in reference to Ann Brown for a community service award. Second by Commissioner Ertel and carried. Other topics discussed included; a road impact fee protest, the scheduled meeting with the Ute Mountain Ute Tribal Council and a 2:00 p.m. start for the March 24, 2020 Commissioner meeting. (See attached)

COUNTY COMMISSIONER REPORT:
Commissioner Suckla discussed his trip to Washington D.C.
Commissioner Candelaria discussed his trip to Washington D.C.
Commissioner Ertel discussed the attended Club 20 meeting, the Hazard Mitigation Kickoff meeting, and the Dolores River Native Fish Monitoring and Recommendation Team meeting.

PUBLIC COMMENT: No comments made.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 3:15 p.m.

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Clerk March 10, 2020

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Chairman